



U.S. Department of Justice

United States Attorney
District of New Jersey

970 Broad Street
Newark, NJ 07102

VK/JRA/PL AGR
USAO 2012R00069

November 9, 2015

Christopher D. Adams, Esq.
146 Route 34, Suite 325
Holmdel, NJ 07733

Re: Plea Agreement with JUAN ROMANIELLO

Dear Mr. Adams:

This letter sets forth the plea agreement between your client, JUAN ROMANIELLO, and the United States Attorney for the District of New Jersey ("this Office").

Charge

Conditioned on the understandings specified below, this Office will accept a guilty plea from JUAN ROMANIELLO to two counts (Count 1 (conspiracy to commit bribery and fraud) and Count 6 (subscribing a 2013 false federal tax return)) of a six-count Information, which charges him with: (1) conspiracy to corruptly accept and agree to accept bribe payments, intending to be influenced and rewarded in connection with the business, transaction, or series of transactions of the City of Jersey City, and to obtain by fraud property under the control of the City of Jersey City, contrary to Title 18, United States Code, Section 666, in violation of Title 18, United States Code, Section 371; and (2) willfully subscribing, under penalties of perjury, to federal tax returns for tax years 2009 through 2013, which he did not believe to be true and correct as to every material matter, in violation of Title 26, United States Code, Section 7206(1). If JUAN ROMANIELLO enters a guilty plea and is sentenced on these two counts, and otherwise fully complies with all of the terms of this agreement, this Office will not initiate any further criminal charges against JUAN ROMANIELLO for: (a) from in

or about 2006 to in or about 2014, agreeing to accept and accepting bribe payments from contractors in connection with off-duty work for Jersey City police officers, and diverting from Jersey City government money paid by contractors; and (b) for tax years 2009 through 2013, willfully subscribing to federal tax returns, which were not true and correct as to every material matter. At the time of sentencing, this Office will move to dismiss Counts 2 through 5 of the Information.

However, in the event that a guilty plea in this matter is not entered for any reason or the judgment of conviction entered as a result of this guilty plea does not remain in full force and effect, JUAN ROMANIELLO agrees that any dismissed charges and any other charges that are not time-barred by the applicable statute of limitations on the date this agreement is signed by JUAN ROMANIELLO may be commenced against him, notwithstanding the expiration of the limitations period after JUAN ROMANIELLO signs the agreement.

Sentencing

The violation of 18 U.S.C. § 371 to which JUAN ROMANIELLO agrees to plead guilty carries a statutory maximum prison sentence of 5 years, and a statutory maximum fine equal to the greatest of: (1) \$250,000; (2) twice the gross amount of any pecuniary gain that any persons derived from the offense; or (3) twice the gross amount of any pecuniary loss sustained by any victims of the offense. The violation of 26 U.S.C. § 7206(1) to which JUAN ROMANIELLO agrees to plead guilty carries a statutory maximum prison sentence of 3 years, and a statutory fine of \$100,000. The alternative statutory maximum fine for this offense is the greatest of: (1) \$250,000; (2) twice the gross amount of any pecuniary gain that any persons derived from the offense; or (3) twice the gross amount of any pecuniary loss sustained by any victims of the offense. The sentence on each count may run consecutively. Fines imposed by the sentencing judge may be subject to the payment of interest.

The sentence to be imposed upon JUAN ROMANIELLO is within the sole discretion of the sentencing judge, subject to the provisions of the Sentencing Reform Act, 18 U.S.C. § 3551-3742, and the sentencing judge's consideration of the United States Sentencing Guidelines. The United States Sentencing Guidelines are advisory, not mandatory. The sentencing judge may impose any reasonable sentence up to and including the statutory maximum term of imprisonment and the maximum statutory fine. This Office cannot and does not make any representation or promise as to what guideline range

may be found by the sentencing judge, or as to what sentence JUAN ROMANIELLO ultimately will receive.

Further, in addition to imposing any other penalty on JUAN ROMANIELLO, the sentencing judge: (1) will order JUAN ROMANIELLO to pay an assessment of \$100 per count pursuant to 18 U.S.C. § 3013, which assessment must be paid by the date of sentencing; (2) must order JUAN ROMANIELLO to pay restitution to all victims of the offense, including Jersey City, pursuant to 18 U.S.C. § 3663 et seq.; (3) may order JUAN ROMANIELLO, pursuant to 18 U.S.C. § 3555, to give notice to any victims of his offenses; (4) may order JUAN ROMANIELLO to pay the costs of prosecution in connection with the offense under 26 U.S.C. § 7206(1); and (5) must order forfeiture, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461.

Pursuant to 18 U.S.C. § 3583, the Court may require JUAN ROMANIELLO to serve a term of supervised release of not more than 3 years for the Section 371 count (Count 1) and not more than 1 year for the tax count (Count 6), which will begin at the expiration of any term of imprisonment imposed. Should JUAN ROMANIELLO be placed on a term of supervised release and subsequently violate any of the conditions of supervised release before the expiration of its term, JUAN ROMANIELLO may be sentenced to not more than 2 years' imprisonment for the Section 371 count and not more than 1 year imprisonment on the tax count, in addition to any prison term previously imposed, regardless of the statutory maximum term of imprisonment set forth above and without credit for time previously served on post-release supervision, and may be sentenced to an additional term of supervised release.

In addition to the foregoing, and pursuant to 18 U.S.C. § 3663(a)(3), JUAN ROMANIELLO agrees to pay restitution in the amount of \$89,962 (plus interest and penalties to accrue until the date of sentencing) to the Internal Revenue Service. The restitution amount shall be paid according to a plan established by the Court. If the Court orders JUAN ROMANIELLO to pay restitution to the Internal Revenue Service for the failure to pay tax, either directly as part of the sentence or as a condition of supervised release, the Internal Revenue Service will use the restitution order as the basis for a civil assessment. See 26 U.S.C. § 6201(a)(4). JUAN ROMANIELLO does not have the right to challenge the amount of this assessment. See 26 U.S.C. § 6201(a)(4)(C). Neither the existence of a restitution payment schedule, nor JUAN ROMANIELLO's timely payment of restitution according to that schedule will preclude the Internal Revenue Service from administrative collection of the restitution

based assessment, including levy and distraint under 26 U.S.C. § 6331.

Rights of This Office Regarding Sentencing

Except as otherwise provided in this agreement, this Office reserves its right to take any position with respect to the appropriate sentence to be imposed on JUAN ROMANIELLO by the sentencing judge, to correct any misstatements relating to the sentencing proceedings, and to provide the sentencing judge and the United States Probation Office all law and information relevant to sentencing, favorable or otherwise. In addition, this Office may inform the sentencing judge and the United States Probation Office of: (1) this agreement; and (2) the full nature and extent of JUAN ROMANIELLO's activities and relevant conduct with respect to this case.

Stipulations

This Office and JUAN ROMANIELLO agree to stipulate at sentencing to the statements set forth in the attached Schedule A, which hereby is made a part of this plea agreement. This agreement to stipulate, however, cannot and does not bind the sentencing judge, who may make independent factual findings and may reject any or all of the stipulations entered into by the parties. To the extent that the parties do not stipulate to a particular fact or legal conclusion, each reserves the right to argue the existence of and the effect of any such fact or conclusion upon the sentence. Moreover, this agreement to stipulate on the part of this Office is based on the information and evidence that this Office possesses as of the date of this agreement. Thus, if this Office obtains or receives additional evidence or information prior to sentencing that it determines to be credible and to be materially in conflict with any stipulation in the attached Schedule A, this Office shall not be bound by any such stipulation. A determination that any stipulation is not binding shall not release either this Office or JUAN ROMANIELLO from any other portion of this agreement, including any other stipulation. If the sentencing court rejects a stipulation, both parties reserve the right to argue on appeal or at post-sentencing proceedings that the sentencing court was within its discretion and authority to do so. These stipulations do not restrict this Office's right to respond to questions from the Court and to correct misinformation that has been provided to the Court.

Waiver of Appeal and Post-Sentencing Rights

As set forth in Schedule A, this Office and JUAN ROMANIELLO waive certain rights to file an appeal, collateral attack, writ, or motion after sentencing, including but not limited to an appeal under 18 U.S.C. § 3742 or a motion under 28 U.S.C. § 2255.

Forfeiture

JUAN ROMANIELLO agrees that as part of his acceptance of responsibility and pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, he will consent to the entry of a forfeiture money judgment in the amount of \$297,429 (the "Forfeiture Money Judgment"). It is agreed that the above-referenced property constitutes proceeds or is derived from proceeds traceable to the commission of the offense charged in Count 1 of the Information and therefore are subject to forfeiture.

JUAN ROMANIELLO agrees to consent to the entry of orders of forfeiture for the Forfeiture Money Judgment and waives the requirements of Rules 32.2 and 43(a) of the Federal Rules of Criminal Procedure regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment. JUAN ROMANIELLO understands that the forfeiture of the Forfeiture Money Judgment is part of the sentence that may be imposed in this case and waives any failure by the court to advise him of this pursuant to Rule 11(b)(1)(J) of the Federal Rules of Criminal Procedure at the guilty plea proceeding.

JUAN ROMANIELLO hereby waives any and all claims that this forfeiture constitutes an excessive fine and agrees that this forfeiture does not violate the Eighth Amendment.

JUAN ROMANIELLO represents that he has disclosed all of his assets to the United States on the attached Financial Disclosure Statement. JUAN ROMANIELLO agrees that if this Office determines that he has intentionally failed to disclose assets on that Financial Disclosure Statement, that failure constitutes a material breach of this agreement. In addition, JUAN ROMANIELLO consents to the administrative, civil, and/or criminal forfeiture of his interests in any assets that he failed to disclose on the Financial Disclosure Statement. Should undisclosed assets that JUAN ROMANIELLO owns or in which JUAN ROMANIELLO has an interest be discovered, JUAN

ROMANIELLO knowingly and voluntarily waives his right to any required notice concerning the forfeiture of said assets. JUAN ROMANIELLO further agrees to execute any documents necessary to effectuate the forfeiture of said assets.

Immigration Consequences

JUAN ROMANIELLO understands that, if he is not a citizen of the United States, his guilty plea to the charged offenses will likely result in his being subject to immigration proceedings and removed from the United States by making him deportable, excludable, or inadmissible, or ending his naturalization. JUAN ROMANIELLO understands that the immigration consequences of this plea will be imposed in a separate proceeding before the immigration authorities. JUAN ROMANIELLO wants and agrees to plead guilty to the charged offenses regardless of any immigration consequences of this plea, even if this plea will cause his removal from the United States. JUAN ROMANIELLO understands that he is bound by his guilty plea regardless of any immigration consequences of the plea. Accordingly, JUAN ROMANIELLO waives any and all challenges to his guilty plea and to his sentence based on any immigration consequences, and agrees not to seek to withdraw his guilty plea, or to file a direct appeal or any kind of collateral attack challenging his guilty plea, conviction, or sentence, based on any immigration consequences of his guilty plea.

Other Provisions

This agreement is limited to the United States Attorney's Office for the District of New Jersey and cannot bind other federal, state, or local authorities. However, this Office will bring this agreement to the attention of other prosecuting offices, if requested to do so.

This agreement was reached without regard to any civil or administrative matters that may be pending or commenced in the future against JUAN ROMANIELLO. This agreement does not prohibit the United States, any agency thereof (including the Internal Revenue Service) or any third party from initiating or prosecuting any civil or administrative proceeding against JUAN ROMANIELLO.

Prior to the date of sentencing, JUAN ROMANIELLO shall:
(1) enter into a Form 870 Waiver of Restrictions on Assessment and Collection of Deficiency in Tax and Acceptance of Overassessment in lieu of filing returns or amended returns, for calendar years 2009

through 2013; (2) provide all appropriate documentation to the Internal Revenue Service in support of the Form 870 Waiver, upon request; (3) pay to the Internal Revenue Service all taxes and any penalties owed on the Form 870 Waiver, or if unable to do so, make satisfactory repayment arrangements with the Internal Revenue Service; and (4) fully cooperate with the Internal Revenue Service and comply with the tax laws of the United States. Further, JUAN ROMANIELLO agrees to allow the contents of his IRS criminal file to be given to civil attorneys and support staff of the Internal Revenue Service to enable them to investigate any and all civil penalties that may be due and owing by JUAN ROMANIELLO. With respect to disclosure of the criminal file to the Internal Revenue Service, JUAN ROMANIELLO waives any rights under Title 26, United States Code, Section 7213 and Fed. R. Crim. P. 6(e), and any other right of privacy with respect to JUAN ROMANIELLO's tax returns and return information.

No provision of this agreement shall preclude JUAN ROMANIELLO from pursuing in an appropriate forum, when permitted by law, an appeal, collateral attack, writ, or motion claiming that JUAN ROMANIELLO received constitutionally ineffective assistance of counsel.

No Other Promises

This agreement constitutes the plea agreement between JUAN ROMANIELLO and this Office and supersedes any previous agreements between them. No additional promises, agreements, or conditions have been made or will be made unless set forth in writing and signed by the parties.

This agreement is subject to the approval of the United States Department of Justice, Tax Division.

Very truly yours,

PAUL J. FISHMAN
United States Attorney



By: Jose R. Almonte
Vikas Khanna
Assistant U.S. Attorneys

APPROVED:



James Nobile
Chief, Special Prosecutions Division

I have received this letter from my attorney, Christopher D. Adams, Esq. I have read it. My attorney and I have discussed it and all of its provisions, including those addressing the charge, sentencing, stipulations, waiver, forfeiture, federal tax and immigration consequences. I understand this letter fully. I hereby accept its terms and conditions and acknowledge that it constitutes the plea agreement between the parties. I understand that no additional promises, agreements, or conditions have been made or will be made unless set forth in writing and signed by the parties. I want to plead guilty pursuant to this plea agreement.

AGREED AND ACCEPTED:



JUAN ROMANIELLO

Date: 11-13-2015

I have discussed with my client this plea agreement and all of its provisions, including those addressing the charge, sentencing, stipulations, waiver, forfeiture, federal tax and immigration consequences. My client understands this plea agreement fully and wants to plead guilty pursuant to it.



Christopher D. Adams, Esq.

Date: 11/13/15

Plea Agreement With JUAN ROMANIELLO

Schedule A

1. This Office and JUAN ROMANIELLO recognize that the United States Sentencing Guidelines are not binding upon the Court. This Office and JUAN ROMANIELLO nevertheless agree to the stipulations set forth herein. This Office and JUAN ROMANIELLO further agree that neither party will argue for the imposition of a sentence outside the Guidelines range that results from the agreed total Guidelines offense level, except as provided below.

Count 1 of the Information
18 U.S.C. § 371

2. The applicable guideline is U.S.S.G. § 2X1.1.

3. The substantive offense is a violation of 18 U.S.C. § 666, and the applicable guideline for that offense is § 2C1.1. This guideline carries a Base Offense Level of 14. See U.S.S.G. § 2C1.1(a)(1).

4. Specific Offense Characteristic U.S.S.G. § 2C1.1(b)(1) applies because the offense involved more than one bribe. This results in an increase of 2 levels.

5. Specific Offense Characteristic U.S.S.G. § 2C1.1(b)(2) applies because the value of the payments in this case exceeded \$5,000; specifically, the value of the payments was greater than \$250,000 but less than or equal to \$400,000. This results in an increase of 12 levels. See U.S.S.G. § 2B1.1(b)(1)(G).

6. Specific Offense Characteristic U.S.S.G. § 2C1.1(b)(3) applies because the offense involved a public official in a high-level decision-making or sensitive position. This results in an increase of 4 levels.

Count 6 of the Information
26 U.S.C. § 7206(1)

7. The applicable guideline for JUAN ROMANIELLO's tax offense is U.S.S.G. § 2T1.1(a)(1). This Guideline carries a Base Offense Level as determined by the tax loss set forth in U.S.S.G. § 2T4.1.

8. The applicable tax loss as defined in the Guidelines is more than \$80,000 but less than \$100,000, which results in an offense level of 16 if the November 1, 2014 Guidelines apply. See U.S.S.G. § 2T4.1(F). An offense level of 14 is appropriate if the anticipated November 1, 2015 Guidelines apply. U.S.S.G. § 2T4.1(E) (2015 amendment).

9. JUAN ROMANIELLO failed to report and correctly identify the source of income exceeding \$10,000 for tax years 2009 through 2013. This results in an increase of 2 levels. U.S.S.G. § 2T1.1(b) (1).

Multiple Counts Analysis

10. The parties agree that Counts 1 and 6 of the Information do not group as closely related counts pursuant to U.S.S.G. § 3D1.2. Therefore, the offense level for the group containing Count 1 is 32, and the offense level for the group containing Count 6 is 18 if the November 1, 2014 Guidelines apply, and 16 if the anticipated November 1, 2015 Guidelines apply.

11. Pursuant to U.S.S.G. § 3D1.4(c), the group containing Count 6 is disregarded regardless of whether the November 1, 2014 or the anticipated November 1, 2015 Guidelines apply, because it is 9 or more levels less serious than the group containing Count 1. The combined offense level for the two groups is therefore 32.

Miscellaneous

12. As of the date of this letter, JUAN ROMANIELLO has clearly demonstrated a recognition and affirmative acceptance of personal responsibility for the offenses charged. Therefore, a downward adjustment of 2 levels for acceptance of responsibility is appropriate if JUAN ROMANIELLO's acceptance of responsibility continues through the date of sentencing. See U.S.S.G. § 3E1.1(a).

13. As of the date of this letter, JUAN ROMANIELLO has assisted authorities in the investigation or prosecution of his own misconduct by timely notifying authorities of his intention to enter a plea of guilty, thereby permitting this Office to avoid preparing for trial and permitting this Office and the court to allocate their resources efficiently. At sentencing, this Office will move for a further 1-point reduction in JUAN ROMANIELLO's offense level pursuant to U.S.S.G. § 3E1.1(b) if the following conditions are met: (a) JUAN

ROMANIELLO enters a plea pursuant to this agreement, (b) this Office in its discretion determines that JUAN ROMANIELLO's acceptance of responsibility has continued through the date of sentencing and JUAN ROMANIELLO therefore qualifies for a 2-point reduction for acceptance of responsibility pursuant to U.S.S.G. § 3E1.1(a), and (c) JUAN ROMANIELLO's offense level under the Guidelines prior to the operation of § 3E1.1(a) is 16 or greater.

14. In accordance with the above, the parties agree that the total Guidelines offense level applicable to JUAN ROMANIELLO is 29 (the "agreed total Guidelines offense level").

15. The parties agree not to seek or argue for any upward or downward departure, adjustment or variance not set forth herein.

16. JUAN ROMANIELLO knows that he has and, except as noted below in this paragraph, voluntarily waives, the right to file any appeal, any collateral attack, or any other writ or motion, including but not limited to an appeal under 18 U.S.C. § 3742 or a motion under 28 U.S.C. § 2255, which challenges the sentence imposed by the sentencing court if that sentence falls within or below the Guidelines range that results from the agreed total Guidelines offense level of 29. This Office will not file any appeal, motion, or writ which challenges the sentence imposed by the sentencing court if that sentence falls within or above the Guidelines range that results from the agreed total Guidelines offense level of 29. The parties reserve any right they may have under 18 U.S.C. § 3742 to appeal the sentencing court's determination of the criminal history category. No provision of this agreement, however, shall preclude JUAN ROMANIELLO from pursuing in an appropriate forum, when permitted by law, an appeal, collateral attack, writ, or motion claiming that JUAN ROMANIELLO received ineffective assistance of counsel. The provisions of this paragraph are binding on the parties even if the Court employs a Guidelines analysis different from that stipulated to herein. Furthermore, if the sentencing court accepts a stipulation, both parties waive the right to file an appeal, collateral attack, writ, or motion claiming that the sentencing court erred in doing so.

17. Both parties reserve the right to oppose or move to dismiss any appeal, collateral attack, writ, or motion barred by the preceding paragraph and to file or to oppose any appeal, collateral attack, writ or motion not barred by the preceding paragraph.