

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA	:	Hon.
	:	
v.	:	Crim. No. 24-
	:	
JOSEPH FERRARA	:	18 U.S.C. § 666(a)(1)(A)

I N F O R M A T I O N

The defendant having waived in open court prosecution by Indictment, the United States Attorney for the District of New Jersey charges:

(Embezzlement In Relation to a Program Receiving Federal Funds)

1. At all times relevant to this Information:
 - a. Defendant JOSEPH FERRARA was employed by a company specializing in engineering and construction services ("Company-1") based in Somerset, New Jersey.
 - b. Company-1 was a subsidiary of an engineering and construction company based in Tulsa, Oklahoma ("Company-2")
 - c. The Hudson Bergen Light Rail ("HBLR") was a light rail system operating in Hudson County, New Jersey, encompassing approximately 24 stations. It was owned by New Jersey Transit.
 - d. Company-3 was a Dallas, Texas-based architectural, engineering, and construction management corporation that operated the HBLR. Company-3 hired Company-2 as a subcontractor to perform substantial electrical work related to projects for the HBLR.

e. New Jersey Transit received federal program benefits in excess of \$10,000 each year beginning at least as early as January 2017 and extending through December 31, 2020, with amounts received in federal monies totaling in the hundreds of millions of dollars each year.

f. FERRARA, as an employee of Company-1, was an agent of the HBLR who supervised numerous workers on a variety of HBLR projects.

2. FERRARA was required to submit claims to Company-1 for the hours during which he performed HBLR-related work on behalf of the company and for which he was compensated at different rates. These included regular hours—typically eight hours—during weekdays as well as overtime hours performed on weekdays and Saturdays, and double time for hours worked on Sundays.

3. Beginning in or about January 2018, FERRARA submitted fraudulent claims for work he had purportedly performed on behalf of Company-1 in relation to HBLR projects in Hudson County, New Jersey, which falsely inflated the time he had performed such work by hundreds of hours. FERRARA submitted multiple claims for HBLR work performed in Hudson County when, in fact, he had been out the State of New Jersey at the time that the work was purported to have been performed. FERRARA also submitted claims for overtime performed on weekends when he had performed no such work.

4. For example, FERRARA was in Florida from December 21, 2018 through December 30, 2018. For this same period, however, he submitted claims for 40 regular hours and 30 overtime hours of work purportedly performed in

Hudson County. Based on these claims, FERRARA received compensation from Company-1. FERRARA had, in fact, performed no such work for Company-1 or HBLR-related projects during this period. Similarly, FERRARA was in Florida from May 22, 2019 through May 27, 2019, but submitted fraudulent claims for 32 regular hours and 20 overtime hours purportedly performed in Hudson County for which he received substantial compensation from Company-1. In addition, FERRARA was in Florida from December 19, 2019 through December 29, 2019, yet he submitted fraudulent claims for working 56 regular hours, 52 overtime hours and 24 double time hours for which he received compensation despite performing no work on behalf of Company-1 or on HBLR-related projects.

5. In addition to submitting false claims for purported work in New Jersey during periods that FERRARA was in Florida, FERRARA frequently submitted false claims for work performed on weekend days, and by doing so fraudulently collected compensation at overtime and double time rates. For example, FERRARA submitted fraudulent claims for Saturday, July 28, 2019 and Sunday, July 29, 2019, and received compensation for 12 hours of overtime and 12 hours of double time despite not having performed any work on either day. Likewise, FERRARA received compensation after he submitted false claims that he had performed 12 hours of overtime on Saturday, August 10, 2019 and 12 hours of double time for Sunday, August 11, 2019.

6. From in or about January 2018 through in or about April 2020, in Hudson County, in the District of New Jersey, and elsewhere, defendant

JOSEPH FERRARA,

being an agent of the HBLR, embezzled, stole, obtained by fraud, and otherwise without authority knowingly converted to the use of any person other than the rightful owner, and intentionally misapplied property valued at \$5,000 and more that was owned by and was under the care, custody, and control of the HBLR, namely, approximately \$487,899 in regular, overtime, and double time payments when he had not performed any work on behalf of Company-1 or related to the HBLR.

In violation of Title 18, United States Code, Section 666(a)(1)(A).


FORFEITURE ALLEGATION

1. Upon conviction of the offense in violation of Title 18, United States Code, Section 666(a)(1)(A) charged in this Information, FERRARA shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any and all property, real or personal, FERRARA obtained, directly or indirectly, that constitutes or is derived from proceeds traceable to the commission of such offense.

2. If any of the above-described forfeitable property, as a result of any act or omission of FERRARA:

- a) cannot be located upon the exercise of due diligence;
- b) has been transferred or sold to, or deposited with, a third party;
- c) has been placed beyond the jurisdiction of the court;
- d) has been substantially diminished in value; or
- e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of FERRARA up to the value of the forfeitable property described above.


PHILIP R. SELLINGER
United States Attorney