



U.S. Department of Justice

United States Attorney
District of New Jersey

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MJM/PL AGR

September 19, 2016

Joseph A. Hayden, Jr., Esq.
Aidan P. O'Connor, Esq.
Pashman Stein Walder Hayden, P.C.
Court Plaza South
21 Main Street, Suite 200
Hackensack, New Jersey 07601-7054

Re: Plea Agreement with Alex D. Blanco

Dear Mr. Hayden & Mr. O'Connor:

This letter sets forth the plea agreement between your client, Alex D. Blanco, 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 Alex D. Blanco to an Information, which charges that from in or about September 2011 to in or about March 2012, Alex D. Blanco did knowingly and corruptly solicit and demand for the benefit of himself and others, and accept and agree to accept cash payments from others, intending to be influenced and rewarded in connection with a business, transaction, and series of transactions of the City of Passaic government, involving things of value of \$5,000 and more, in violation of 18 U.S.C. § 666(a)(1)(B) and § 2. If Alex D. Blanco enters a guilty plea and is sentenced on this charge, and otherwise fully complies with all of the terms of this agreement, this Office will not initiate any further criminal charges against Alex D. Blanco relating to the conduct set forth in 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, Alex D. Blanco 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 Alex D. Blanco may be commenced against him, notwithstanding

the expiration of the limitations period after Alex D. Blanco signs the agreement.

Sentencing

The violation of 18 U.S.C. § 666(a)(1)(B) to which Alex D. Blanco agrees to plead guilty carries a statutory maximum prison sentence of 10 years, 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. Fines imposed by the sentencing judge may be subject to the payment of interest.

The sentence to be imposed upon Alex D. Blanco 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 Alex D. Blanco ultimately will receive.

Further, in addition to imposing any other penalty on Alex D. Blanco, the sentencing judge: (1) will order Alex D. Blanco to pay an assessment of \$100 pursuant to 18 U.S.C. § 3013, which assessment must be paid by the date of sentencing; (2) may order Alex D. Blanco to pay restitution pursuant to 18 U.S.C. §§ 3663 et seq.; (3) may order Alex D. Blanco, pursuant to 18 U.S.C. § 3555, to give notice to any victims of his offense; and (4) pursuant to 18 U.S.C. § 3583, may require Alex D. Blanco to serve a term of supervised release of not more than 3 years, which will begin at the expiration of any term of imprisonment imposed. Should Alex D. Blanco be placed on a term of supervised release and subsequently violate any of the conditions of supervised release before the expiration of its term, Alex D. Blanco may be sentenced to not more than 2 years of imprisonment 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.

Restitution

In addition, Alex D. Blanco agrees to make full restitution for all losses resulting from the offense of conviction or from the scheme, conspiracy, or pattern of criminal activity underlying that offense, to the developers described in the Information in the amount of \$110,000

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 Alex D. Blanco 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 Alex D. Blanco's activities and relevant conduct with respect to this case.

Stipulations

This Office and Alex D. Blanco 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 Alex D. Blanco 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 Alex D. Blanco 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.

Immigration Consequences

Alex D. Blanco understands that, if he is not a citizen of the United States, his guilty plea to the charged offense may result in being subject to immigration proceedings and removed from the United States by making him deportable, excludable, or inadmissible, or ending his naturalization. Alex D. Blanco understands that the immigration consequences of this plea will be imposed in a separate proceeding before the immigration authorities. Alex D. Blanco wants and agrees to plead guilty to the charged offense regardless of any immigration consequences of this plea, even if this plea will cause his removal from the United States. Alex D. Blanco understands that he is bound by his guilty plea regardless of any immigration consequences of the plea. Accordingly, Alex D. Blanco 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 Alex D. Blanco. 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 Alex D. Blanco.

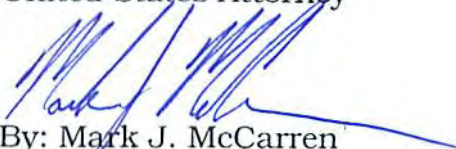
No provision of this agreement shall preclude Alex D. Blanco from pursuing in an appropriate forum, when permitted by law, an appeal, collateral attack, writ, or motion claiming that Alex D. Blanco received constitutionally ineffective assistance of counsel.

No Other Promises

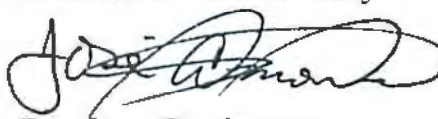
This agreement constitutes the plea agreement between Alex D. Blanco and this Office and supersedes any previous agreements between them. No additional promises, agreements, or conditions have been made or will be made unless set forth in writing and signed by the parties.

Very truly yours,

PAUL J. FISHMAN
United States Attorney

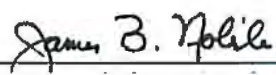


By: Mark J. McCarren
Assistant U.S. Attorney



Joseph D. Albano
Assistant U.S. Attorney

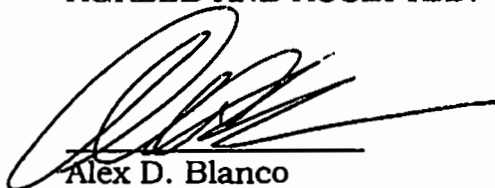
APPROVED.



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Special Prosecutions Division

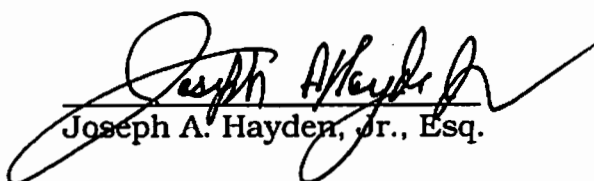
I have received this letter from my attorneys, Joseph A. Hayden, Jr., Esq. and Aidan P. O'Connor, Esq. I have read it. My attorneys and I have discussed it and all of its provisions, including those addressing the charge, sentencing, restitution, stipulations, immigration consequences, and waiver of certain rights. 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:

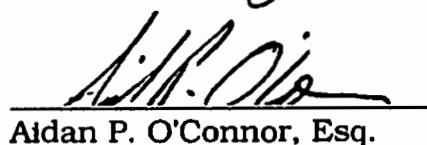

Alex D. Blanco

Date: 9/23/16

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


Joseph A. Hayden, Jr., Esq.

Date: 9/23/16


Aidan P. O'Connor, Esq.

Date: 9/23/16

Plea Agreement With Alex D. Blanco

Schedule A

1. This Office and Alex D. Blanco recognize that the United States Sentencing Guidelines are not binding upon the Court. This Office and Alex D. Blanco nevertheless agree to the stipulations set forth herein.

2. The version of the United States Sentencing Guidelines effective November 1, 2015 applies in this case.

3. The applicable Guideline for a violation of 18 U.S.C. § 666(a)(1)(B) is U.S.S.G. § 2C1.1. Because Alex D. Blanco was a public official, this Guideline carries a base offense level of 14. See U.S.S.G. § 2C1.1(a)(1).

4. Because the value of the amounts demanded and the payments received was \$110,000, thus exceeding \$95,000 but not exceeding \$150,000, the base offense level is increased by 8 levels. See U.S.S.G. § 2C1.1(b)(2); U.S.S.G. § 2B1.1(b)(1)(E).

5. Because the offense involved an elected public official, the base offense level is increased by 4 levels. See U.S.S.G. § 2C1.1(b)(3).

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

7. As of the date of this letter, Alex D. Blanco 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 Alex D. Blanco's offense level pursuant to U.S.S.G. § 3E1.1(b) if the following conditions are met: (a) Alex D. Blanco enters a plea pursuant to this agreement, (b) this Office in its discretion determines that Alex D. Blanco's acceptance of responsibility has continued through the date of sentencing and Alex D. Blanco therefore qualifies for a 2-point reduction for acceptance of responsibility pursuant to U.S.S.G. § 3E1.1(a), and (c) Alex D. Blanco's offense level under the Guidelines prior to the operation of § 3E1.1(a) is 16 or greater

8. In accordance with the above, the parties agree the total Guidelines offense level applicable to Alex D. Blanco will be 23.

9. The parties agree not to seek or argue for any upward or downward departure, adjustment or variance not set forth herein. Alex D. Blanco reserves his right to seek a downward variance from the total Guidelines offense level pursuant to 18 U.S.C. § 3553(a). The United States reserves the right to oppose any such request for variance.

10. Alex D. Blanco 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 23. 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 23. 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. 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.

11. 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.