

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.
v. : Crim. No.
MIMS HACKETT, JR. : 18 U.S.C. §§ 666(a)(1)(B),
1951(a) and 2

INDICTMENT

The Grand Jury in and for the District of New Jersey,
sitting at Newark, charges:

COUNT 1

Attempt to Extort Under Color of Official Right

1. At all times relevant to Count 1 of this Indictment:

A. Defendant MIMS HACKETT, JR. (i) served as the elected Mayor of the City of Orange, New Jersey and (ii) represented the 27th District as an Assemblyman in the New Jersey General Assembly, encompassing various municipalities in Essex County, including the City of Orange. As the Mayor of the City of Orange, defendant MIMS HACKETT JR.'s duties included, but were not limited to: (i) enforcing the City of Orange's charter and ordinances and all general laws thereto; (ii) supervising, directing and controlling all departments of municipal government; and (iii) negotiating contracts for the municipality, subject to the approval of the Orange City Council.

B. There were two cooperating witnesses (hereinafter

"CW-1" and "CW-2") and an undercover law enforcement agent (hereinafter the "UCA") who purported to be representatives of Coastal Solutions, LLC, a Federal Bureau of Investigation ("FBI") undercover company that was represented to be capable of providing insurance brokerage services to local governmental entities (hereinafter, the "FBI Undercover Company"). As represented by these individuals, the FBI Undercover Company was based in New Jersey, did business in various states, and paid for goods and services in interstate commerce.

C. There was a certain elected official ("Official 1") who was a colleague of defendant MIMS HACKETT, JR.

2. It was part of the corrupt activity that, from in or about May 2007 to in or about August 2007, during conversations recorded by federal law enforcement authorities, defendant MIMS HACKETT, JR. agreed to use his official influence in an attempt to obtain City of Orange insurance brokerage business for the FBI Undercover Company in exchange for corrupt payments as follows:

A. On or about May 24, 2007, defendant MIMS HACKETT, JR. met with, among others, CW-1, CW-2, the UCA and Official 1 at City Hall in Orange, New Jersey. During this meeting, the CWs presented the insurance brokerage services that the FBI Undercover Company purported to offer to the City of Orange. After the presentation, defendant MIMS HACKETT, JR. joined, among others, CW-1, CW-2, the UCA and Official 1 for lunch at a

restaurant in Orange, New Jersey. At the conclusion of the luncheon, defendant MIMS HACKETT, JR. and CW-2 spoke privately. Defendant MIMS HACKETT, JR. and CW-2 agreed that any financial arrangements between them should not be disclosed to anyone else and that defendant MIMS HACKETT, JR. would receive a \$5,000 up-front payment and then a \$25,000 payment once the City of Orange approved the FBI Undercover Company to provide insurance brokerage services. In this regard, the following conversation occurred:

CW-2: . . . You know, this all looks very promising. I really appreciate the time --

HACKETT: Okay.

CW-2: You've given us today.

HACKETT: Sure.

CW-2: You know, and, uh, any financial arrangements, I think it's probably best just to keep between you and I.

HACKETT: Oh, okay.

CW-2: Don't involve anybody else, you know.

HACKETT: Right, that's [unintelligible].

CW-2: My own thought on it was that we could do five thousand at the initiation and then twenty-five thousand on the back end, once anything's approved, if that works.

HACKETT: Okay.

CW-2: Does that work for you?

HACKETT: Oh, yeah.

CW-2: And if you want to talk about that at some later date, we can do that also.

HACKETT: Yeah, right, okay.

CW-2: Whatever works for you.

HACKETT: Alright, real good.

CW-2: But I really appreciate your time.

HACKETT: And thank you.

B. On or about August 14, 2007, defendant MIMS HACKETT, JR. met with Official 1, CW-1, CW-2, the UCA and certain City of Orange officials at City Hall in Orange, New Jersey. During the meeting, the CWs proposed that the City of Orange put forth a Request for Qualifications ("RFQ") in or about early fall 2007 to narrow the number of insurance providers who were then authorized to provide certain insurance products to City of Orange employees. While one of the City of Orange officials ("Orange Official 1") opposed the CWs' RFQ proposal to narrow the number of providers and the short time frame under which such proposal could be implemented, defendant MIMS HACKETT, JR. voiced his support for consolidating the number of insurance providers.

C. During the same meeting, Orange Official 1 continued to oppose the issuance of an RFQ since it would (a) limit the number of insurance providers available from which municipal employees could choose and (b) burden the business administrator's office. Defendant MIMS HACKETT, JR., continuing to voice his support for the FBI Undercover Company's proposal, instructed Orange Official

1 to look into the possibility of consolidating insurance providers because that is what he wanted done.

D. On or about August 14, 2007, shortly after this City Hall meeting, defendant MIMS HACKETT, JR. met Official 1, CW-1, CW-2 and the UCA at a nearby restaurant in Orange. During this luncheon meeting, defendant MIMS HACKETT, JR. and the others continued to discuss the City of Orange insurance business that the FBI Undercover Company sought to obtain. In particular, defendant MIMS HACKETT, JR. stated that he thought CW-1's presentation was "great." Defendant MIMS HACKETT, JR. was informed by the CWs that they were concerned with Orange Official 1's resistance to the RFQ proposal. Defendant MIMS HACKETT, JR. advised the CWs that he would continue to help facilitate the issuance of the RFQ. Defendant MIMS HACKETT, JR. further stated that, while Orange Official 1 may have expressed reservations at the earlier meeting that day, he, rather than Orange Official 1, "ma[de] all the decisions." Defendant MIMS HACKETT, JR. reassured the CWs and the UCA that "[t]hings would get better" and the City of Orange would "do what ha[d] to be done" concerning the issuance of the proposed RFQ.

E. At the conclusion of this luncheon meeting, defendant MIMS HACKETT, JR. spoke privately with CW-2 in an alley towards the back of City Hall in Orange. During this conversation, defendant MIMS HACKETT, JR. accepted a cash payment of \$5,000 in

exchange for his official influence and assistance in attempting to obtain City of Orange insurance business for the FBI Undercover Company. The \$5,000 in cash was contained inside a brochure. Defendant MIMS HACKETT JR. accepted this \$5,000 in cash after CW-2 reminded him that this cash payment was in connection with the RFQ and pursuant to their earlier agreement.

In this regard, the following conversation occurred:

CW-2: This is a brochure on the benefits.

HACKETT: Yes, okay.

CW-2: It's what we talked about before.

HACKETT: Right, okay.

CW-2: Okay.

HACKETT: And then get a few more together. Oh, there's some money in here. I don't want that.

CW-2: No, that's, we had, for the RFQ. We'll just get it started and then we'll go from there.

HACKETT: Oh, okay.

CW-2: As soon as, if [an Orange official] has to get together with [Orange Official 1] . . . I think that the process can move way before October. Shouldn't be any big problem. And again, thank you very much for your help.

HACKETT: Thank you, alright.

Defendant MIMS HACKETT, JR. took the brochure containing the \$5,000 cash payment and walked towards City Hall.

F. On or about August 31, 2007, defendant MIMS HACKETT, JR. spoke to Official 1 over the telephone concerning the

anticipated RFQ to be issued by the City of Orange regarding insurance brokerage services involving the FBI Undercover Company. Defendant MIMS HACKETT, JR. confirmed his understanding that the FBI Undercover Company wanted to "try to work something out" for September or October 2007. With respect to the proposed RFQ, defendant MIMS HACKETT, JR. further indicated that he would contact Orange Official 1 and that he was going to "see if we can make a movement on that at this point" on behalf of the FBI Undercover Company. In response to Official 1's request to receive a follow-up telephone call from defendant MIMS HACKETT, JR. regarding this matter, defendant MIMS HACKETT, JR. indicated that he would telephone Official 1 and then they would move forward.

3. From in or about May 2007 to in or about August 2007, in Essex County, in the District of New Jersey, and elsewhere, defendant

MIMS HACKETT, JR.

knowingly and willfully did attempt to obstruct, delay and affect interstate commerce by extortion under color of official right-- that is, by corruptly agreeing to obtain and obtaining money from another, with that person's consent, in exchange for defendant MIMS HACKETT, JR.'s official influence and assistance in attempting to obtain City of Orange insurance brokerage business for the FBI Undercover Company.

In violation of Title 18, United States Code, Sections
1951(a) and 2.

COUNT 2

Acceptance and Agreement to Accept Money to Influence and Reward

1. Paragraphs 1 to 2 of Count 1 are hereby incorporated and realleged as if fully set forth herein.

2. At all times relevant to this Count, the City of Orange received in excess of \$10,000 in federal assistance in a one-year period.

3. From in or about May 2007 to in or about August 2007, in Essex County, in the District of New Jersey, and elsewhere, defendant

MIMS HACKETT, JR.

did knowingly, willfully and corruptly solicit and demand for the benefit of himself, and accept and agree to accept, money from another, intending to be influenced and rewarded in connection with a business, transaction and series of transactions of the City of Orange involving a thing of value of \$5,000 or more.

In violation of Title 18, United States Code, Sections 666(a)(1)(B) and 2.

FOREPERSON

CHRISTOPHER J. CHRISTIE
UNITED STATES ATTORNEY