

Excerpts from the Criminal Complaints  
Featuring DEP role

*Daniel M. Van Pelt, state Assemblyman, accepted \$10,000 from the cooperating witness for his influence as a state Assemblyman to help in getting the necessary permits for a purported project the cooperating witness was planning in Waretown, Ocean Township. Van Pelt particularly offered his influence in obtaining the necessary permits from the state Department of Environmental Protection. VAN PELT (hereinafter, “defendant VAN PELT”) served as a member of the Committee on the Environment and Solid Waste which oversaw the activities of the New Jersey Department of Environmental Protection (“DEP”):*

3. On or about February 11, 2009, defendant VAN PELT met with the CW at a restaurant in Waretown, New Jersey. During this meeting, defendant VAN PELT was informed by the CW that the CW was interested in developing real estate in Waretown, and the surrounding areas. Defendant VAN PELT explained to the CW that to develop certain properties in Ocean County, the CW would need to acquire a Coastal Area Facility Review Act (“CAFRA”) permit for such properties from the DEP.<sup>1</sup> Defendant VAN PELT further indicated to the CW that Waretown was in his legislative district, and that consequently, he could assist the CW with the CW’s real estate development interests there. Defendant VAN PELT also was advised by the CW that the CW wanted defendant VAN PELT on the CW’s “team.” Defendant VAN PELT then suggested that the CW hire defendant VAN PELT as a “consultant” and laughed as he made this suggestion. Defendant VAN PELT was then advised by the CW that the CW was not a member of the democratic or republican parties, but that the CW was a member of the “green” party and that “green is cash,” meaning that the CW was willing to pay cash to defendant VAN PELT for his assistance.

6. At the end of the meeting, defendant VAN PELT accepted \$10,000 in cash from the CW as defendant VAN PELT was advised by the CW “I’m telling you, DEP and CAFRA, that’s where I need my most ah, assistance.” In response, defendant VAN PELT agreed to provide such official assistance and claimed that he would “hold onto it,” [meaning the money he just accepted from the CW]...

8. During this meeting, defendant VAN PELT also indicated that he could expedite approvals for the CW from the DEP, to include matters involving CAFRA. By way of example, defendant VAN PELT told the CW that he was able to secure a CAFRA permit for another individual in six months. In response to the CW observing that defendant VAN PELT knew the “right guys,” VAN PELT replied to the CW that one had to “know” how to “work” the

“channels.”

9. On or about May 15, 2009, defendant VAN PELT met with the CW at a diner in Waretown. There, they discussed the CW’s plans for the Waretown project, for which the CW purported to include a number of retail stores and food chains in the CW’s plan. The CW also indicated to defendant VAN PELT that the CW would need DEP permits in connection with wetlands issues. Defendant VAN PELT indicated that he could make telephone calls and meet with DEP officials on behalf of the CW.

*L. Harvey Smith, state Assemblyman, took two cash payments, one for \$5,000, the other for \$10,000, in exchange for approaching high-level contacts with the state Department of Transportation and Department of Environmental Protection to clear the way for approvals of the cooperating witness's project on Garfield Avenue in Jersey City and another project off Route 440 in Bayonne. Smith's aide, Richard Greene, is charged in the same criminal Complaint, and is accused of taking the \$5,000 payment from the cooperating witness and passing it to Smith.*

12. The CW then said, “My boys here [meaning JC Official 1 and the Consultant] are helping me out on Garfield Avenue with a project you know we spoke about I think last time,” to which defendant HARVEY SMITH said, “Yeah.” The CW continued, “[A]nd, um, I have to check on the status but there’s an application in the DEP now [referring to the New Jersey Department of Environmental Protection] for a No Further Action Letter. . . . [A]nd you know the way it works with the big agency, ahh, you know, they’re delaying things, so maybe I’ll get you that information.” In response, defendant HARVEY SMITH told the CW, “Well, I’ll get the information. You give me the name and I’ll find out what the status of the situation is with the DEP, if you write it down or something I’ll go on and find out where they are with regards to the cleaning of that area.” The CW said, “I appreciate that.” Moments later, defendant HARVEY SMITH told the CW, “So write down all the stuff you want.” The CW agreed and said, “I’ll give it to [JC Official 1]” to provide to defendant HARVEY SMITH.

13. As defendant HARVEY SMITH, defendant GREENE, the CW, JC Official 1 and the Consultant got up to leave the table, the CW said, “So I’ll get that DEP information, we’ll get you a zone application.” Defendant HARVEY SMITH replied, “All I need to know is what the project is, if you give me the name of the project and I’ll find out the site so I can question . . . so I can find out what the status of what they’re looking for the

status of the clean up.”

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17. On or about May 6, 2009, JC Official 1, the Consultant and the CW met at a steakhouse in Weehawken, New Jersey. During this meeting, JC Official 1 asked the CW about the progress of anticipated real estate development projects. As to Garfield Avenue, the CW told JC Official 1 that **“I had my guys speak to the sellers on the Garfield Avenue, the DEP thing, and the DEP actually looked at the application, and they’re coming out, they said May 20, I have it down, I’ll tell you what . . . they said May 22nd. They’re doing a site inspection – everything’s okay, then they sign off.** You know, I asked [defendant HARVEY SMITH], but I don’t need him for that, so.” JC Official 1 said, “Okay, good.” With respect to the \$5,000 cash payment provided to defendant GREENE to be passed to defendant HARVEY SMITH in exchange for defendant HARVEY SMITH’S official action, JC Official 1 told the Consultant and the CW, “I converted it.