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CHAMBERS OF THE
HON. MICHAEL A. SHIPP,
U.S.D.J.

U.S. Department of Justice
United States Attorney
District of New Jersey

Rahul Agarwal
Assistant United States Attorney

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RA/PL AGR
2013R00850

December 5, 2013

James P. Patuto, Esq.
Galantucci & Patuto
55 State Street
Hackensack, NJ 07601

Re: Plea Agreement with RICHARD SAN ANDRES

Dear Mr. Patuto:

This letter sets forth the plea agreement between your client, RICHARD SAN ANDRES, 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 RICHARD SAN ANDRES to a one-count information, which charges him with, from in or about July 2008 through in or about July 2009, knowingly and willfully participating personally and substantially as a Government officer and employee through decision, approval, recommendation, and the rendering of advice in a contract in which SAN ANDRES had a financial interest, in violation of 18 U.S.C. §§ 208(a) and 216(a)(2). If RICHARD SAN ANDRES 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 RICHARD SAN ANDRES for his actions as a Government officer and employee in securing a contract in which he had a financial interest. 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, RICHARD SAN ANDRES 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 RICHARD SAN ANDRES may be commenced against him, notwithstanding the expiration of the limitations period after RICHARD SAN ANDRES signs the agreement.

Sentencing

The violation of 18 U.S.C. § 208 to which RICHARD SAN ANDRES 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. Fines imposed by the sentencing judge may be subject to the payment of interest.

The sentence to be imposed upon RICHARD SAN ANDRES 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 RICHARD SAN ANDRES ultimately will receive.

Further, in addition to imposing any other penalty on RICHARD SAN ANDRES, the sentencing judge: (1) will order RICHARD SAN ANDRES 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 restitution pursuant to 18 U.S.C. § 3663; and (3) pursuant to 18 U.S.C. § 3583, may require RICHARD SAN ANDRES 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 RICHARD SAN ANDRES be placed on a term of supervised release and subsequently violate any of the conditions of supervised release before the expiration of its term, RICHARD SAN ANDRES may be sentenced to not more than 2 years' 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.

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 RICHARD SAN ANDRES 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 RICHARD SAN ANDRES's activities and relevant conduct with respect to this case.

Stipulations

This Office and RICHARD SAN ANDRES 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 RICHARD SAN ANDRES 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 RICHARD SAN ANDRES 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

RICHARD SAN ANDRES understands that, if he is not a citizen of the United States, his guilty plea to the charged offense may 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. RICHARD SAN ANDRES understands that the immigration consequences of this plea will be imposed in a separate proceeding before the immigration authorities. RICHARD SAN ANDRES 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. RICHARD SAN ANDRES understands that he is bound by his guilty plea regardless of any immigration consequences of the plea. Accordingly, RICHARD SAN ANDRES 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.

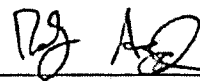
This agreement was reached without regard to any civil or administrative matters that may be pending or commenced in the future against RICHARD SAN ANDRES. This agreement does not prohibit the United States, any agency thereof (including the Internal Revenue Service), or any third party from initiating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

No Other Promises

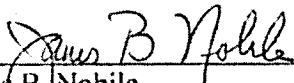
This agreement constitutes the plea agreement between RICHARD SAN ANDRES and this Office and supersedes any previous agreements between them. No additional promises, agreements, or conditions have been made or will be made unless set forth in writing and signed by the parties.

Very truly yours,

PAUL J. FISHMAN
United States Attorney

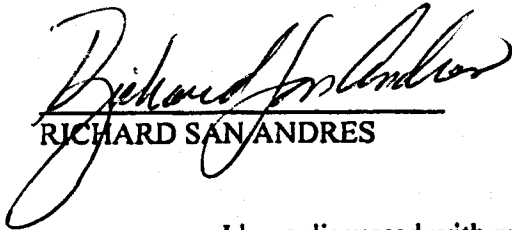

By: Rahul Agarwal
Assistant U.S. Attorney

APPROVED:


James B. Nobile
Chief, Special Prosecutions Division

I have received this letter from my attorney, James P. Patuto, 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, 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:


RICHARD SAN ANDRES

Date:

Jan. 2, 2014

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


JAMES P. PATUTO, ESQ.

Date:

Jan 2, 2014

Plea Agreement With RICHARD SAN ANDRES

Schedule A

1. This Office and RICHARD SAN ANDRES recognize that the United States Sentencing Guidelines are not binding upon the Court. This Office and RICHARD SAN ANDRES nevertheless agree to the stipulations set forth herein, and agree that the Court should sentence RICHARD SAN ANDRES within the Guidelines range that results from the total Guidelines offense level set forth below. This office and RICHARD SAN ANDRES 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.

2. The version of the United States Sentencing Guidelines effective November 1, 2013 applies in this case. The applicable guideline is U.S.S.G. § 2C1.3.

3. The base offense level is 6. See U.S.S.G. § 2C1.3.

4. Specific Offense Characteristic 2C1.3(b)(1) applies because the offense involved actual or planned harm to the government. This results in an increase of 4 levels. See U.S.S.G. § 2C1.3(b)(1).

5. As of the date of this letter, RICHARD SAN ANDRES 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 RICHARD SAN ANDRES's acceptance of responsibility continues through the date of sentencing. See U.S.S.G. § 3E1.1(a).

6. In accordance with the above, the parties agree that the total Guidelines offense level applicable to RICHARD SAN ANDRES is 8 (the "agreed total Guidelines offense level").

7. The parties agree not to seek or argue for any upward or downward departure, adjustment or variance not set forth herein. The parties further agree that a sentence within the Guidelines range that results from the agreed total Guidelines offense level of 8 is reasonable.

8. RICHARD SAN ANDRES 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 8. 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 8. 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.

9. 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.