

Update: Ex-N.J. senator, attorney indicted in EnCap bribery, fraud

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THE RECORD

Federal prosecutors say the EnCap project was propped up by a two-year spree of fraud and extortion masterminded by a Bergen County lawyer and a state senator on the take.

The lawyer, identified in a 48-page indictment handed down Monday, was Eric Wisler, EnCap's lead attorney and a former managing partner of the political powerhouse DeCotiis law firm in Teaneck.

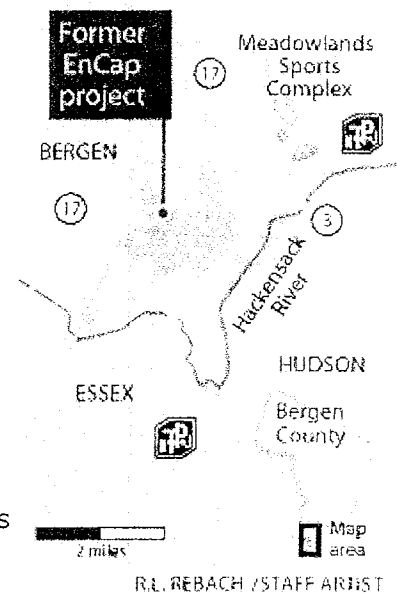
The senator was Wayne R. Bryant, a former chairman of the Senate Budget Committee who is serving a four-year federal prison term following his 2008 bribery and fraud conviction.

Between August 2004 and August 2006, prosecutors allege, Wisler secretly paid Bryant \$8,000 a month to advance legislation benefitting EnCap's \$1 billion landfill-to-links project and other New Jersey ventures backed by EnCap's parent company, Cherokee Investment Partners of North Carolina.

Bryant subsequently supported a flurry of legislation that benefited Cherokee and EnCap, prosecutors said, some of which had even been written by the DeCotiis firm.

Some of the bills became laws, clearing the way for EnCap to get more than \$200 million in state loans and fast-tracking approval for the developer's controversial scheme to build 2,500 houses atop toxic Meadowlands trash dumps.

Prosecutors said Bryant ignored the wishes of his own constituents of the mostly urban and poor 5th Legislative District: Residents of Camden's Cramer Hill section were strongly opposed to Cherokee's \$1.2 billion plan to remake their neighborhood through eminent



In this July 24, 2009 photo, former New Jersey Sen.

domain.

"Bryant provided a consistent vote for legislation that was favorable to Wisler's clients," according to the indictment, which was filed in Newark federal court.

The indictment said Bryant received \$192,000 through a "materially misleading" retainer agreement drawn up at Wisler's direction that purported to pay the senator for legal work on EnCap.

"In truth and in fact, however, the payments ... were actually bribes paid in exchange for official action that Bryant took in favor of the various redevelopment projects undertaken by Wisler and his clients," the indictment said.

Wisler and Bryant each face 20 counts of "honest-services" mail fraud and a single count of receiving bribes. Bryant is also charged with extortion, and Wisler faces 17 counts of mail and wire fraud in connection with billings sent to Cherokee. If convicted, both men face long prison terms.

Michael Critchley, an attorney for Wisler, strongly denied the allegations and said his client was fully cooperating with prosecutors. But he noted that Wisler, battling Stage IV colorectal cancer, is heavily medicated and in poor condition to stand trial.

"Eric never solicited, received or expected to receive any inappropriate consideration from Wayne Bryant in his role as a public official," Critchley said in a prepared statement. "Eric will strive with the best of his physical ability to prove his innocence and maintain his impeccable reputation for honesty and integrity."

Attorneys for Bryant could not be reached for comment Monday.

Kerrie Campbell, counsel to the DeCotiis firm, said that the firm is cooperating with the federal probe. She pointed out that the indictment has no allegations against the firm.

Wisler resigned on Dec. 31, 2009, from the politically connected DeCotiis, FitzPatrick, Cole and Wisler firm, at which point the firm dropped his name from its title. The

Wayne Bryant, with wife Cheryl Spicer, leaves federal court after he was sentenced on earlier charges in a pension boosting scheme.

Behind the news

Former state Sen. Wayne R. Bryant and Eric D. Wisler were indicted Monday on fraud and bribery charges.

The Charges

From the indictment accusing former state Sen. Wayne R. Bryant of accepting bribes disguised as fees according to a bogus retainer agreement allegedly written at the direction of Eric Wisler, a former partner in the DeCotiis law firm of Teaneck.

* "The state of New Jersey and its citizens had an intangible right to the honest services of their state senators. As a senator for the state of New Jersey, defendant Wayne R. Bryant owed the state of New Jersey and its citizens a duty to, among other things, refrain from accepting bribes and kickbacks."

* "During the period from in or about August 2004 to in or about August 2006, defendant Eric D. Wisler caused his Teaneck law firm to make monthly payments of \$8,000, for total 16 payments of approximately \$192,000."

* "The payments continued until in or about October 2006, when the chairman of the Teaneck law firm learned of the retainer agreement and, after questioning defendant Eric D. Wisler, ordered that the payments cease."

* "Despite regularly interacting with a number of attorney colleagues at the Teaneck law firm regarding various matters concerning the Meadowlands project, the Cramer Hill project and the Pennsauken project, defendant Eric D. Wisler did not inform his attorney colleagues at the Teaneck law firm of the existence of the retainer

firm said the split was amicable.

Wisler already had taken a leave of absence in mid-2008 as he battled his illness. In a letter to his colleagues that was made public by the firm, Wisler said that he had been diagnosed with cancer two years earlier and "endured multiple surgeries and countless rounds of chemotherapy."

According to the indictment, both Wisler and Bryant sought to conceal their agreement. Bryant failed to tell South Jersey economic development officials involved with Cherokee's projects in Camden, prosecutors said, while Wisler failed to inform his own law firm.

It was not until October 2006 that Wisler told the law firm and was ordered by the firm's chairman and founder, M. Robert DeCotiis, to stop the payments, the indictment said.

Monday's indictment is another sorry chapter in EnCap's troubled eight-year reign in the Meadowlands.

agreement.

* "Despite the fact that significant opposition to the use of eminent domain arose among defendant Wayne R. Bryant's own constituents in the Cramer Hill neighborhood ... defendant Wayne R. Bryant refrained from sponsoring legislation to limit or restrict the use of eminent domain."

Encap Timeline

A look back at the decade-long attempt to develop atop the Meadowlands landfills:

October 1999: EnCap Golf of Tampa, Fla., is chosen as the developer of a golf course on closed landfills in Lyndhurst, Rutherford and North Arlington.

May 2004: After years of delays, EnCap breaks ground — with a revised plan for thousands of residences to be built at the site.

December 2005: State approval is granted for a \$300 million low-interest and no-interest loan package.

November 2006: The state's Local Finance Board denies EnCap's bid to cash out as much as \$450 million in future PILOT (payments in lieu of taxes) revenues via more government-issued bonds.

January 2007: In the aftermath of reports in The Record about the incentives EnCap has won from government agencies, Governor Corzine asks Inspector General Mary Jane Cooper to investigate its finances.

November 2007: Donald Trump agrees to take over EnCap's landfill cleanup for \$5 million a year.

February 2008: Cooper, the inspector general, issues a report that concludes politically connected attorneys and EnCap executives gained insider access to government officials.

May 2008: The state Meadowlands Commission votes to kill the project, two days before the

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