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Paterson ex-aide admits bribery

Got nearly \$50,000 from school builders

NEWARK - The former facilities director for Paterson schools pleaded guilty Monday to felony charges that he took cash and services worth nearly \$50,000 from contractors who made off with millions from the state-operated district.

James M. Cummings Jr. stood stoically with hands clasped in front of him as he admitted in court that he accepted \$25,000 in cash from one contractor in September 2000 and \$22,000 in sheetrock and the installation of the material at his Sussex County home in March 2001 from another contractor.

The investigation into the district's finances continues, said Assistant U.S. Attorney Jeffrey S. Chiesa, who described Cummings as a "linchpin" in the case. He declined to speak further.

Cummings, 59, of Sparta was the head of facilities in the state's third largest school district between 1998 and 2003. He reported directly to Edwin Duroy, the schools superintendent, who left the district in 2004 as the facilities scandal was discovered.

U.S. District Judge Jose L. Linares scheduled a sentencing hearing for May 23. Cummings could face up to 20 years in federal prison and up to \$500,000 in fines. Cummings also may have to repay the school district double the amount of any financial gain he received or double the loss the district incurred through his actions.

He is the second former school official to acknowledge that he defrauded the district during a spate of school building renovations from 1999 to 2002. The other former district employee, Louis Milone of Pompton Lakes, pleaded guilty a year ago to one count of accepting corrupt payments. Milone reported to Cummings.

A Herald News investigation in 2004 showed that district officials mismanaged at least \$50 million in school construction and repairs.

Cummings signed the plea agreement on Nov. 18. He agreed to cooperate with federal officials in an investigation of the district's finances. FBI agents arrested Cummings in September 2005, when he was indicted on 12 counts of accepting bribes from two contractors, Paint Smart Contractor of Nutley and Olympic Window Installers of Hawthorne and Paterson.

Officials from both companies pleaded guilty in federal court last year to bribing school employees.

The other 10 counts against Cummings will be dropped pursuant to the plea agreement, Chiesa, the assistant U.S. attorney, announced Monday.

Chiesa also said that Cummings' sentence could be from four years, nine months to five years, 11 months, based on federal sentencing guidelines. However, Judge Linares earlier said he is not bound by the guidelines and could not comment on the sentence until he had reviewed the case, including Cummings' current conduct, the effect on the victims and whether he has accepted responsibility for his actions.

Before Cummings admitted to the two charges, Linares explained that Cummings had given up his right to appeal under the plea agreement.

"I think these are very significant charges," Chiesa said. "The restitution is potentially significant."

Cummings, who bypassed reporters on his way out of the courtroom, is free on \$200,000 bail. He secured the bail with his Sparta home when he was arrested in September.

"He's doing everything at this point in time to put this matter behind him," said Jeffrey Garrigan, Cummings' attorney.

Garrigan would not comment on Cummings' possible sentence but did say he believes there are numerous mitigating factors in the case.

In December 2004, attorneys for the Paterson school district filed three civil lawsuits against contractors seeking restitution and damages in the amount of \$11.5 million for alleged breach of contract, fraud and civil racketeering between 1998 and 2003.

"The district deserves at a minimum restitution and accountability," said Douglas Brierley of the Morristown firm of Schenck, Price, Smith and King on Monday. "We are proceeding with the claims and as with prior indictments, today's news comes as no surprise."

Cummings and Olympic Window are named as defendants in one of the civil cases.

Joseph Atallo, a Paterson school board member, said Monday that he appreciated the efforts of the FBI and U.S. Attorney's Office in the investigation.

"We're going up the food chain to investigate," Atallo said, "and where criminality is found, there will be prosecution to the highest extent of the law."

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infamous past

With the guilty plea of James M. Cummings Jr. on Monday, five people, public servants or private contractors have pleaded guilty in the federal investigation of corruption and mismanagement in the Paterson schools.

February 2005: Louis Milone, a former Paterson schools maintenance supervisor, pleaded guilty to accepting gifts from Olympic Window Installers from 1999 to 2001. He agreed to cooperate in the U.S. Attorney's Office's investigation. He has not been sentenced.

April 2005: Carl Babb, owner of Olympic Window, pleaded guilty to mail fraud and making corrupt payments to Milone and an unnamed district official, who has been identified as Cummings. Babb has not been sentenced.

June 2005: Charles Paraboschi and Jose Logrecco, executives of Paint Smart Contractor, pleaded guilty to making corrupt payments to an employee of the Paterson school district, who later was identified as Cummings. They have yet to be sentenced.

