

A-8

MUNICIPAL COURT OF RIDGEWOOD
BERGEN COUNTY
LAW DIVISION, CRIMINAL PART
SUMMONS NO. S-2012-9476-9477
APP. DIV. NO. _____

STATE OF NEW JERSEY,)
)
) TRANSCRIPT
) OF
 vs.) PLEA AGREEMENT
) & SENTENCE
 ERIC ROOS,)
)
)
 Defendant.)

Place: Ridgewood Municipal Court
Village Hall
131 N. Maple Avenue
Ridgewood, N.J. 07451

Date: November 13, 2012

BEFORE:

HONORABLE DAVID PFUND, J.M.C.

TRANSCRIPT ORDERED BY:

ROBERT L. GARIBALDI, ESQ., (Garibaldi & Garibaldi,
LLC)

APPEARANCES:

MARGARET SULLIVAN, ESQ., (Municipal Prosecutor)
Attorney for the State

ROBERT E. LANDEL, ESQ., (Landel Bernstein &
Kalosieh, LLP)
Attorney for the Defendant

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I N D E X T O E X H I B I T S

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVD</u>
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(No exhibits presented during these proceedings)

1 THE COURT: I asked all counsel to be here on
2 this special session -- we're on the record; right?

3 COURT CLERK: Yes, Judge.

4 THE COURT: -- this November 13, 2012 special
5 session regarding Eric Roos and Danny Wegers
6 (phonetic). Counsel for Danny Wegers is not here yet
7 is my understanding, but counsel for Eric Roos is,
8 which I appreciate your promptness. And I'm going to
9 start with you guys. So, if you come on up.

10 (Pause in proceedings)

11 THE COURT: If I could have your appearance
12 for the record please?

13 MR. LANDEL: Yes, Judge Robert Landel, Landel
14 Bernstein and Kalosieh, on behalf of the defendant Eric
15 Roos.

16 THE COURT: Mr. Landel welcome.

17 MR. LANDEL: Thank you Judge.

18 THE COURT: And you are Mr. Roos sir?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Okay, we are here, as I said on
21 this special date. We were here, last week. I know
22 there was a lot of discussion between the prosecutor
23 and the defense counsel and we came back today, as I
24 indicated, for 9 o'clock, to promptly proceed with
25 either a disposition by way of plea or trial. It's my

1 understanding that there's going to be a plea,
2 particularly with regards to Mr. Roos, your -- your
3 client in this case.

4 MR. LANDEL: That's -- that's correct Judge.

5 THE COURT: For the record we were here on
6 four special complaint summonses: 009487, which is a
7 violation of 1276 stagnant order allowing for mosquito
8 breeding; Special complaint 009486 which is a violation
9 of 223126, which is unsanitary conditions, trucks,
10 containers filled with waste; special complaint 009477,
11 which is the failure to remove debris in violation of
12 ordinance 165-14; and the last is special complaint is
13 009476, now which is violation of ordinance 190121,
14 which is commercial vehicle storage.

15 Those are the complaints that you understand
16 are against your client at this time?

17 MR. LANDEL: That's my understanding Judge.

18 THE COURT: And Mr. Roos those are the
19 complaints that are against you and your understanding;
20 yes?

21 THE DEFENDANT: Yes, Judge.

22 THE COURT: Okay, you understand those
23 complaints and I assume you've had conversation with
24 your counsel -- very competent counsel with regards to
25 the ramifications of those complaints and the penalties

1 that you could face with those; is that correct sir?

2 THE DEFENDANT: That's correct.

3 THE COURT: All right, it's my understanding
4 pursuant to a plea agreement that the State is making a
5 motion to dismiss special complaint 2012-9476, which is
6 the violation of 190-121, which is the commercial
7 vehicle storage with an understanding that there'll be
8 a guilty plea to the remaining complaints. Is that
9 your understanding counsel?

10 MR. LANDEL: My understanding Judge, I -- I
11 will say for the record, the -- the plea sheet has a
12 dismissal of 9487, but my client has no issue to
13 pleading guilty to that as well. They're all property
14 maintenance violations which has since been cured but
15 existed at the time of the issuing the summons.

16 THE COURT: Okay.

17 MR. LANDEL: We can -- I can mark down it
18 Judge --

19 THE COURT: Yeah, if you could. It's my
20 understanding that he'll be pleading guilty to that one
21 as well; correct? So, I think this was -- Ms. Sullivan
22 in -- I think you may have miswritten this plea
23 agreement. There was going to be a dismissal for the
24 commercial vehicle storage.

25 MS. SULLIVAN: Oh, I'm sorry Judge. You're

1 absolutely right, I'm sorry.

2 THE COURT: And then a guilty plea to the
3 remaining; is that --

4 MS. SULLIVAN: That's correct Judge.

5 THE COURT: -- is that your motion before us
6 today?

7 MS. SULLIVAN: That is correct, Judge, I'm
8 sorry.

9 THE COURT: All right and thank you for
10 brining that to our attention.

11 MS. SULLIVAN: Thank you Judge.

12 THE COURT: Okay.

13 DIRECT EXAMINATION BY THE COURT:

14 Q Sir, you understand that you have a right to
15 a trial.

16 A Yes.

17 Q At that time the state has to prove its case
18 beyond a reasonable doubt, that you have to present
19 witnesses. You through your attorney has a right to
20 cross-examine any of those witnesses. You also can
21 challenge any proofs that they have to support its
22 case. And again, I indicated they have to prove it
23 beyond a reasonable doubt; do you understand that?

24 A Yes, I do.

25 Q And you are waiving your right to proceed to

1 trial today?

2 A Yes sir.

3 Q You understand that if it did go to trial you
4 would have the right to testify on your behalf, you'd
5 have the right to call your own witnesses, you'd have
6 your right to say absolutely nothing during the course
7 of the trial. Do you understand all that?

8 A Yes sir.

9 Q Okay, and is the representations that I hear
10 correct, that you do want to plead guilty to those
11 three remaining complaints, assuming that we are doing
12 to dismiss the one that we discussed?

13 A Yes sir.

14 Q And your -- would be having that plea
15 agreement or pleading guilty to those voluntarily and
16 knowingly of the consequences. Is that correct sir?

17 A That's correct.

18 Q All right, and you're happy with your
19 assistance of counsel today?

20 A Yes.

21 Q All right.

22 THE COURT: Counsel, I'm going to need a
23 factual basis for each one of those and why don't we do
24 it in just in the order that we have them here. The --
25 I'll try to make it easier for you. We'll go down the

1 road. So, let's start with 9477, which is a violation
2 of 165-14, failure to remove debris.

3 MR. LANDEL: Sure, Judge.

4 DIRECT EXAMINATION BY MR. LANDEL:

5 Q Mr. Roos you own property at 580 Route 17; is
6 that correct?

7 A Yes.

8 Q And isn't it true that on --

9 A Yes.

10 Q -- March 5, 2012 a summons was issued with
11 regard to the failure to remove debris on such
12 property?

13 A Yes.

14 Q What's the -- what's the property utilized
15 for?

16 A Nursery garden center.

17 Q Okay, and --

18 A And debris comes in and debris goes out at times
19 when they do jobs.

20 Q Okay, and -- and the time of the issuing the
21 summons there was debris on the property that was not
22 removed in a timely fashion; is that correct?

23 A Correct.

24 Q And you're pleading guilty to the summons
25 today because in fact debris was on the property at

1 that time in violation of the ordinance?

2 A Correct, yes.

3 THE COURT: Thank you. You can go on to the
4 next one, which would be -- again trying to do it in
5 your order here. Which would --

6 MR. LANDEL: 86?

7 THE COURT: 86 is fine.

8 MR. LANDEL: Okay.

9 BY MR. LANDEL:

10 Q You understand Mr. Roos on the same date the
11 Village of Ridgewood issued a summons for violation of
12 an unsanitary condition, and specifically trucks and
13 containers filled with waste; is that correct?

14 A Correct.

15 Q And again from time to time are the trucks
16 and containers are filled with waste on the site; is
17 that right?

18 A Yes.

19 Q And in this particular instance the
20 containers filled with waste and the trucks stayed on
21 the property for an unreasonable amount of time; is
22 that correct?

23 A That's correct.

24 Q And you're pleading guilty to the summons
25 today because in fact there was a violation of the

1 ordinance with regards to unsanitary condition and
2 -and trucks containing filled with waste; is that
3 correct?

4 A Correct.

5 THE COURT: Thank you. You can move on to
6 the next one.

7 BY MR. LANDEL:

8 Q And with respect to the last summons, Mr.
9 Roos, 9487 on the same date or -- yeah, same date May
10 3, 2012 a summons issued for allowing stagnant water
11 for the allowance of mosquito breeding on the property;
12 is that correct?

13 A Correct.

14 Q And in fact you -- you saw the stagnant order
15 on the site after the issuance of the summons; is that
16 correct?

17 A Correct.

18 Q And the water existed at that time?

19 A Yes, correct.

20 Q And you're pleading guilty today because in
21 fact there was a violation of the ordinance; is that
22 correct?

23 A Correct.

24 THE COURT: Okay, thank you. Ms. Sullivan
25 before I decided whether or not I will accept the

1 guilty plea, is there anything you want to add?

2 MS. SULLIVAN: Not at this time with respect
3 to these summonses, no Judge.

4 THE COURT: Okay. Counsel I will -- I accept
5 the factual information provided. I will accept the
6 plea as discussed with a dismissal of the 9476 finding,
7 accepting the guilty plea of 9477, 9486, and 9487.
8 Anything you want to be -- say or be heard with regards
9 to sentencing?

10 MR. LANDEL: Only Judge, that the property at
11 issue has been in my -- my client's family since the
12 late 1800's, there's never been an issue prior. These
13 are property maintenance violations that he -- my
14 client addressed in a timely fashion, or at least spoke
15 to his tenant about addressing in a timely fashion.
16 He's got -- he's going to make every effort to attempt
17 to maintain the property as he's done for, you know,
18 over 100 years -- his family's done for over \$100 years
19 in a -- in a neat and orderly fashion. You've got a
20 commercial use that unfortunately is next to a newer
21 residential use and from time to time, you know, I
22 think it's natural to get complaints from the -- from
23 the residential neighbors. But we're going to do our
24 best to -- to coexists as -- as good neighbors.
25 Hopefully there'll be no problems in the future.

1 He's expended considerable amount of monies
2 on -- on my services throughout these proceedings
3 Judge, which have -- which have gone on because some of
4 the issues are -- are somewhat complex, and I would
5 just ask the Court to consider that when -- when
6 setting the fine. And I would ask for the minimum
7 fines.

8 THE COURT: Thank you counsel. Mr. Roos
9 anything you want to add?

10 THE DEFENDANT: No sir.

11 THE COURT: Okay, Ms. Sullivan you want to be
12 --

13 MS. SULLIVAN: Submit Judge.

14 THE COURT: Thank you. Okay, as I indicated
15 I am accepting the guilty plea to the three summonses.
16 Summons 9476 will be dismissed. Summons 9477 there is
17 a guilty plea, I will impose a fine of \$200, plus court
18 costs of \$33. With regards to 9486 I am accepting the
19 guilty plea. I will impose a fine of \$200, plus \$33 in
20 court costs. And with regards to 9487 I am accepting
21 the guilty plea. I am going to impose a fine of \$200
22 with \$33 court costs. So obviously you have 20 days to
23 appeal the decision or the rendering of the fines.
24 Hopefully that won't be the case and I thank you for
25 your time today.

1 MR. LANDEL: Thank you for your time Judge.

2 THE COURT: All right.

3 MR. LANDEL: Thanks very much.

4 THE COURT: Thank you.

5 (Case Concluded)

6

7

8 Certification

9 I, Jessica Robinson, the assigned transcriber, do
10 hereby certify the foregoing transcript of proceedings
11 on compact disc from time stamp 9:15:35 p.m. to 9:25:45
12 a.m., is prepared in full compliance with the current
13 Transcript Format for Judicial Proceedings and is a
14 true and accurate non-compressed transcript of the
15 proceedings as recorded.

16 /s/Jessica Robinson Date: January 6, 2020
17 Jessica Robinson, AOC #581

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