

The following pages indicate that a county or municipal official violated the Local Government Ethics Law. It is possible, however, that the violation was, or will be, reversed by another tribunal. For example, if the pages below reveal that an Administrative Law Judge (ALJ) found that a violation occurred, it is possible that the Local Finance Board (LFB) later rejected the ALJ's findings. Also, if the pages below reveal that the Local Finance Board found a violation, the official may have subsequently appealed to the Appellate Division of the Superior Court. In sum, readers should be aware that a finding by an ALJ or the LFB might not be the final outcome, and that further inquiries may need to be made.

Brad Tombs  
319 Laurel Court  
Pt. Pleasant Beach, NJ 08742  
732.892.5159

March 5, 2003

Mr. Matthew U. Watkins, Chairman  
PO Box 803  
Trenton, NJ 08625

Re: Complaint to: Local Finance Board (Board)  
Local Government Ethics Law  
Concerning: Employees and Elected Officers of the Borough of Point Pleasant Beach,  
and Elected Officer of the County of Ocean,

This is a complaint regarding possible ethics violations and conflicts of interests regarding employees and elected Officers of the Borough of Point Pleasant Beach and the County of Ocean. In response to an inquiry to the Local Finance Board, Ethics Law, I was advised that "an appointed professional ...filling a salaried position or office in the municipality, such as Attorney... would indeed be subject to the Ethic Law." This complaint alleges Ethics violations by John Walsh and the firm of Schoor DePalma (appointed Borough Engineer), Mayor John Pasola, Councilman Vogel, and Borough Administrator and Ocean County Freeholder James Lacey. The following provides a description of the observed and/or documented actions as they relate to the standards contained in Section 5 of the Statute (40A:9-22.5).

**Councilman Thomas Vogel, John Walsh and Schoor DePalma as Borough Engineer**

The complaint alleges a conflict of interest concerning the affirmative vote by Councilman Vogel appointing John Walsh and Schoor DePalma as Borough Engineer on January 1, 2003. Mr. Vogel is employed by Ocean First, Inc. and was recently promoted by Ocean First Board members, which includes Borough Engineer Walsh. Mr. Vogel reciprocated where tax payer dollars are involved creating a conflict of interest.

The above action appears in conflict with several provisions of 40A:9-22.5, including items a., c., d., f., and g. as follows:

a. No local government officer or employee or member of his immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest

c. No local government officer or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others;

d. No local government officer or employee shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence of judgment;

f. No local government officer or employee, member of his immediate family, or business organization in which he has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his official duties.

g. No local government officer or employee shall use, or allow to be used, his public office or employment, or any information, not generally available to the members of the public, which he receives or acquires in the course of and by reason of his office or employment, for the purpose of securing financial gain for himself; any member of his immediate family, or any business organization with which he is associated;

In addition, Mr. Vogel has voted on several resolutions benefiting Mr. Walsh since the year 2000, during which time Mr. Walsh was the principal owner of Bay Pointe Engineering before Mr. Walsh sold Bay Pointe Engineering to Schoor DePalma. Mr. Walsh, also an Ocean First Board Member where Mr. Vogel is employed, interviewed Mr. Vogel for the Council position with the Regular Republican Club at the Office of Bay Pointe Engineering in 1999. Mr. Walsh first screened Mr. Vogel as a Councilman candidate, and then it could reasonably be construed that Walsh controlled and benefited Councilman Vogel as an Ocean First employee promoting Vogel to Vice President status. Mr. Walsh as an employee of the Borough, engaged in business at Ocean First that benefited Councilman Vogel, and secured [or solicited a favor or promise of employment or thing of value] unwarranted privileges or advantages for himself and Schoor DePalma, which is in substantial conflict with 40A:9-22.5 a, c, d, e, and f. A public record request to the Borough Council seeking a copy of each resolution voted on by Mr. Vogel that involved Mr. Walsh, Bay Pointe Engineering and Schoor DePalma is pending.

### **Mayor Pasola, John Walsh and Schoor DePalma as Borough Engineer**

There is a conflict of interest by Mayor Pasola's vote appointing John Walsh and Schoor DePalma as Borough Engineer. Mayor Pasola's daughter and her husband (Jeffrey P. and Cynthia L Kells) purchased Mr. John Walsh's primary residence (Block 118 lot 21), in the Borough of Point Pleasant Beach on or about July 16, 2002 according to tax records. Prima facie evidence indicates that the sale of the primary residence for \$500,000 [purchased by Walsh in 1991 for \$410,000] is substantially below market value. The six bedroom, 3.5 bath 2,748 sq. ft. living area home is located on the private Long Point Lane in the "Curtis Avenue" area of the Borough. Comparable sales from tax records demonstrate that similar homes in "less appealing" areas sold for over \$700,000.

Mayor Pasola and John Walsh's actions are in conflict with several provisions of 40A:9-22.5, including items a., c., d., f., and g. Most notable, however, is 40A:9-22.5 d., which states, "No local government officer or employee shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence of judgment." Even a house purchase at fair market value, but exclusive and not available on the open market, could reasonably be expected to impair objectivity.

Mr. Pasola's subsequently stated that Mr. Walsh is "only a small owner" of Schoor DePalma, which materially understates Mr. Walsh's recent sale of Bay Pointe Engineering to Schoor DePalma and the customary quotas and ongoing contractual obligations. A request was made to the Council to have Schoor DePalma fully disclose all purchase and ongoing contractual obligations with Mr. Walsh and Bay Pointe Engineering.

### **Borough Administrator and County Freeholder James Lacey and Mayor John Pasola**

There is a conflict of interest concerning Mr. Walsh's brother-in-law Ocean County Freeholder James Lacey and Mayor John Pasola concerning the County's hiring of Mayor Pasola's son and the coincidental hiring of James Lacey as the Borough Administrator. Mr. Lacey, who was terminated from his position with the State of New Jersey in 2002, was hired as the Borough Administrator at about the same time the County hired the Mayor's son. It was observed that neither candidate was qualified for the positions sought and other anomalies occurred as part of the hiring of these individuals. Specifically, the Borough already had an administrator, Robert Meany, who also served as the Public Works Director. Mr. Meany retained his Public Works position and gave up the Administrator's position with no change in salary. Mr. Lacey was given the Administrator's job at a similar salary of Mr. Meany's with no other material responsibility. Moreover, Mr. Lacey was unqualified to be hired as a Municipal Administrator requiring the Council to first pass an ordinance creating a new position of Community Relations Director that carried a non-technical job description. Although Mr. Lacey was hired [on paper] as Community Relations Director, he held the position of Administrator. There were also reported complaints by residents that other qualified candidates were not considered, including a disabled veteran. The three points to note are that there was no need for another Administrator [one already existed], the position was created when James Lacey lost his job, and that neither Mayor Pasola's son nor James Lacey government jobs were merit based.

The above actions are in conflict with several provisions of 40A:9-22.5, including items a., c., d., f., and g. With respect to Mayor Pasola and Ocean County Freeholder James Lacey, 40A:9-22.5 E states, "No local government officer or employee, member of his immediate family, or business organization in which he has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his official duties.

I would ask that this complaint not be disclosed as a public record due to the potential of retaliatory acts. I have experienced first hand the aggressive retaliatory behavior of this group of "public servants," among others not stated herein. I have been previously retaliated against for excising my free speech on a matter of public concern, causing my ten year commercial relationship with the Ocean County Engineering Department to abruptly end and forcing me to seek new employment. For the record, I would like to state that I fear for my family's safety.

I believe that further intimidation and harassment attempts were made, whereby the Mayor's friend (Mr. Ron Krayl) sought to find out where I currently work by questioning a public school co-worker of his (Ms. Kathleen Griswold), who is my neighbor. Mr. Krayl's involvement is assumed unknowing since he would not have known that I changed jobs, nor would it be of any concern to him personally.

The attempt to resolve this issue has included an appeal and public record requests to the Mayor and Council via letters dated January 29, 2003 and March 4, 2003, which are attached. This matter is not pending in any court or other administrative process.

Sincerely,

Brad Tombs

State of New Jersey  
Department of Community Affairs  
Division of Local Government Services - Local Finance Board  
101 S Broad St – PO Box 803  
Trenton, NJ 08625-0803  
Phone – 609-292-6613  
E-mail [dlgs@dca.state.nj.us](mailto:dlgs@dca.state.nj.us)

March 28, 2006

Thomas S. Vogel  
118 Dartmouth Avenue  
Point Pleasant Beach, New Jersey 08742

Re: Local Government Ethics Law  
Complaint #LFB-03-009  
NOTICE OF VIOLATION

Dear Mr. Vogel:

The Local Finance Board (Board) issued a NOTICE OF VIOLATION regarding its findings on the matter of Complaint #LFB-03-009 against you. Enclosed is the NOTICE issued by the Board.

Please be advised that the NOTICE is not a final determination if you desire to avail yourself of the right to request an administrative hearing. If a hearing is requested in accordance with the enclosed NOTICE, the Board will not issue a final decision until the completion of the administrative hearing process.

Should you have any questions regarding this matter, please contact David Nenno at (609) 292-0479.

Sincerely,

Susan Jacobucci, Chairperson  
Local Finance Board

SJ:DN:la  
Enclosure

c: Brad Tombs

***Editor's Note: In order to make these determination letters text searchable, I have scanned and converted them into "live-text" PDF documents. John Paff***

STATE OF NEW JERSEY  
LOCAL FINANCE BOARD  
NOTICE OF VIOLATION

In Re: [Thomas Vogel, Councilman, Borough of Point Pleasant Beach, Complaint #03-009]

This matter having come before the Local Finance Board (Board) pursuant to the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq., upon complaint that: Thomas Vogel, Councilman of the Borough of Point Pleasant Beach, was involved in a conflict of interest when he participated in several official actions concerning Borough engineer John Walsh, Bay Pointe Engineering, and for Schoor DePalma, while John Walsh was a member of the Ocean First Bank Board of Directors and Thomas Vogel was an employee of Ocean First, in violation of N.J.S.A. 40A:9-22.5(d); and

WHEREAS, it was alleged that Councilman Vogel violated N.J.S.A. 40A:9-22.5(d) when:

1) At the Borough of Point Pleasant Beach Council meeting of January 1, 2003, Councilman Vogel, an employee of Ocean First Inc. who had been promoted to Vice President status by the Ocean First Board members, including Borough Engineer John Walsh, voted on a resolution appointing John Walsh from the firm of Schoor DePalma as Borough Engineer; and

2) Councilman Vogel voted on several resolutions benefiting Mr. Walsh during which time Mr. Walsh was the principal owner of Bay Pointe Engineering before selling the business to Schoor DePalma. Copies of Resolutions document Councilman Vogel voting in favor to approve payments of bill lists to Bay Point Engineering and/or Schoor DePalma on the following dates: January 15, 2002, February 5, 2002, February 19, 2002, March 5, 2002, March 19, 2002, April 2, 2002, April 16, 2002, May 21, 2002, June 4, 2002, June 18, 2002, August 20, 2002, September 17, 2002, October 15, 2002, November 12, 2002, December 3, 2002, December 17, 2002, January 14, 2003, February 4, 2003, March 4, 2003, March 18, 2003, April 1, 2003, May 6, 2003, May 20, 2003, June 10, 2003, July 15, 2003, and August 19, 2003 while Mr. Walsh was on the Board of Directors for Ocean First and Mr. Vogel was an employee of Ocean First; and

3) At the Borough of Point Pleasant Beach Council meeting of January 1, 2002, Councilman Thomas Vogel, voted on a resolution to appoint John Walsh of Bay Pointe Engineering as Borough Engineer while Mr. Walsh was on the Board of Directors for Ocean First and Mr. Vogel was an employee of Ocean First; and

WHEREAS, the Board, having determined that the allegations were within its jurisdiction, were not frivolous and were based upon a reasonable factual basis, authorized an investigation of this complaint; and

WHEREAS, the Local Government Ethics Law states:

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N.J.S.A. 40A:9-22.5(d) No local government officer or employee shall act in his official capacity in any matter where he, a member of his immediate family, or business organization in which he has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence of judgment; and

WHEREAS, the Board, having considered the matter and the relevant statements and information presented and having considered Thomas Vogel's written response to the allegations, determined that Councilman Thomas Vogel violated N.J.S.A. 40A:9-22.5(d) with respect to each of the three allegation items because he had a direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence of judgment.

It is therefore,

DETERMINED that Thomas Vogel Councilman, Borough of Point Pleasant Beach shall be assessed a fine in the amount of \$100.00 for each of the three actions in violation of N.J.S.A. 40A:9-22.5(d) for a total of \$300.00 as related to his having engaged in activities prohibited by the statute; and that the fine of \$100.00 in connection with allegation item #2 shall be waived leaving the total fine of \$200.00. The total \$200.00 fine shall be payable to: Treasurer, State of New Jersey, and be submitted to: Susan Jacobucci, Chair, Local Finance, P.O. Box 803, Trenton, New Jersey, immediately. If payment of said fines are not received within 10 days receipt of this NOTICE, Thomas Vogel, Councilman, Borough of Point Pleasant Beach, is subject to additional fines as determined by the Board in accordance with its powers in N.J.S.A. 40A:9-22.10, Violations and Penalties.

NOTICE that Thomas Vogel, Councilman, Borough of Point Pleasant Beach, is entitled to an administrative hearing in accordance with N.J.S.A. 40A:9-22.12 to contest this NOTICE. Any request for an administrative hearing shall be filed with the Local Finance Board within 30 days receipt of this NOTICE. If an administrative hearing is requested, the Board will not issue a final decision until the completion of the administrative hearing process. Said hearing request shall be filed with Patricia Parkin McNamara, Executive Secretary, Local Finance Board, Department of Community Affairs, P.O. Box 803, Trenton, New Jersey 08625.

SUSAN JACOBUCCI,  
CHAIR LOCAL FINANCE BOARD

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State of New Jersey  
Department of Community Affairs  
Division of Local Government Services - Local Finance Board  
101 S Broad St – PO Box 803  
Trenton, NJ 08625-0803  
Phone – 609-292-6613  
E-mail [dlgs@dca.state.nj.us](mailto:dlgs@dca.state.nj.us)

March 29, 2006

Mr. John Pasola  
Former Mayor  
Borough of Point Pleasant Beach  
212 Curtis Ave  
Point Pleasant Beach, New Jersey 08742

Re: Local Government Ethics Law  
Compliant #LFB-03-009  
Notice of Dismissal

Dear Former Mayor Pasola:

As you are aware, the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq., provides the Local Finance Board (Board) with the power to initiate, receive, hear and review complaints, and hold hearings with regard to possible violations of the Local Government Ethics Law, where no local ethics board has been established, and determine if a complaint against a local government officer or employee is within its jurisdiction, frivolous, or without a reasonable factual basis, prior to conducting an investigation. Pursuant to N.J.S.A. 40A:9-22.9, you are, hereby, notified that a complaint was filed against you and dismissed.

The nature of the complaint alleges a possible violation of the following provisions of the Law:

N.J.S.A. 40A:9-22.5(c) No local government officer or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others; and

N.J.S.A. 40A:9-22.5(d) No local government officer or employee shall act in his official capacity in any matter where he, a member of his immediate family, or business organization in which he has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence of judgment.

Complaint #LFB-03-009 alleged that you voted in favor of appointing John Walsh and Schoor DePalma as Borough Engineer at the Borough Council meeting of January 1, 2003.

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It was alleged that your daughter and her husband purchased Mr. Walsh's primary residence, in the Borough of Point Pleasant Beach on or about July 16, 2002, and that "prima fascia evidence indicates that the sale of the primary residence was substantially below market value." Therefore, it was alleged that the official action taken by you to appoint John Walsh was in conflict with the Local Government Ethics Law.

No documentation or verifiable substantiation was provided that your daughter purchased the house at a substantially below market value in exchange for your future vote. After a preliminary investigation of the facts and circumstances relevant to this complaint, the Board determined it is not reasonable to expect that the purchase of Mr. Walsh's primary residence by your daughter impaired your objectivity or independence of judgment so as to prohibit you from voting, six months later, in favor of appointing John Walsh and Schoor DePalma as Borough Engineer. It is not reasonable to expect that your involvement in this matter entailed the use of your official position to secure an unwarranted privilege or advantage for yourself or others. Therefore, the Board voted to dismiss the complaint against you as having no reasonable factual basis.

Pursuant to N.J.S.A. 40A9-22.9, the local government officer or employee against whom the complaint was filed must be notified of the Board's conclusion regarding a complaint. No action is required on your part. This letter is a notification that a complaint was filed against you and dismissed.

This case is now closed.

Should you have any questions regarding this matter, please feel free to contact David Nenno at (609) 292-0479.

Sincerely,

Susan Jacobucci, Chairperson  
Local Finance Board

SJ:DN:la  
Enclosure

c: Brad Tombs

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State of New Jersey  
Department of Community Affairs  
Division of Local Government Services - Local Finance Board  
101 S Broad St – PO Box 803  
Trenton, NJ 08625-0803  
Phone – 609-292-6613  
E-mail [dlgs@dca.state.nj.us](mailto:dlgs@dca.state.nj.us)

March 29, 2006

Mr. James Lacey  
Borough Administrator  
Borough of Point Pleasant Beach  
200 Homestead Avenue  
Point Pleasant Beach, New Jersey 08742

Re: Local Government Ethics Law  
Compliant #LFB-03-009  
Notice of Dismissal

Dear Mr. Lacey:

As you are aware, the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq., provides the Local Finance Board (Board) with the power to initiate, receive, hear and review complaints, and hold hearings with regard to possible violations of the Local Government Ethics Law, where no local ethics board has been established, and determine if a complaint against a local government officer or employee is within its jurisdiction, frivolous, or without a reasonable factual basis, prior to conducting an investigation. Pursuant to N.J.S.A. 40A:9-22.9, you are, hereby, notified that a complaint was filed against you and dismissed.

The nature of the complaint alleges a possible violation of the following provisions of the Law:

N.J.S.A. 40A:9-22.5(a) No local government officer or employee or member of his immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest;

N.J.S.A. 40A:9-22.5(c) No local government officer or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others;

N.J.S.A. 40A:9-22.5(d) No local government officer or employee shall act in his official capacity in any matter where he, a member of his immediate family, or business organization in which he has an interest, has a direct or indirect financial or personal

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involvement that might reasonably be expected to impair his objectivity or independence of judgment; and

N.J.S.A. 40A:9-22.5(f) No local government officer or employee, member of his immediate family, or business organization in which he has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon the understanding that the gift, favor, loan, political contribution, service, promise of future employment, or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the local government officer has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the local government officer in the discharge of his official duties.

Complaint #LFB-03-009 alleged a violation of the Ethics Law against you where the County of Ocean, without following the proper procedures, hired Former Mayor John Pascola's son while you, an Ocean County Freeholder, were coincidentally hired as the Administrator for the Borough of Point Pleasant. It was alleged that you did not possess the required qualifications, but however were given the position.

The Board determined that procedure for hiring government employees, including whether they possess the necessary qualifications, does not fall within the purview of the Local Finance Board in its enforcement of the Local Government Ethics Law. The Board does not proscribe these appointments. Therefore, the Board voted to dismiss the complaint against you as having no reasonable factual basis for a complaint under the Ethics Law.

Pursuant to N.J.S.A. 40A9-22.9, the local government officer or employee against whom the complaint was filed must be notified of the Board's conclusion regarding a complaint. No action is required on your part. This letter is a notification that a complaint was filed against you and dismissed.

This case is now closed.

Should you have any questions regarding this matter, please feel free to contact David Nenno at (609) 292-0479.

Sincerely,

Susan Jacobucci, Chairperson  
Local Finance Board

SJ:DN:la  
Enclosure

c: Brad Tombs

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State of New Jersey  
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Phone – 609-292-6613  
E-mail [dlgs@dca.state.nj.us](mailto:dlgs@dca.state.nj.us)

March 29, 2006

Mr. John Walsh  
Former Borough Engineer  
Borough of Point Pleasant Beach  
801 Long Point Lane  
Point Pleasant Beach, NJ 08742

Re: Local Government Ethics Law  
Complaint #LFB-03-009  
Notice of Dismissal

Dear Mr. Walsh:

As you are aware, the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq., provides the Local Finance Board (Board) with the power to initiate, receive, hear and review complaints, and hold hearings with regard to possible violations of the Local Government Ethics Law, where no local ethics board has been established, and determine if a complaint against a local government officer or employee is within its jurisdiction, frivolous, or without a reasonable factual basis, prior to conducting an investigation. Pursuant to N.J.S.A. 40A:9-22.9, you are, hereby, notified that a complaint was filed against you and dismissed.

The nature of the complaint alleges a possible violation of the following provisions of the Law:

N.J.S.A. 40A:9-22.5(a) No local government officer or employee or member of his immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest;

N.J.S.A. 40A:9-22.5(c) No local government officer or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others.

N.J.S.A. 40A:9-22.5(d) No local government officer or employee shall act in his official capacity in any matter where he, a member of his immediate family, or business organization in which he has an interest, has a direct or indirect financial or personal

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involvement that might reasonably be expected to impair his objectivity or independence of judgment.

N.J.S.A. 40A:9-22.5(e) No local government officer or employee shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his independence of judgment in the exercise of his official duties; and

N.J.S.A. 40A:9-22.5(f) No local government officer or employee, member of his immediate family, or business organization in which he has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon the understanding that the gift, favor, loan, political contribution, service, promise of future employment, or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the local government officer has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the local government officer in the discharge of his official duties;

Complaint #LFB-03-009 alleged that you, as an employee of the Borough of Point Pleasant Beach, engaged in business transactions at Ocean First Inc. that benefited Councilman Vogel. It is alleged that you controlled and benefited Councilman Vogel as an Ocean First employee, promoting Vogel to the position of Vice President, in order to secure unwarranted privileges or advantages for yourself and Schoor DePalma with the Borough, which is in substantial conflict with the proper discharge of your duties in the public interest in violation of the Local Government Ethics Law.

After a preliminary investigation of the facts and circumstances relevant to this complaint, the Board determined that the complainant did not provide enough substantial documentation or first hand knowledge of such an arrangement in order for the Board to determine if in fact a violation of the Local Government Ethics Law occurred. Therefore, the Board voted to dismiss the complaint against you as having no reasonable factual basis.

Pursuant to N.J.S.A. 40A9-22.9, the local government officer or employee against whom the complaint was filed must be notified of the Board's conclusion regarding a complaint. No action is required on your part. This letter is a notification that a complaint was filed against you and dismissed.

This case is now closed.

Should you have any questions regarding this matter, please feel free to contact David Nenno at (609) 292-0479.

Sincerely,

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Susan Jacobucci, Chairperson  
Local Finance Board

SJ:DN:la  
Enclosure

c: Brad Tombs

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HIERING, GANNON AND MCKENNA  
COUNSELLORS AT LAW  
29 HADLEY AVENUE  
P.O. BOX 5258  
TOMS RIVER, NEW JERSEY 08754

May 6, 2003

Department of Community Affairs  
Attn: Patricia McNamara, Local Finance Board  
101 S. Broad Street  
P.O. Box 800  
Trenton, New Jersey 087625-0800

Dear Ms. McNamara:

Please be advised the undersigned represents the Borough of Point Pleasant Beach. I previously wrote on behalf of the Borough Administrator for an advisory opinion which was received under Advisory Opinion No. LFB-02-005. Since the time of that opinion there has been some changes and we are accordingly requesting a review under the current circumstances. Previously, the Borough Engineer was John Walsh of Bay Pointe Engineering Associates, Inc. who held more than a 10% interest in the Bay Pointe Engineering firm. Since the time of the opinion, Bay Pointe Engineering has been acquired by Schoor DePalma Consulting Engineers and Mr. Walsh has less than 1% ownership of that acquiring entity. In the meantime, Point Pleasant Beach has now named Mr. Keith Billy of the Schoor DePaima firm as its engineer.

Due to the above changes, we would request that the Board reconsider the matter in light of the fact that the Administrator would be reviewing the work of Mr. Keith Billy.

Thanking you in advance for your cooperation in regard to this matter. I remain,

Very truly yours,

William T. Heiring  
For the Firm

cc: James F. Lacey, Administrator

State of New Jersey  
Department of Community Affairs  
Division of Local Government Services - Local Finance Board  
101 S Broad St – PO Box 803  
Trenton, NJ 08625-0803  
Phone – 609-292-6613  
E-mail [dlgs@dca.state.nj.us](mailto:dlgs@dca.state.nj.us)

August 20, 2003

PERSONAL & CONFIDENTIAL

William T. Hiering, Jr.  
Hiering, Gannon and McKenna  
29 Hadley Avenue  
Toms River, New Jersey 08754-5258

Re: Local Government Ethics Law  
Advisory Opinion #LFB-03-008  
Board Determination

Dear Mr. Hiering:

The Local Finance Board (Board) has reviewed your request for an advisory opinion regarding the Local Government Ethics Law. Pursuant to N.J.S.A. 40A:9-22.8, the Board may issue an advisory opinion as to whether any proposed activity or conduct would constitute a violation of the provisions of the Law.

You have requested an advisory opinion regarding subject matter that has already occurred and is the basis of an ethics complaint. For this reason, it was determined at the July 16, 2003 meeting that the Board would not respond to your request for an advisory opinion.

Should you have any questions regarding this matter, please feel free to contact David Nenno at (609) 292-0479.

Sincerely,

Matthew U. Watkins, Chair  
Local Finance Board

MUW:ub

c: Brad Tombs

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