

*State of New Jersey*  
OFFICE OF ADMINISTRATIVE LAW

**INITIAL DECISION**

OAL DKT. NO. CFB 11620-05

AGENCY DKT. NO.: LFB #03-018

**RAYMOND DARAKJIAN,**

Appellant,

v.

**LOCAL FINANCE BOARD,**

Respondent.

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**Raymond Darakjian**, petitioner, pro se

**Daniel Reynolds**, Assistant Attorney General, for respondent

(Zulima Farber, Attorney General of New Jersey, attorney)

Record Closed: March 17, 2006

Decided: March 28, 2006

BEFORE **JEFFREY A. GERSON**, ALJ:

**STATEMENT OF CASE**

Raymond Darakjian served as the Mayor of the Township of River Vale from January 1, 1998 to December 31, 2002. Eight months after Darakjian was no longer Mayor, a complaint was filed with the Local Finance Board alleging that Darakjian had violated *N.J.S.A. 40A:9-22.5(d)* which states as follows:

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; . . .

On November 10, 2004, the Local Finance Board issued a Notice of Violation to Darakjian contending that he appointed his wife to the position of Trainer Financial Clerk for a one-month period between June 1, 2002 and July 1, 2002 at a salary of \$1. The Notice of Violation determined that Darakjian was in violation of the above stated statute and would be assessed a fine of \$100 which was waived. On or about April 10, 2005, Darakjian requested an Administrative hearing contending that he had not violated the statute in question.

On or about October 7, 2005, the matter was forwarded to the Office of Administrative Law for a hearing. The hearing was conducted on March 17, 2006.

### **FINDINGS OF FACT**

There were no contested facts in this matter. It was stipulated that Darakjian did appoint his wife to the position of Trainer Financial Clerk at a salary of \$1.00, a salary which was never paid, in order to assist a newly appointed Certified Tax Collector/Certified Chief Financial Officer in becoming familiar with the accounting system.

Prior to the appointment of Darakjian to the position of Trainer Financial Clerk, the Township of River Vale had been notified that both their Certified Tax Collector and Certified Chief Financial Officer would no longer be employed by the town. The two positions were consolidated by Mayor Darakjian and one individual was proposed for both positions. It was this individual that Darakjian's wife was to assist during the one-month transition.

No evidence was presented at the hearing that there was a direct or indirect financial or personal involvement that might reasonably be expected to impair Darakjian's objectivity or independence of judgment. The hiring of immediate family members is not prohibited unless a direct or indirect financial or personal involvement is established as detrimental to the appointing governmental unit. In the absence of such evidence, no charge can be sustained and it is therefore **ORDERED** that the Notice of Violation filed against former Mayor Raymond Darakjian dated November 10, 2004 is hereby **DISMISSED**.

I hereby **FILE** my initial decision with the **LOCAL FINANCE BOARD, DIVISION OF LOCAL GOVERNMENT SERVICES**, for consideration.

This recommended decision may be adopted, modified or rejected by the **LOCAL FINANCE BOARD, DIVISION OF LOCAL GOVERNMENT SERVICES**, which by law is authorized to make a final decision in this matter. If the Local Finance Board, Division of Local Government Services, does not adopt, modify or reject this decision within forty-five (45) days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen (13) days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **LOCAL FINANCE BOARD, DIVISION OF LOCAL GOVERNMENT SERVICES, 101 South Broad Street, PO Box 803, Trenton, New Jersey 08625-0803**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

\_\_\_\_\_  
DATE

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**JEFFREY A. GERSON, ALJ**

E-mail Receipt of Initial Decision Confirmed by the Local Finance Board on:

\_\_\_\_\_  
DATE

Mailed to Parties:

\_\_\_\_\_  
DATE

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OFFICE OF ADMINISTRATIVE LAW

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