

State of New Jersey
Department of Community Affairs
Division of Local Government Services - Local Finance Board
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February 20, 2009

Mr. Damaris Caraballo
311 Harrison Street, Apt. #473
Hoboken, New Jersey 07030

Re: Local Government Ethics Law
Complaint #LFB-08-004
Notice of Dismissal

Dear Mr. Caraballo:

The Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq., [hereinafter, LGEL] provides the Local Finance Board [hereinafter, Board] with the power to initiate, receive, hear and review complaints, and hold hearings with regard to possible violations of the LGEL. Upon verification that no local ethics board has been established, the Board will determine if a complaint against a local government officer or employee is within its jurisdiction, frivolous, or has no reasonable factual basis. The Board will then determine if the complaint warrants a formal investigation.

In complaint #LFB-08-004 you alleged that, during the new business portion of the City Council Meeting of March 5, 2008, Council Member Elizabeth Mason spoke from the dais about her lawsuits filed against the City and attacked City Corporation Council Steven Kleinman and the City for defending against her lawsuits. You also alleged that Councilwoman Mason called for Klienman's termination and expressed a desire to set policies governing the operation of the City Corporation Counsel's office. You alleged that Councilwoman Mason was attempting to gain an obvious litigation advantage in her personal lawsuits against the City.

You cited the following provisions of the LGEL:

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 a business

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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.

Following a preliminary investigation of the facts and circumstances relevant to this complaint, the Board determined that Councilwoman Mason's actions did not constitute a use or an attempt to use her official position to secure an unwarranted privilege or advantage. Additionally, the Board found no nexus upon which to authorize an investigation with regard to an alleged effort to gain an obvious litigation advantage in her personal lawsuits against the City. The Board elected to dismiss the complaint as having no reasonable factual basis.

This case is now closed.

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

Sincerely,

Susan Jacobucci, Chair
Local Finance Board

SJ:DN:la

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