

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

August 19, 2008

PERSONAL and CONFIDENTIAL
Honorable Gerard J. Shamey, Esq.
Committee Member, Township of Readington
201 Pinebank Road
Readington, New Jersey 08870

Re: Local Government Ethics Law
Complaint #LFB-08-006
Notice of Dismissal

Dear Mr. Shamey:

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. Pursuant to N.J.S.A. 40A:922.9, you are, hereby, notified that a complaint was filed against you and dismissed.

Complaint #LFB-08-006 alleged that you violated the LGEL through your action(s) to reappoint Edward Martin as Readington Township's Municipal Judge. The complaint added that your actions and support of Mr. Martin were part of a scheme in which you colluded with fellow Committee Members to secure your appointment to the position of Municipal Judge for a term to commence January 2011.

The complaint 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;

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 your actions did not constitute a use or an attempt to use one's 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 collude with fellow Committee Members in an effort to secure an appointment to the position of Municipal Judge for a term beginning January 1, 2011. The Board elected to dismiss the complaint without prejudice.

Pursuant to N.J.S.A. 40A:9-22.9, the local government officer or employee against whom the complaint was filed must be notified of the Board's conclusion regarding the complaint. No action is required on your part. This letter is a notification that the above mentioned complaint was filed against you and subsequently dismissed.

This case is now closed.

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

Sincerely,

Susan Jacobucci, Chair
Local Finance Board

SJ:DZ

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August 19, 2008

Mr. Patrick J. Clare, Esq.
5 Erskine Road
Whitehouse Station, New Jersey 08889

Re: Local Government Ethics Law
Complaint #LFB-08-006
Notice of Dismissal

Dear Mr. Clare:

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-08-006 you alleged that Mr. Gerard Shamey violated the LGEL through his action(s) to reappoint Edward Martin as Readington Township's Municipal Judge. The complaint added that Mr. Shamey's actions and support of Mr. Martin were part of a scheme in which he colluded with fellow Committee Members to secure his appointment to the position of Municipal Judge for a term to commence January 2011.

The complaint cited the following provisions of the LGEL:

N.J.S.A. 40A:9-223(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 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;

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Following a preliminary investigation of the facts and circumstances relevant to this complaint, the Board determined that Committee Member's Shamey's actions did not constitute a use or an attempt to use one's 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 collude with fellow Committee Members in an effort to secure an appointment to the position of Municipal Judge for a term beginning January 1, 2011. The Board elected to dismiss the complaint without prejudice.

This case is now closed.

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

Sincerely,

Susan Jacobucci, Chair
Local Finance Board

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