

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.

State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. CFB 5525-00

AGENCY DKT. NO.: LFB #98-014

GARY SCHAER,

Appellant,

v.

LOCAL FINANCE BOARD,

Respondent.

James P. Kimball, Esq., for petitioner

(Murray & Kimball, attorneys)

Keith A. Costill, Deputy Attorney General, for respondent

(David Samson, Attorney General of New Jersey, attorney)

Record Closed: January 30, 2002

Decided: March 6, 2002

BEFORE **ARNOLD SAMUELS**, ALJ/ta

The petitioner, Gary Schaer, appeals from the action of respondent, Local Finance Board, which determined that the petitioner's participation and vote at a Passaic City Council Meeting constituted a violation of *N.J.S.A. 40A:9-22.5(d)*, part of the Local Government Ethics Law. A \$100 fine was levied.

PROCEDURAL HISTORY

On June 13, 2000 the matter was transmitted to the Office of Administrative Law (OAL) by the Local Finance Board for hearing and determination as a contested case pursuant to *N.J.S.A. 52:14F-1 to 17*. A prehearing conference was held on July 27, 2000, and a Prehearing Order was entered on August 7, 2000. The Order itemized the issues to be resolved, scheduled hearing dates and dealt with other procedural matters to be observed by the parties prior to and during the hearing. Several adjournments of the original hearing date followed, due to conflicts by the attorneys and the filing of motions, particularly a motion for Summary Decision filed by the respondent, in December 2000.

The motion for Summary Decision was opposed by the petitioner, who filed a brief in April 2001. That brief relied on the Joint Stipulation of Facts, with Exhibits, that had previously been submitted by the parties. It was then agreed that, because all the material facts and documents had been stipulated, the matter was capable of being determined by way of cross motions for Summary Decision, without the need for testimony or plenary hearing.

In September 2001, the judge who had been conducted this case, the Honorable Margaret M. Monaco, disqualified herself from further proceedings; and this matter was subsequently transferred to this judge for completion and final disposition. Judge Monaco had previously requested and scheduled oral argument, but in January 2002 both parties waived that opportunity, with the consent of this judge. Therefore the matter has now been fully submitted by both parties, for disposition based on the papers on file; consisting of the Joint Stipulation of Facts, the briefs previously filed and the stipulated documentary exhibits.

FACTS

As indicated above, all of the material facts involved in this matter have been jointly stipulated by the parties. The Joint Stipulation of Facts is contained in a single bound package that, in its entirety, contains a Statement of Procedural History, the Statement of Facts, and Exhibits A through I. This package is included as part of the record, and it is incorporated by reference in this Initial Decision. The Exhibits are separately identified in the Appendix attached hereto, and the Joint Statement of Facts is reproduced immediately below for purposes of clarity and continuity:

Statement of Facts

At all times relevant to Complaint Number LFB-98-014, Petitioner, Gary Schaer, was a member and President of the City of Council of the City of Passaic. The alleged violation of *N.J.S.A. 40A:9-22.5(d)* concerns Mr. Schaer's vote in favor of Resolution 8097-98 at the Passaic City Council's meeting on May 7, 1998.

Resolution No. 8-097-98 authorized the filing of the 1998 Action Plan of the City of Passaic Consolidated Plan in application for federal assistance under the Community Development Block Grant (herein "CDBG") and Home Investment Partnership (herein "HIP") programs.¹ The City's consolidated formula included entitlements of \$1,461,000 to the CDBG and \$751,000 to the HIP. The total entitlement under the 1998 Consolidated Plan was \$2,212,000.²

There were three specific line items in the 1998 CDBG plan for the allocation of monies to the Passaic Boys and Girls Club and St. Mary's Hospital. First, the "After School Child Care Transportation Program/Boys and Girls Club" was allocated

¹ See copy of the One Year Action Plan of the City of Passaic Consolidated Plan, Program Year 1998 attached as Exhibit "I".

² See Exhibit "I" at page 29.

\$55,000.00. Third, "Project Citizenship/St. Mary's Hospital" was allocated \$55,000.00. The total amount of money allocated to these two organizations was \$94,000.00.

The Passaic Boys and Girls was and is a non-profit organization. Petitioner was a member of the Passaic Boys and Girls Club Board in 1998. There was no maximum membership for Board members. There was no compensation or benefits for Board members. It was a voluntary position. Petitioner only attended one or two Board meetings in 1998.

The Director of the Passaic Boys and Girls Club handled all of the daily decisions regarding programs. The Board was not called upon to handle or approve any daily functions at the Club. Board members were involved with fund raising from the community for the Club.

The specific programs contained in the 1998 CDBG plan were "After school Child Care Transportation Program" and "Rehabilitation." The first transportation program to and from the Boys and Girls Club for underprivileged children. The second program provided for the rehabilitation of the building facilities at the Boys and Girls Club.

The St. Mary's Hospital was and is a non-profit organization under the Sisters of Charity of St. Elizabeth at Convent Station. Petitioner was a member of the St. Mary's Hospital Board in 1998. There was no compensation or benefits for a Board member. It was a voluntary position. The Board met one time every two months. The Board members did not perform any oversight duties of the St. Mary's Administration. The Board did not micromanage any programs at the hospital. The Administration was in charge of all of the daily administration at the hospital. This included the funding of all specific programs. Mr. Schaer was not a member of the Administration.

The specific program in question was called "Project Citizenship." The program was run by two sisters and was enacted for the purpose of teaching immigrants lessons

in Civics and Citizenship. The hospital's involvement was limited to providing the physical space for the program.

Mr. Schaer was not personally involved in any way with this program. In fact, the Board was not informed of and did not participate in the application process whereby the Administration requested monies from the CDBG program. Mr. Schaer received the information regarding this application for the first time with the other members of the City Council.

As previously stated, Resolution 8097-98 was proposed at the May 7, 1998 meeting of the City Council. On that night as the roll was called, the following Councilmen responded: Barley, Fernandez, Hare, Schwartz and Schaer. Councilmen Jakubovic and Munk were absent. Resolution No. 8097-98 was proposed on motion by Councilman Barkley and second by Councilman Fernandez. It was adopted with all members voting "aye" as the roll was called.

In her July 1, 1998 complaint letter, Mayor Semler expressed her concern over Petitioner's vote regarding CDBG funds distributed to St. Mary's Hospital and the Passaic Boys and Girls Club. The Mayor added, "I believe Mr. Schaer consistently ignores the limitations of his official capacity and openly and knowingly violates all appearances of or actual conflicts of interest."³

It should be noted that the Office of Mayor for the City of Passaic was up for election in the 1997 general election. Mr. Schaer challenged Mayor Semler in this election. Mayor Semler defeated councilman Schaer in the election. The Mayor wrote the aforementioned letter to the Local Finance Board approximately eight months after the election.

³ See Exhibit "B".

ARGUMENTS OF THE PARTIES

Respondent Local Finance Board (LFB) argues that its decision should be affirmed because Mr. Schaer's vote in favor of Resolution No. 8097-98 constituted a violation of *N.J.S.A. 40A:9-22.5(d)*.

The respondent asserts that this statute was enacted as part of a statutory scheme designed to guide the ethical conduct of government officers and employees who serve local government. To effectuate this scheme, when a direct or indirect financial or personal interest attaches to a public official, an official's immediate family member, or to any business organization in which the official has an interest, that attachment is sufficient to disqualify the official if it rises to a level that might reasonably be expect to impair his or her objectivity or independence of judgment. Respondent argues that It does not matter whether an official acts in good faith when he or she votes.

In particular, the LFB asserts that an official commits an ethics violation if he or she has an interest in the vote in question, which interest was not shared in common with others members of the public and which generates conflicting desires that can pull him or her in opposite directions. Such an interest could be (1) a direct pecuniary interest, where an official is directly benefited financially by his or her vote; (2) an indirect pecuniary interest, where an official votes on a matter that directly financially benefits a person or an organization closely tide to him or her; (3) a direct personal interest, where an official votes on an issue that benefits a blood relative or close friend in a non-financial way; or (4) an indirect personal interest, where an official's judgment may be affected because of his or her membership in an organization and a desire to help that organization further its policies.

The respondent further argues that Mr. Schaer should not have discussed or voted on Resolution No. 8097-98 because he had a disqualifying indirect personal

interest in two organizations that financially benefited from the resolution. The LFB insists that it does not matter that Mr. Schaer received no personal or financial gain from his vote. Instead, the respondent states that the petitioner had an indirect personal interest in the organizations, which interest might reasonably be expected to impair his objectivity or independence of judgment, *i.e.*, his interest in seeing the benefit that the two organizations would receive from enhanced funding that could have outweighed his fiduciary duty as City Council President. Because of this, the LFB argues that it was acting correctly when it fined Mr. Schaer \$100 for having violated *N.J.S.A. 40A:9-22.5(d)*.

On the other hand, the petitioner states that his involvement with the Boys and Girls Club and St. Mary's Hospital did not impair his objectivity or independence of judgment. Mr. Schaer asserts that the mere relationship of a person or organization with a governmental official is not, in and of itself, a conflict. Instead, he posits that an ethics violation occurs when the circumstances could reasonably be interpreted to show that an official is likely to be tempted by the exact situation involved to depart from his sworn public duty; and that no such showing was made in this case.

Mr. Schaer argues that, while the LFB considered the fact that he was a member of the boards of both organizations, they failed to find that his involvement with these two groups could reasonably be expected to impair his objectivity or independence of judgment. The petitioner insists that he would neither have benefited from having approved the allocation of the funds in question, nor would the organizations' programs have had a direct impact on him or his family. In light of this, Mr. Schaer asserts that the LFB's decision and action should be overturned.

DISCUSSION

The Summary Decision procedure in this forum is governed by *N.J.A.C. 1:1-12.5(a), (b)*. This regulation, similar to the Judiciary's *R. 4:46-1* motion for Summary

Judgment, is “the determination [of] whether there exists a genuine issue with respect to a material fact challenged . . . that requires a consideration of whether the competent evidential materials presented, when viewed in the light most favorable to the non-moving party, in consideration of the applicable evidentiary standard, are sufficient to permit a rational fact finder to resolve the alleged disputed issue in favor of the non-moving party.” *Brill v. Guardian Life Ins. Co.* 142 N.J. 520, 523 (1953).

In the present case, there are no issues of material fact remaining between the parties, as stipulated by the parties. The only question to be decided is whether Mr. Schaer violated N.J.S.A. 40A:9-22.5(d) by voting in favor of Resolution 8097-98 while he was also a board member of two organizations that received monies by virtue of that resolution. If the question is answered in the affirmative, then the reasonableness of the imposition of a \$100 penalty can also be decided.

As part of the continuing efforts to combat official corruption, to advance public confidence in government, and to prevent conflicts between private interests and duties of public officers, the Legislature enacted N.J.S.A. 40A:9-22.5. See *Department of Community Affairs, Local Fin. Bd. v. Cook*, 282 N.J. Super 207, 209 (App. Div. 1955). The following subsection is contained within this statutory code of ethics for local government officers or employees:

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.

N.J.S.A. 40A:9-22.5(d).

Simply stated, this law “demands that an officeholder discharge duties with undivided loyalty.” *McDougall v. Weichert* 144 N.J. 380, 401 (1996). Specifically, “if the direct or indirect financial or personal involvement attaches to: (1) the officer or

employee, (2) a member of the officer's or employee's 'immediate family' or (3) a 'business organization' in which the officer or employee has an 'interest,' this is sufficient to disqualify the officer or employee if it rises to the level that it 'might reasonably be expected to impair his/her objectivity or independence of judgment.'" *Martine v. Local Fin. Bd.* 96 N.J.A.R.2d (CAF) 111, 115 (footnotes omitted).

In order to determine whether an "interest" is sufficient to find that an official violated N.J.S.A. 40A:9-22.5(d), "common-law principles concerning the participation of public officials in matters in which they have a personal interest primarily govern . . ." ¹*Wyzykowski v. Rizas* 132 N.J. 509, 523 (1993).

Thus, a determination concerning sufficiency of interest is "a factual one and depends upon the circumstances of the particular case. No definitive test can be devised. The question will always be whether the circumstances could reasonably be interpreted to show that they had the likely capacity to tempt the official to depart from his sworn public duty." *Wyzykowski, supra* 132 N.J. at 523 (quoting *Van Itallie v. Franklin Lakes* 28 N.J. 258, 268-69 (1958)).

However, not every circumstance will serve to disqualify an official:

Local governments would be seriously handicapped if every possible interest, no matter how remote and speculative, would serve as a disqualification of an official. If this was so, it would discourage capable men and women from holding public office. Of course, courts should scrutinize the circumstances with great care and should condemn anything which indicates the likelihood of corruption or favoritism. But in doing so they must also be mindful that to abrogate a municipal action at the suggestion that some remote and nebulous interest is present, would be to unjustifiably deprive a municipality in many important instances of the

¹ This is so because N.J.S.A. 40A:9-22.5(d) essentially codified common-law principles concerning a public official's participation in matters where he or she has a personal interest. Compare *Martine, supra*, 96 N.J.A.R.2d (CAF) at 115 with *ScotchPlains-Fanwood Bd. of Educ. v. Syvertsen*, 251 N.J. Super 566, 568 (App. Div. 1991) (explaining common-law principles regarding a public official's conflict of interest).

services of its duly elected or appointed officials. The determinations of municipal officials should not be approached with a general feeling of suspicion, for as Justice Holmes has said, “Universal distrust creates universal incompetency.”

[*Wyzykowski, supra*, 132 *N.J.* at 523-24 (quoting *Graham v. United States*, 231 *U.S.* 474, 480, 34 *SCt.* 148, 151, 58 *L.Ed.* 319, 324 (1913))].

Even so, actual proof of dishonesty by the official need not be demonstrated:

An actual conflict of interest is not the decisive factor, nor is “whether the public servant succumbs to the temptation,” but rather whether there is a potential for conflict. A conflicting interest arises when the public official has an interest not shared in common with the other members of the public. Another way of analyzing the issue is to understand that “[t]here cannot be a conflict of interest where there do not exist, realistically, contradictory desires tugging the official in opposite directions.”

[*Id.* at 524 (quoting *Griggs v. Borough of Princeton*, 33 *N.J.* 207, 219 (1960) and *LaRue v. Township Of East Brunswick*, 68 *N.J. Super* 435, 448 (App. Div. 1961)).]

The Judiciary has applied the above common-law principles to several different types of conflict cases, and each case can be “distilled” into four types of “interests,” *i.e.*, conflicts that require disqualification: direct pecuniary interests, indirect pecuniary interests, direct personal interests, and indirect personal interests. *Id.* at 524-25 (citing *Michael Pane, Conflict of Interest: Sometimes a Confusing Maze, Part II, New Jersey Municipalities*, March 1980 at 8,9).

“Direct pecuniary interests” occur when “an official votes on a matter benefiting the official’s own property or affording a direct financial gain.” *Id.* at 525; see *Scotch Plains-Fanwood Bd. of Educ., supra*, 251 *N.J. Super* at 568-70 (App. Div. 1991) (barring a Board member from meetings at which a private cause of action he instituted was discussed); *Tighe v. Local Fin. Bd.* 97 *N.J.A.R.2d* (CAF) 76, 79-81 (violation occurred when zoning

board member voted to approve a project in which he had a direct financial interest); *Wargacki v. Local Fin. Bd.* 97 N.J.A.R.2d (CAF) 1, 4 (violation occurred when mayor acted in his official capacity to attempt to establish an amnesty program for illegal multi-family homes in order to avoid paying fines for several such units that he owned); *Martine*, supra 96 N.J.A.R.2d (CAF) at 115 (violation found when councilwoman voted to fund two governmental agencies that employed her); *Cartarcio/Cape May County Bridge Comm. v. Local Fin. Bd.* 96 N.J.A.R.2d (CAF) 99, 102-03 (violation found when bridge commissioner voted for a substantial raise for himself when he assumed full-time administrative duties).

“Indirect pecuniary interests” occur when “an official votes on a matter that financially benefits one closely tied to the official, such as an employer or family member.” *Wyzkowski*, supra 132 N.J. at 525; see *Griggs*, supra 33 N.J. at 222 (invalidating determination of “blighted” area by borough council when two participating councilmen were professors of a university that benefited from the designation); *CARE of Tenafly v. Tenafly Zoning Board*, 307 N.J. Super 362, 373-74 (App. Div. 1998) (violation occurred when zoning board member voted on plan that directly affected the financial integrity of his mother’s property); *In Re Engelbert*, A-4674-96T5, at 3, (App. Div. October 30, 1997) (violation found when municipal utilities authority member voted for salary increase for his son).

“Direct personal Interests” occur when “an official votes on a matter that benefits a blood relative or close friend in a non-financial way, but in a matter of great importance.” *Wyzkowski*, supra 132 N.J. at 525; see *Barrett v. Union Twp. Comm.*, 230 N.J. Super 195, 196-97 (App. Div. 1989) (voiding zoning work where councilman’s mother resided in a nursing home favored by a zoning amendment).

“Indirect personal interests” occur when “an official votes on a matter in which an individual’s judgment may be affected because of membership in some organization, and the desire to help that organization furthers its policies.” *Wyzkowski*, supra 132 N.J. at 526; see *Marlboro Manor, Inc. v. Bd. of Comm. of Montclair* 187 N.J. Super 359, 360-63

(App. Div. 1982) (conflict of interest arose when two council members voted on place-to-place transfer of liquor consumption license even though they were members of a church opposed to the transfer); *Zell v. Borough of Roseland*, 42 N.J. Super 75, 81-83 (App. Div. 1956) (conflict arose when zoning/planning board member voted on property reclassification that would have a direct impact on his church); *Gunthner v. Planning Board of Bay Head*, 335 N.J. Super 452, 460-61 (Law. Div. 2000) (conflict of interest arose when planning board members were also members of a yacht club that could be financially benefited by proposed plan); *South Brunswick Associates v. Twp. Council of Monroe*, 285 N.J. Super 377, 383-84 (Law Div. 1994) (conflict of interest arose when mayor represented constituents at a planning board meeting; he had oversight of that board via his town council's position); *Scott v. Town of Bloomfield*, 94 N.J. Super 592, 600-01 (Law Div. 1967) (conflict of interest arose when a mayor voiced his opinion about giving a lease to an organization that he was both a member and a director of).

If a situation does not fall within one of the above four interests, then there is no violation. *Wyzkowski*, *supra* 132 N.J. at 524, 526 (no conflict where no contradictory desires realistically exist, which can influence an official in an opposite direction); see *Petrick v. Planning Bd. of Jersey City*, 287 N.J. Super 325, 331-33 (App. Div. 1996) (no violation when planning board member approved plan submitted by hospital where his wife worked; neither he or she had any interest in the plan); *Lincoln Heights Assn. v. Township of Cranford Planning Bd.* 314 N.J. Super 366, 380-82 (Law Div. 1998) (the fact that a board member's parents benefited from a planned supermarket did not create a conflict of interest; the member's parents had no financial interest in the supermarket and they had no discussion with their son about the benefits of the supermarket); *Property Owners' Ass'n v. Mayor and Council of Seaside Heights*, 95 N.J.A.R.2d (ABC) 76, 80-81 (the fact that a councilman's mother was part of the *owners' Association* opposed to a liquor license transfer did not lead to a conflict; councilman's mother had no interest in the licensing of the bar).

In the instant matter, Mr. Schaer's Board membership with both the Boys and Girls Club and St. Mary's Hospital may have amounted to a direct or indirect financial or

personal involvement with the two organizations that received funding via Resolution No. 8097-98. However, this is of no consequence unless his interest rose to a level that might reasonably be expected to impair his objectivity or independence of judgment.

Whether Mr. Schaer actually succumbed to the temptation is not important. Instead his vote must only have demonstrated a potential for conflict, *i.e.*, whether the circumstances could reasonably be interpreted to show that the petitioner may have had the likely capacity to be tempted to depart from his sworn public duty in order to support the two organizations of which he was a board member. In order to determine this, the four interests that can rise to the level of a conflict, as enumerated in *Wzyzkowski*, above, must be applied to his particular interest.

Mr. Schaer did not have a direct pecuniary interest in voting on Resolution No. 8097-98 because he did not receive any personal financial benefit from the resolution. He also had no indirect pecuniary interest because the resolution did not financially benefit anyone closely tied to him, such as an employer or a family member. Specifically, Mr. Schaer was neither an employee of either organization nor was he compensated as a board member of either organization. None of his immediate family members received any indirect financial benefit from the allocated funding as well. No family member was employed in either organization, so that any salaries would have been derived from moneys allocated via the resolution. Furthermore, Mr. Schaer did not have a direct personal interest in voting on Resolution 8097-98 because no blood relative or close friend benefited in a non-financial way, but perhaps in a matter of great importance, from the funding. In other words, no close relative or friend used or benefited from the programs that were funded by the resolution.

However, Mr. Schaer did have an indirect personal interest in voting on Resolution No. 8097-98. First, his board membership is an interest not shared in common with the other members of the public. This is a particular interest, which at the very least demonstrates Mr. Schaer's desire to help the Boys and Girls Club and St. Mary's Hospital to further their overall policies.

Secondly, the LFB only has to demonstrate that there was the potential for Mr. Schaer to vote on Resolution 8097-98 in a way whereby his judgment could have been affected because of his membership on the boards of both organizations. The case law suggests that an indirect personal interest arises when an official is merely a member of an organization, such as a church, which will and can be affected by that member's vote. See *Marlboro Manor, supra* and *Zell, supra*. Case law also suggests that a conflict arises when an official simply voices his or her opinion about giving a benefit to an organization in which he or she is member. See *Scott, supra*. While Mr. Schaer was not directly involved in the operations of either the Boys and Girls Club or St. Mary's Hospital, his position on the boards of both organizations demonstrates his desire to be a Boys and Girls Club/St. Mary's Hospital member and to have some input into the general direction and well being of both organizations. The petitioner himself demonstrated this interest by attending at least a couple of board meetings for both organizations. Therefore, there is a real potential that Mr. Schaer's interest in seeing that the Boys and Girls Club and St. Mary's Hospital should benefit from enhanced funding could have outweighed his fiduciary duty as the city council president.

CONCLUSIONS

Based on the foregoing, and after having reviewed the entire record and the applicable law, it is reasonable to **CONCLUDE** that Mr. Schaer violated *N.J.S.A. 40A:9-22.5(d)*.

The cases cited by both the LFB and the petitioner are relevant as to whether Mr. Schaer's action violated *N.J.S.A. 40A:9-22.5(d)*, which is part of the code of ethics for local government officers and employees. It therefore appears that the petitioner, as city council president, committed an ethics violation when he voted in favor of Resolution No. 8097-98, which materially benefited the Passaic Boys and Girls Club and St. Mary's Hospital. Mr. Schaer had an indirect personal interest in these two organizations because

he was on the Board of Directors of both organizations while he served as council president and voted in favor of the Resolution.

As for the penalty assessment of \$100, the record seems to indicate that the fine was suspended. However, even if not suspended, it is **CONCLUDED** that the amount of \$100 is reasonable.

ORDER

It is therefore **ORDERED** that the action of the respondent, Local Finance Board, be **AFFIRMED**, and the petitioner's appeal 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

ARNOLD SAMUELS, ALJ/ta

Receipt Acknowledged:

DATE

LOCAL FINANCE BOARD

Mailed to Parties:

DATE

OFFICE OF ADMINISTRATIVE LAW

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APPENDIX

Exhibits

- A Minutes of Council Meeting, May 7, 1998, containing Resolution No. 8097-98
- B Letter from Mayor of Passaic to Local Finance Board, July 1, 1998
- C Letter from Manager of Local Government Ethics Unit to Mayor of Passaic, July 13, 1998
- D Letter from Local Finance Board to Gary Schaer, May 21, 1999
- E Letter from petitioner's Attorney, James P. Kimball, to Local Finance Board, June 30, 1999
- F Letter from Local Finance Board to Mayor of Passaic March 31, 2000.
- G Letter from Petitioner's Attorney to Local Finance Board, April 6, 2000
- H Office of Administrative Law Notice of Filing, June 21, 2000.
- I One year action Plan of the City of Passaic Consolidated Plan Program Year 1998