



New Jersey Libertarian Party

Open Government Advocacy Project

John Paff, Chairman

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August 24, 2009

Hon. Alexander Mirabella, Chairman, and Members of the
Union County Board of Chosen Freeholders
10 Elizabethtown Plaza
Elizabeth, NJ 07207

(via e-mail only to acroom@ucnj.org)

Dear Chairman Mirabella and Members of the Board:

I write both individually and in my capacity as Chairman of the New Jersey Libertarian Party's Open Government Advocacy Project. I write to ask three questions, all having to do with the County's compliance with the Local Government Ethics Law.

I've attached the following eight pages of exhibits:

- Union County's 2008 Local Government Officer Roster (Exhibit pages 1 through 3)
- Financial Disclosure Statement for Carolyn J. Vollero (Pages 4 and 5)
- Financial Disclosure Statement for George Joseph Jurn (Pages 6 and 7)
- Page from Cape May County's 2008 Local Government Officer Roster (Page 8)

1. **Should the administrative official who receives the completed Financial Disclosure Statements (FDS) verify that they've been completed fully?**

The County's 2008 Roster indicates that every county officer listed upon it had filed his or her FDS form, although some of the officers filed late. But, Union County Improvement Authority Commissioner Carolyn J. Vollero's FDS form (Exhibit pages 4 and 5) is not completely filled out.

The instructions for Section II of the form require an officer to indicate "NONE in the space provided" whenever the information requested in Sections II.A through II.D of the form does not apply to the officer or a member of officer's immediate family. Yet, Commissioner Vollero did not write **anything** in response to Sections II.A to II.D.

For example, Section II.A requires Commissioner Vollero to "list the name and address of each source of income . . . in excess of \$2,000." Yet, Commissioner Vollero lists

no sources of income and she does not indicate that no sources of income exist¹. Thus she has violated the requirements of the FDS form.

The Legislature passed the Local Government Ethics Law because “[t]he vitality and stability of representative democracy depend upon the public's confidence in the integrity of its elected and appointed representatives.” N.J.S.A. 40A:9-22.2(b). One of the law’s objects is to require local officials to report their income sources so that the public can detect possible conflicts of interest.

Suppose hypothetically that Commissioner Vollero is employed by or has a business interest in Brown and Brown Metro, Inc., a firm which provides insurance brokerage services. Knowing this would alert the public that Commissioner Vollero should have recused herself from discussing or voting upon Resolution 20-2009 at Improvement Authority's March 25, 2009 meeting, since that resolution awarded a government contract to Brown and Brown Metro, Inc. While this is only a hypothetical, it illustrates the importance of the public knowing the sources of officials’ income

Does the Freeholder Board agree with me that the County should not accept Financial Disclosure Statement filings from officers without first verifying that the statements are completely filled out?

2. Is it proper for the Records Custodian to have redacted Commissioner Journ’s FDS?

Attached as Exhibit Pages 6 and 7 is the 2008 Financial Disclosure Form filed by Union County Utilities Authority Commissioner George Joseph Journ. You will note that the County’s record custodian, apparently out of concern for Commissioner Journ’s privacy, redacted (i.e. blacked out) his home address even though the Commissioner himself opted to include it on his Statement.

The Financial Disclosure Statement itself states that it is “optional” for local government officers to include their home addresses on the FDS. Had Commissioner Journ wished to keep his address a secret, he could have omitted it from the FDS. Given Commissioner Journ’s apparent desire to publicly disclose his home address, what right does the County’s record custodian have to redact it when responding to a citizen’s Open Public Records Act request?

Also, the Clerk redacted all information about the two parcels of real estate that Commissioner Journ and his wife own (See Section II.E)². Yet, the purpose of the FDS form is to inform the public of certain personal financial information of county officers. The Legislature, in enacting the Local Government Ethics Law, already balanced a government officer’s privacy interests against the public’s right to know. Accordingly, the Legislature has already determined that the public’s interest in knowing the location of an officer’s real estate trumps the officer’s interest in keeping that information secret. Thus, I am having

¹ It is difficult to believe that anyone living in Union County, New Jersey has no source of income of more than \$2,000 per year.

² The Custodian also redacted this information from Commissioner Vollero’s FDS.

difficulty understanding how the County's record custodian can justify redacting any information from an officer's FDS statement.

Do you agree with me that the redactions to Commissioner Jurn's FDS were improperly applied? If so, will you assure me that FDS forms responsive to future OPRA requests will not be redacted?

3. Does the 2008 Local Government Roster list all "Local Government Officers" in Union County?

Exhibit Page 8 shows that Cape May County considers the members of the Cape May County Construction Board of Appeals to be "Local Government Officers" who are required to file annual FDS statements. I cannot, however, find any of the members of Union County's Construction Board of Appeals listed on its Roster. Presumably, Union County has such a Board³.

I use the Construction Board of Appeals only as one example. There are numerous county boards and commissions and some others may not be listed on the roster when they should be.

Do you agree with me that the members of Union County's Construction Board of Appeals ought to be included on the County's Local Government Officer Roster? If so, do you think that the County should do a comprehensive review of its Local Government Officer Roster to insure that it accurately and completely lists all the County's Local Government Officers?

Thank you for your attention to this matter. I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "John Paff", with a large, stylized flourish above the name.

John Paff

³ N.J.S.A. 52:27D-127(a) requires each county to have a Construction Board of Appeals, consisting of five members consisting of five regular members and two special members serving for four year terms. I am informed that Union County does in fact have a Construction Board of Appeals, because the Board is mentioned in a May 5, 2009 Independent Press article ("Illegal occupancy: A crime that victimizes us all," by Tom Getzendanner, May 05, 2009)

2008 LOCAL GOVERNMENT OFFICER ROSTERName of Municipality/County: **UNION COUNTY**

Below list the names of all individuals in you local government agency who have been determined to be "local government officers" and must file the annual Financial Disclosure Statement.

<u>NAME</u>	<u>POSITION</u>	<u>DID THEY FILE</u>
Joanne Rajoppi	County Clerk	Yes
Alan Falcone	Deputy County Clerk	Yes
James S LaCorte	Surrogate	Yes
Jo Ann Schwab	Deputy Surrogate	Yes
Ralph Frochlich	Sheriff	Yes
Joseph Cryan	Undersheriff	Yes
Vincent N. DeTrollo	Undersheriff	Yes
Gerald Green	Undersheriff	Yes
Harold Gibson	Chief	Yes
Rick Proctor	Freeholder	Yes
Alexander Mirabella	Freeholder	Yes
Angel Estrada	Freeholder	Yes
Chester Holmes	Freeholder	Yes
Bette Jane Kowalski	Freeholder	Yes
Rayland Van Blake	Freeholder	Yes
Deborah P. Scanlon	Freeholder	Yes
Daniel P. Sullivan	Freeholder	Yes
Nancy Ward	Freeholder	Yes
Nicole DiRado	Clerk of the Board	Yes
Victoria Drake	Clerk of the Board (Admin Trust Fund)	Yes
Theodore J. Romankow	Prosecutor	Yes
Albert Cernadas, Jr.	1 st Asst. Prosecutor	Yes
Robert Buccino	Chief of Detectives	Yes
Dennis Scott Kobitz	Deputy Admin, Election Board	Yes
June S. Fischer	Commissioner Election Board	Yes
John DeSimone	Commissioner Election Board	Yes
Mary Ellen Harris	Commissioner Election Board	Yes
Marie Oakie	Commissioner Election Board	Yes
Christopher R. Duryee	Tax Administrator Board of Taxation	Yes
Christine Nugent	Commissioner Board of Taxation	Yes
Peter Lijoi	Commissioner Board of Taxation	Yes
Elizabeth A. Urquhart	Commissioner Board of Taxation	Yes
Melanie Selk	Commissioner Board of Taxation	Yes

Robert E. Barry	County Counsel	Yes
Norman Albert	Deputy County Counsel	Yes
Pamela Dunn-Hale	Deputy County Counsel	Yes
Christopher Howard	Assistant County Counsel	Yes
Anthony Russo	County Adjuster	Yes
George Devanney	County Manager	Yes
M. Elizabeth Genievich	Deputy County Manager	Yes
Christopher Meehan	Director of Motor Vehicles	Yes
Denise LaSpata	Director of Personnel	Yes
Michael Yuska	Director of Purchasing	Yes
Gregory Hardoby	Personnel Runnells	Yes
Joseph Graziano	Director of Engineering & Public Works	Yes
Thomas Mineo	Division Director of Engineering	Yes
Joseph Policay	Division Director of Public Works	Yes
Niel Palmieri	Director Facilities Management	Yes
Lawrence M. Caroselli	Director of Finance	Yes
Frank W. Padusniak, Jr.	Comptroller	Yes
Joseph P. Bowe	Director Division of Treasurer	Yes
Frank L. Guzzo	Director Human Services	Yes
Karen Dinsmore	Assistant Director Human Services	Yes
Antonio Rivera	Director of Workforce Development	Yes
Frances Benson	Director Division on Aging	Yes
Jean Koszulinski	Director Workforce Dev (E&T)	Yes
Maryann Fulmore	Division Head (JTPA)	Yes
Tricia Stone	Director Division of Planning	Yes
Charles J Gillon	Director of Welfare Social Servs	Yes
Darrell C. Hatchett	Director Youth Services	Yes
Tricia Ernst-Malcolm	Confidential Aide (Human Servs)	Yes
Elizabeth Sebring	Confidential Aide (Human Servs)	Yes
Alfred Faella	Director Parks & Comm. Renewal	Yes
Charles Sigmund	Deputy Director Parks & Comm Ren.	Yes
Barbara Fuller	Dir Div of Cultural & Heritage Affairs	Yes
Kathleen Villaggio	Bureau Chief Data Processing	Yes
Armando F. Sanchez	Director of Golf Operation	Yes
Daniel J. Bernier	Director Planning & Maintenance	Yes
Debra Lynn Judd	Division Head Parks & Recreation	Yes
Richard Childs	Director of Public Safety	Yes
Brian Riordan	Director of Correctional Services	Yes
Christopher Scaturro	Dir. Div of Emergency Mgt	Yes
Lester Jones	Director of Health	Yes
Dr. Zhongxue Hua	Medical Examiner	Yes
Daniel H. Vaniska	Chief of Police Union County	Yes
Michael J. Florio	Supt. of Weights & Measures	Yes
Florence L. Peterson	Director Consumer Affairs	Yes
Joan Wheeler	Associate Administrator Runnells	Yes
Susan Palma	Director of Nursing Runnells	Yes
Dr. Raymond Lanza	Medical Director Runnells	Yes
Barbara C. Baldassarre	Director Patient Services Runnells	Yes
Michael T. Drummond	Hospital Finance Runnells	Yes
Mary Lou Marcino	Director of Ancillary Services	Yes

Sunil K. Garg	Executive Director Utilities Authority	Yes
Joseph C. Bodek	Clerk Utilities Authority	Yes
Lisa Miskiewicz	Deputy Clerk	Yes
Thomas M. Brennan	Comptroller Utilities Authority	Yes
Jeffrey Hummel, Sr	Director of Solid Waste Enforcement	Yes
Denise Santiago	Director of Solid Waste & Recycle Enf	Yes
William J. Neasfey	Chief Enforcement Officer	Yes
James J. Kennedy	Chairman Utilities Authority	Yes
John G. Kulish	Vice Chairman Utilities Authority	Yes
Clifton People Jr.	Treasurer Utilities Authority	Yes
Sharda Badri	Commissioner Utilities Authority	Yes
Edward Jackus	Commissioner Utilities Authority w/municipality	
Edward Kahn	Commissioner Utilities Authority	Yes
Reni Erdos	Commissioner Utilities Authority	Yes
James D. Huff	Commissioner Utilities Authority	Yes
George Jora	Alt Commissioner Utilities Authority	NO 2008 enclosed
Charles Lombardo	Alt Commissioner Utilities Authority	Yes
Charlotte DeFilippo	Executive Dir. Improvement Authority	Yes
Walter Boright	Member Improvement Authority AA	NO filed late 5/1/09
Linda L. Hines	Member Improvement Authority	Yes
Anthony R. Scutari	Member Improvement Authority	Yes
Caroyln Vollero	Member Improvement Authority AA	NO filed late 5/12/09
Sebastian M. D'Elia	Member Improvement Authority	Yes
John Salerno	Member Improvement Authority	Yes
Cheron Roundtree	Member Improvement Authority AA	NO filed late 5/1/09
Joseph W. Miskiewicz	Treasurer Improvement Authority	Yes
Samuel McGhee	Member Improvement Authority	Yes
Karen M. Enslie	Rutgers Cooperative Extension	Yes

(For DLGS use only)
Municipality

Division of Local Government Services
Local Finance Board

Year of Service: 2009

First Name Carolyn Middle J

Local Government Ethics Law Financial Disclosure Statement

This Financial Disclosure Statement is required annually of all local government officers in accordance with N.J.S.A. 40A:9-22.1 et seq., the Local Government Ethics Law.

(Please Type or Print)

Section I. Personal Information- Local Government Officer

State of New Jersey Department of Community Affairs
Municipality: Union County: Union Other: _____
Last Name: Vollero First Name: Carolyn Middle: J Last Name: _____ Middle: _____ Other: _____

First Name: Carolyn Middle: J Last Name: Vollero Suffix: _____

* Spouse's First Name: _____ Middle: _____ Last Name: _____ Suffix: _____

Home Address: _____ Telephone Numbers (optional) _____

Home: _____ Business: _____

* Spouse includes a Civil Union partner.

Agency: Union County Improvement Auth Position Held: Commissioner

Term Expires (if applicable) _____

2009 MAY 12 AM 8:43

JOANNE RAJOPPI COUNTY CLERK

RECEIVED COUNTY, NJ

* Home address redacted per N.J.S.A. 471A-1.1 et seq.

Section II. Financial Information

Provide the following information for yourself and members of your immediate family for the prior calendar year. If none, please indicate NONE in the space provided. If additional space is needed, please use Extension Forms.

A. List the name and address of each source of income, earned and unearned, which you received in excess of \$2,000. If a publicly traded security is the source of income, the security need not be reported unless you or a member of your immediate family has an interest in the business organization.

Name	Address	Self	Spouse	Dependent Name
1.				
2.				
3.				
4.				
5.				

B. List the name and address of each source of fees and honorariums having an aggregate amount exceeding \$250 received from any single source for personal appearances, speeches, or writing.

Name	Address	Self	Spouse	Dependent Name
1.				
2.				
3.				
4.				
5.				

(for DLGS use only)
Municode:

Division of Local Government Services
Local Finance Board

Last Name: Volter First Name: Carolyn Middle: J

**Local Government Ethics Law
Financial Disclosure Statement**

Section II. Financial Information- continued

C. List the name and address of each source of gifts, reimbursements or prepaid expenses having an aggregate value exceeding \$400 from any single source, excluding relatives.

Name	Address	Self	Spouse	Dependent Name
1. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
3. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
4. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
5. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____

D. List the name and address of all business organizations in which an interest was held.

Name	Address	Self	Spouse	Dependent Name
1. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
3. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
4. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
5. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____

E. List the address and a brief description of all real property in the State of New Jersey in which an interest was held.

* Municipality	County	Block	Lot	Qual.	Address (if applicable)	% of Ownership	Self	Spouse	Dependent Name
1. <u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>100%</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
*2. <u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>100%</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
3. _____	_____	_____	_____	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
4. _____	_____	_____	_____	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
5. _____	_____	_____	_____	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____

F. Please add any other information you believe is necessary to complete this form.

Section III. Certification

I hereby certify that this Financial Disclosure Statement contains no willful misstatement of fact or omission of material fact and, together with any and all statements previously submitted in writing to the clerk of my local government or the Local Finance Board, constitutes a full disclosure with respect to all matters required by N.J.S.A. 40A:9-22.1 et seq., to the best of my knowledge. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to fines and possible disciplinary action.

April 27, 2009 Date

Carolyn J. Volter
Signature of Local Government Officer
(Original Signature)

Last Name: JOHN First Name: GEORGE Middle: JOSEPH
 State of New Jersey Department of Community Affairs
 Division of Local Government Services Local Finance Board

Local Government Ethics Law Financial Disclosure Statement
 This Financial Disclosure Statement is required annually of all local government officers in accordance with N.J.S.A. 40A:9-22.1 et seq., the Local Government Ethics Law.
 Year of Service: 2007-2008

Section I. Personal Information- Local Government Officer
 Local Government Served: Union County Utilities Authority Other: _____
 Municipality: Union

First Name: George Middle: JOSEPH Last Name: JOHN Suffix: _____
 Spouse's First Name: JANE Middle: MARIE Last Name: JOHN Suffix: _____

Home Address: [REDACTED] Telephone Numbers (optional): _____
 (optional) Home: _____ Business: _____
 Agency: Union County Utilities Authority Position Held: Comptroller
 Term Expires (if applicable): 2011

UNION CO. CLERK'S OFFICE
 FILED
 APR 24 2008

Section II. Financial Information
 Provide the following information for yourself and members of your immediate family for the prior calendar year. If none, please indicate NONE in the space provided. If additional space is needed, please use Extension Forms.

- A. List the name and address of each source of income, earned and unearned, which you received in excess of \$2,000. If a publicly traded security is the source of income, the security need not be reported unless you or a member of your immediate family has an interest in the business organization.
- | Name | Address | Self | Spouse | Dependent Name |
|----------------------------------|-------------------------------------|-------------------------------------|--------------------------|----------------------------|
| 1. <u>Caston Electronics Inc</u> | <u>15 Upper Drive Rockledge, NJ</u> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 2. <u>Agatha Lawrence NJ</u> | <u>Highway 100, NJ</u> | <input type="checkbox"/> | <input type="checkbox"/> | <u>Jane M. John</u> |
| 3. <u>Prime Line Inc</u> | <u>Eastford, NJ</u> | <input type="checkbox"/> | <input type="checkbox"/> | <u>Christopher E. John</u> |
| 4. _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| 5. _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
- B. List the name and address of each source of fees and honorariums having an aggregate amount exceeding \$250 received from any single source for personal appearances, speeches, or writing.
- | Name | Address | Self | Spouse | Dependent Name |
|----------|---------|--------------------------|--------------------------|----------------|
| 1. _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| 2. _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| 3. _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| 4. _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| 5. _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Last Name: JORN First Name: GEORGE Middle: JOSEPH
 (for DLGS use only)
 Municode
 Division of Local Government Services
 Local Finance Board

**Local Government Ethics Law
 Financial Disclosure Statement**

Section II. Financial Information- continued

C. List the name and address of each source of gifts, reimbursements or prepaid expenses having an aggregate value exceeding \$400 from any single source, excluding relatives.

	Name	Address	Self	Spouse	Dependent Name
1.			<input type="checkbox"/>	<input type="checkbox"/>	
2.			<input type="checkbox"/>	<input type="checkbox"/>	
3.			<input type="checkbox"/>	<input type="checkbox"/>	
4.			<input type="checkbox"/>	<input type="checkbox"/>	
5.			<input type="checkbox"/>	<input type="checkbox"/>	

D. List the name and address of all business organizations in which an interest was held

	Name	Address	Self	Spouse	Dependent Name
1.			<input type="checkbox"/>	<input type="checkbox"/>	
2.			<input type="checkbox"/>	<input type="checkbox"/>	
3.			<input type="checkbox"/>	<input type="checkbox"/>	
4.			<input type="checkbox"/>	<input type="checkbox"/>	
5.			<input type="checkbox"/>	<input type="checkbox"/>	

E. List the address and a brief description of all real property in the State of New Jersey in which an interest was held

	Municipality	County	Block	Lot	Address (if applicable)	% of Ownership	Self	Spouse	Dependent Name
* 1.	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	100	<input checked="" type="checkbox"/>	<input type="checkbox"/>	JORN M. JORN
* 2.	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	100	<input checked="" type="checkbox"/>	<input type="checkbox"/>	JOSEPH M. JORN
3.							<input type="checkbox"/>	<input type="checkbox"/>	
4.							<input type="checkbox"/>	<input type="checkbox"/>	
5.							<input type="checkbox"/>	<input type="checkbox"/>	

F. Please add any other information you believe is necessary to complete this form.

Section III. Certification

I hereby certify that this Financial Disclosure Statement contains no willful misstatement of fact or omission of material fact and, together with any other statements previously submitted in writing to the clerk of my local government or the Local Finance Board, constitutes a full disclosure with respect to all matters required by N.J.S.A. 40A:9-22.1 et seq., to the best of my knowledge. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to fines and possible disciplinary action.

4/15/08 Date
[Signature] Signature of Local Government Officer
 (Original Signature)

Construction Board of Appeals:

Harry Clayton	Yes
Dale Foster	Yes
Albert Beers	Yes
Stephen Patrick	No
Salvatore DeSimone	Yes
Susan Boehret	No
Robert Church	Yes
Mario Zuccaria	No
Michael Morano	Yes

Culture and Heritage Commission:

Joseph Salvatore	Yes
Janice Betts	No
Barbara Beitel	No
David Rodriguez	Yes
Warren R. Betty, MD	Yes
Mary E. Stewart	No
Fred Miller	Yes
Patricia Ann Salvatore	Yes
Lorraine Hansen	Yes

Board of Social Services:

Nina Senlick	No
Gerald Thornton	Yes
Ralph Sheets	Yes
Marie Britton	No
Virginia Tomlin	Yes
Betty Jean Webersinn	Yes
Alice Washington	Yes

Library Commission:

Jacqueline Henderson	Yes
Lawrence Allen	Yes
Eileen Massey	Yes
Mary Dempsey	No
William Hutchinson	No