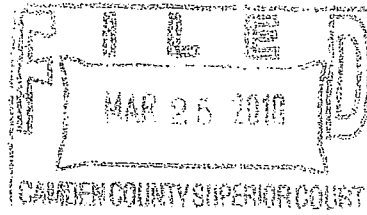


KEARNEY and ASSOCIATES, P.C.  
 210 White Horse Pike  
 P. O. Box 279  
 Haddon Heights, NJ 08035  
 Phone: (856) 547-7733  
 Fax: (856) 546-5154  
 Attorneys for Plaintiff



JOHN GENTLESS,	:	SUPERIOR COURT OF NEW JERSEY
	:	CAMDEN COUNTY – LAW DIVISION
Plaintiff,	:	
	:	DOCKET NO: <i>L-1586-10</i>
vs.	:	
	:	Civil Action
STRATFORD REPUBLICAN	:	
CLUB, ABC CORPORATIONS	:	
1-10, (fictitious names of	:	
unknown corporations,	:	
partnerships, sole	:	COMPLAINT, JURY DEMAND,
proprietorships, or other	:	CERTIFICATION OF NO OTHER ACTIONS,
entities), WILLIAM GROVER,	:	DESIGNATION OF TRIAL COUNSEL,
STEVEN VENUTO, STUART A.	:	DEMAND FOR CERTIFICATION OF
PLATT, ESQUIRE, JOAN	:	INSURANCE COVERAGE, DEMAND FOR
TREXLER, AND JOHN DOES	:	PRODUCTION OF DOCUMENTS, DEMAND
1-50, (the Fictitious names of	:	FOR ANSWERS TO
unknown Individuals),	:	INTERROGATORIES, NOTICE PURSUANT
jointly/individually and/or in the	:	TO R.1:5-1(A), R.4:17-4(C), AND NOTICE
alternative,	:	PURSUANT TO R.1:7-1(B)
	:	
Defendants	:	

Plaintiff John Gentless, of full age, residing at 111 Union Avenue, Borough of Stratford, County of Camden and State of New Jersey, hereby certifies as follows:

PRELIMINARY STATEMENT

1. This is a suit for defamation, invasion of privacy, harassment, intentional infliction of emotional distress, negligent infliction of emotional distress, and civil conspiracy.

### JURISDICTION

2. Each of these Defendants is subject to the jurisdiction of this Court by virtue of the actions and publication in New Jersey and/or their commission of tortious acts in New Jersey.

### VENUE

3. Venue is proper in this Court because the causes of action outlined in this Complaint arose and/or were committed in the Borough of Stratford, County of Camden and State of New Jersey. Damages suffered by the Plaintiff give rise to the causes of action which occurred in the Borough of Stratford, County of Camden and State of New Jersey.

### PARTIES

4. Plaintiff is an individual and is now, and at all times mentioned in this Complaint resided at 111 Union Avenue, Borough of Stratford, County of Camden and State of New Jersey. Plaintiff is the duly elected mayor of the Borough of Stratford and has previously served as a council member. Plaintiff has during all this time enjoyed a good reputation, both generally, and in his occupation as a podiatrist.

5. Defendant, Stratford Republican Club, and/or ABC Corporations 1-10 (fictitious names of unknown corporations, partnerships, sole proprietorships or other entities) is an individual and is now, and at all times mentioned in this Complaint was an entity with a mailing address at Post Office Box 135, in the Borough of Stratford, County of Camden and State of New Jersey. The Stratford Republican Club and/or ABC Corporations 1-10 (fictitious names of unknown corporations, partnerships, sole

proprietorships or other entities) regularly conducts its meetings at the Borough facilities. Joan Trexler is an officer/agent of the Stratford Republican Club and/or ABC Corporations 1-10 (fictitious names of unknown corporations, partnerships, sole proprietorships or other entities), and responsible for all activities and responsible for all activities and dissemination of literature/information of the Defendant, Stratford Republican Club and/or ABC Corporations 1-10 (fictitious names of unknown corporations, partnerships, sole proprietorships or other entities).

6. Defendant, Joan Trexler is an individual and is now, and at all times mentioned in this Complaint resided at 11 S. Central Avenue, Borough of Stratford, County of Camden and State of New Jersey. Joan Trexler is the President of the Stratford Republican Club and/or ABC Corporations 1-10 (fictitious names of unknown corporations, partnerships, sole proprietorships or other entities).

7. Defendant, William Grover is an individual and is now, and at all times mentioned in this Complaint resided at 9 Parkview Avenue, Borough of Stratford, County of Camden and State of New Jersey. Defendant Grover is a former councilman of the Borough of Stratford.

8. Defendant, Steve Venuto is an individual and is now, and at all times mentioned in this Complaint resided at 17 Jefferson Avenue, Borough of Stratford, County of Camden and State of New Jersey. Defendant Venuto is a former duly elected councilman of the Borough of Stratford.

9. Defendant, Stuart A. Platt, Esquire, is an individual and attorney at law of the State of New Jersey, and his office is now and at all times mentioned in this

Complaint is located at 40 Berlin Avenue, Borough of Stratford, County of Camden and State of New Jersey.

10. The true names of Defendants DOES 1-50, inclusive, are unknown to Plaintiff at this time. Plaintiff is informed and believes, and based on that information and belief alleges, that each of the Defendants designated as DOE is legally responsible for the events and happenings referred to in this Complaint, and unlawfully caused the injuries and damages to Plaintiff alleged in this Complaint.

11. The true names of ABC Corporations 1-10 (fictitious names of unknown corporations, partnerships, sole proprietorships or other entities), inclusive, are unknown to Plaintiff at this time. Plaintiff is informed and believes, based on that information and belief alleges, that each of the Defendants designated as ABC Corporation 1-10 (fictitious names of unknown corporations, partnerships, sole proprietorships or other entities) is legally responsible for the events and happenings referred to in this Complaint, and unlawfully caused the injuries and damages to Plaintiff alleged in this Complaint.

#### SUMMARY OF PLAINTIFF'S CLAIMS

12. On or about December 24, 2009, Defendant Stuart A. Platt, Esquire at the behest of Defendants William Grover and Steve Venuto, drafted a document titled, "REPORT TO STRATFORD BOROUGH COUNCIL RE: THE INVESTIGATION OF THE ACTIVITIES OF MAYOR JOHN GENTLESS WHILE IN OFFICE" (attached as **Exhibit "A"** and hereinafter referred to as "The Report").

13. On or about December 28, 2009, Defendant, Stuart A. Platt, Esquire, in

concert with William Grover and Steve Venuto, published the contents of The Report in public at an open, public meeting of the Mayor and Council.

14. The Report referred to Plaintiff by name throughout, was made of and concerning Plaintiff, and was understood by those who read and heard the Report, to mean the Plaintiff.

15. The statement is false as it pertains to Plaintiff John Gentless, as outlined in the Counts of this Complaint. The Defendants conducted no investigation concerning the truth or veracity of their defamatory statements.

#### COUNT ONE-DEFAMATION

16. The Report is libelous on its face. It clearly exposes Plaintiff to hatred, contempt, ridicule and obloquy because it charges Plaintiff with having committed a crime(s). The matters referred to were also made with knowledge that the accusations of illegal conduct on the part of the Plaintiff in his official capacity were false, or were made with reckless disregard of whether they were false or not.

17. The Report was seen and read on or about December 28, 2009, by Defendant, Stuart A. Platt, Esquire, William Grover and Steve Venuto that day in a public forum, and also on subsequent dates was made available to the public.

18. It is the Plaintiff's understanding and belief that Defendant Stuart A. Platt, Esquire was compensated in the amount of \$6,000.00 in taxpayer money to prepare The Report.

19. Defendant, Stuart A. Platt, Esquire exceeded his role as conflict solicitor in drafting such a document, and in conducting an "investigation" of the Plaintiff. Such

actions are unlawful and inappropriate. Defendant, Stuart A. Platt, Esquire, was hired as a conflict solicitor to perform legal services as ordinarily required to be performed by a conflict solicitor.

20. As a proximate result of the above-described publication, Plaintiff has suffered loss of his reputation, shame, mortification, and injury to his feelings, mental pain, anguish and humiliation, all to his damage in a total amount to be established by proof at trial.

21. The above-described publication was not privileged because it was published by Defendants with malice, hatred and ill-will toward Plaintiff and the desire to injure him, in that Defendants expressed a desire to "get" Plaintiff. The false and malicious statements of and concerning the Plaintiff were made by the Defendants in retaliation, with intent to injure him in his capacity as a public official and as a private citizen. Because of the Defendants' malice in publishing, Plaintiff seeks punitive damages in a total amount to be established by proof at trial.

#### LIBELOUS ACTS

22. The Plaintiff responds to the ten claims made in The Report as follows:

A. The first claim alleges that the Plaintiff appointed himself to the Shade Tree Commission. Plaintiff denies this claim. He was appointed to a five-year term on the Shade Tree Commission by then Mayor Angelucci on January 3, 2005. Plaintiff was a Commissioner at the time of his appointment.

B. The Plaintiff is accused of facilitating the cutting down of a curbside tree located at property owned by Barbara, John and Vincent Gentless, without

prior authorization from the Shade Tree Commission. Plaintiff did in fact receive the permission of the Shade Tree Commission to remove the tree at his own expense, which he did. Plaintiff has documentation to prove his actions complied with the direction of the Shade Tree Commission. Plaintiff was never interviewed, or asked to provide his proofs by Defendants.

C. The third allegation accused the Plaintiff of obtaining quotes for the removal of various trees and stump grinding and awarding and instructing the purported low bidder to commence the work and doing so without the borough council's approval of the expenditure and despite the fact this violated the Pay-to-Play rules. The Plaintiff obtained bids for the work as a member of the Shade Tree Commission. It was the contractors' off-season and the bids came in under the threshold for the Pay-to-Play rules; however, they were for more money than the Borough had available for the work. The Plaintiff was advised by the borough solicitor to get quotes and have the work done by the company submitting the lowest quote. The Plaintiff held the check back for the payment of the work for two months. The Plaintiff did not violate the Pay-to-Play rules.

D. Plaintiff is accused of signing a letter as the "Chairman of the Shade Tree Commission". The Defendants claim that Plaintiff never held that position. Plaintiff was indeed the Chairman of the Shade Tree Commission at the time he signed the aforementioned letter.

E. Plaintiff is accused of signing a letter as "Vice-Chairman of the Shade

Tree Commission”, alleging that no such position exists. The position did in fact exist.

F. Defendants allege that Plaintiff intercepted various e-mails sent to Borough Clerk by enabling “email forwarding” setting on Borough Clerk’s email account so that those emails were sent to Plaintiff’s email address also. Plaintiff admits that he did in fact have the Borough Clerk’s emails forwarded to his own email account. The Plaintiff drafted a form and the chief of police signed it, permitting Plaintiff to sign out the Clerk’s computer.

G. The Defendants accuse the Plaintiff of sending a letter to the borough residents with their 2008 tax bills without first obtaining the approval of the Council. Plaintiff admits that he did in fact send the borough residents a letter with their 2008 tax bills. He did this legally in his capacity as Mayor.

H. Defendants allege that the Plaintiff accused Councilman Venuto of having a “self inflated Tony Soprano mentality”. Plaintiff admits that he did so. The making of this statement is not actionable.

I. Defendants allege that Plaintiff told a private property owner that he wanted the Princeton School changed from siding to brick. This claim is patently false and fictitious.

J. Finally, Defendants allege that Plaintiff obtained a key to the fire chief’s SUV which was government owned, and removed the vehicle from the parking lot of the Lindenwold Police Station. This claim is true and Plaintiff does not deny it. He contends that the taxpayers should not have to pay for the fire

chief's, or any other public official's use of government issued vehicles for their personal use.

23. In the four-page document prepared by and mailed by Councilmen Steve Venuto and Bill Grover, (hereinafter referred to as The Mailer and attached hereto as Exhibit "B"), many false and erroneous claims against Plaintiff. Specifically, the Defendants claimed that The Report presented at the Council Meeting on December 28, 2009, presented the results of an investigation by Defendant Stuart Platt, the conflict attorney. Plaintiff contends that no investigation was conducted as most of the contents of The Report were indeed knowingly false or in reckless disregard for the truth.

24. Defendants claim that the Shade Tree Commission was "taken away" from the Plaintiff, inferring that he was dishonest.

25. The Defendants also claimed that Plaintiff "controls" Councilman Ben Angeli and his votes as a councilman. Plaintiff in fact does not control anyone.

26. The Defendants alleged that the Plaintiff and his family members own several properties in the Borough and are the largest owner of residential properties in town. Further they allege that the Plaintiff does not want to pay fees on these properties. This claim is baseless and without merit.

27. The Defendants also alleged that the Plaintiff is responsible for "steering the process of redevelopment at the land use board level, by defying every order given to him by the solicitor". They further claim that the Plaintiff has tried to stop this process every step of the way by intentionally creating problems for the Borough. Defendants

accuse the Plaintiff of using these tactics to stall residential growth in the Borough, as same would hurt his rental business. Again, the statements are patently false.

28. The Defendants also attacked Plaintiff's personal life and also that of Defendant's mother, stating that the Plaintiff lives with his mother and that her taxes are frozen. They imply that this is the reason the Plaintiff lives with his mother. They go on to accuse the Plaintiff of single-handedly using the town for his own benefit. Although Plaintiff's mother does live with him, the other allegations are false and hurtful.

29. Although the Defendants claim The Mailer was written to inform the residents as to what is going on in their town, the actual purpose is the second step in a coordinated three step plan in their efforts to have the Plaintiff removed from office. Defendants have worked together to execute a political vendetta. The individual Defendants acted as agents of the Defendant Stratford Republican Club, and in their individual capacities.

30. The Defendants filed a Notice of Intention to Recall John Gentless, Mayor of the Borough of Stratford on January 7, 2010, (Attached hereto as **Exhibit "C"**), wherein they have accused the Plaintiff of unethical and negligent behavior, although they have performed no real investigation, nor produced any evidence to support their claims. Regardless, the Defendants purport eight separate additional claims against the Plaintiff. Those being:

A. Inappropriate actions. Plaintiff denies this claim as untrue and with no basis.

B. Continued viewing of Borough Clerk emails, thereby violating OPRA regulations; however they offer no proof that OPRA regulations were in fact violated.

C. Falsifying documents/titles: This claim is false.

D. Fabrication of a story in the Stratford Times: Plaintiff asserts that this is not true; it is libel *per se*.

E. Unrelenting efforts to keep taxpayers uninformed: This claim is patently false.

F. Repeatedly demonstrates an unmitigated disregard for the limits of his authority: Plaintiff asserts this claim is false and it has no basis or merit.

G. Frequently neglects to present required issues to Council: This claim is false as there is no proof.

H. Knowingly and willingly endangered the health, safety and welfare of himself and others in an attempt to thwart the Borough's tree cutting project. This claim is ridiculous; its meaning cannot be determined as written.

31. The Defendants conducted no investigation concerning the truth or veracity of their defamatory statements. In fact, the Defendants defamatory statements were made intentionally and without concern for whether the statements were true. The false statements have harmed Plaintiff and Plaintiff is entitled to punitive damages. The Defendants' defamatory statements are liable *per se*.

**WHEREFORE**, Plaintiff demands judgment against Defendants, and each of them for:

1. Compensatory damages according to proof;
2. Punitive damages;
3. Interest as allowed by law;
4. Costs of suit; and
5. Such other and further relief as this court may deem just and proper.

### COUNT TWO – INVASION OF PRIVACY

32. Plaintiff incorporates the allegations in Paragraphs 1 through 31 as though set forth at length.

33. The concerted activities of Defendants alleged above invaded Plaintiff's right of privacy by placing Plaintiff in a false light before Plaintiff's peers and the general public. The Defendants intentionally entered upon the solitude and seclusion of the Plaintiff and his family members by publishing false statements to the entire Borough of Stratford, including Plaintiff's family.

34. As a result of Defendants' concerted activities alleged above, Defendants gained substantial benefit from the publication by generating support for a recall based on falsehoods.

35. As a direct and proximate result of the concerted activities of the Defendants, as alleged above, Plaintiff was exposed to public ridicule and contempt. Plaintiff was held in disrepute among Plaintiff's professional and political colleagues and patients, causing Plaintiff to suffer extreme embarrassment and humiliation and severe mental distress, all to Plaintiff's damage.

36. In addition, or alternatively, the Defendants' publicity given to Plaintiff's private life was and is an invasion of privacy.

37. The Defendants actions and statements were highly offensive to a reasonable person.

38. The Defendants' actions and statements were not consistent with any legitimate concern to the public.

39. Defendants acted maliciously with intent to defraud the public and with a wanton disregard of Plaintiff's reputation, character, and good name, for which Plaintiff seeks punitive damages.

**WHEREFORE**, Plaintiff requests judgment against Defendants, and each of them for:

1. Compensatory damages according to proof;
2. Punitive damages;
3. Interest as allowed by law;
4. Costs of suit; and
5. Such other and further relief as this court may deem just and proper.

### **COUNT THREE – HARASSMENT**

40. Plaintiff incorporates the allegations in Paragraphs 1 through 39 as though set forth at length.

41. On each of the above-mentioned occasions, the actions and statements of Defendant imputed to persons present that Plaintiff was dishonest and guilty of obtaining property unlawfully, a crime of moral turpitude.

42. Defendants knew or should have known that such actions and statements would be offensive to persons of ordinary sensibilities and that the statements of Defendants could cause great annoyance and alarm on the part of Plaintiff. The actions and statements alleged above were not justifiable efforts to inform the public of any malfeasance or wrongdoing by Plaintiff. They were oppressive and threatening acts and statements calculated to coerce Plaintiff to step down from office.

43. As a direct and proximate result of the actions and statements alleged above, Plaintiff's reputation was severely damaged and Plaintiff suffered public humiliation, embarrassment, and public ridicule causing Plaintiff severe pain and mental anguish, all to Plaintiff's damage.

44. Defendants acted maliciously and with a wanton disregard of Plaintiff's feelings and reputation, for which Plaintiff seeks punitive damages.

**WHEREFORE**, Plaintiff requests judgment against Defendants, and each of them for:

1. Compensatory damages according to proof;
2. Punitive damages;
3. Interest as allowed by law;
4. Costs of suit; and
5. Such other and further relief as this court may deem just and proper.

COUNT FOUR - INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

45. Plaintiff incorporates the allegations in Paragraphs 1 through 44 as though set forth at length.

46. The Defendants' conduct as described above, was intentional and reckless.

47. The Defendants' conduct was extreme and outrageous. The Defendants intended to harm Plaintiff and his family.

48. Defendants acted recklessly in publishing statements that Defendants knew or should have known were false or in reckless disregard for the truth.

49. Defendants knew or should have known that there was a high probability that their actions would result in the Plaintiff's severe emotional distress.

50. Given the Defendants Grover and Venuto's loss of their council seats after the 2009 election, Defendants' publication was outrageous; Defendants' disregard for the truth and the residents of Stratford entitles Plaintiff to an award for punitive damages.

51. As a result of Defendants' actions Plaintiff suffers from severe and continuing emotional distress, in the form of anxiety, embarrassment, and stress.

**WHEREFORE**, Plaintiff requests judgment against Defendants, and each of them for:

1. Compensatory damages according to proof;
2. Punitive damages;
3. Interest as allowed by law;
4. Costs of suit; and
5. Such other and further relief as this court may deem just and proper.

**COUNT FIVE - NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

52. Plaintiff incorporates the allegations in Paragraphs 1 through 51 as though set forth at length.

53. Defendants should have known that Plaintiff would suffer serious, mental distress if the above named statements were published.

54. Despite the reasonable foreseeability of Plaintiff's emotional distress, Defendants published the statements nonetheless.

55. As a result of Defendants' actions Plaintiff suffers from severe and continuing emotional distress, in the form of anxiety, embarrassment, and stress.

**WHEREFORE**, Plaintiff requests judgment against Defendants, and each of them for:

1. Compensatory damages according to proof;
2. Punitive damages;
3. Interest as allowed by law;
4. Costs of suit; and
5. Such other and further relief as this court may deem just and proper.

**COUNT SIX - CIVIL CONSPIRACY**

56. Plaintiff incorporates the allegations in Paragraphs 1 through 55 as though set forth at length.

57. The individual Defendants reached an agreement and conspired to take the Plaintiff out of office, to invade the privacy of Plaintiff and to defame the Plaintiff.

58. The individual Defendants used their publication of false statements to further

perpetrate their tortious acts by defaming the Plaintiff and causing further harm by committing a continual and intentional infliction of emotional distress, invasion of privacy and defamation.

59. As more fully described above, the Defendants' actions were and continue to be unlawful.

60. Upon information and belief, the Defendants financially and otherwise contributed to Defendant Stratford Republican Club in order to carry out their conspiracy and wrongful acts. All of the above named Defendants, Stratford Republican Club and/or ABC Corporations 1-10 (fictitious names of unknown corporations, partnerships, sole proprietorships or other entities), William Grover, Steven Venuto, Stuart A. Platt, Esquire, Joan Trexler, and John Does 1-50, conspired to defame, and otherwise injure Plaintiff.

61. The conduct of the Defendants has been sufficiently outrageous as to entitle Plaintiff to an award of punitive damages.

**WHEREFORE**, Plaintiff requests judgment against Defendants, and each of them for:

1. Compensatory damages according to proof;
2. Punitive damages;
3. Interest as allowed by law;
4. Costs of suit; and
5. Such other and further relief as this court may deem just and proper.

COUNT SEVEN - ABUSE OF PROCESS

62. Plaintiff incorporates the allegations in Paragraphs 1 through 61 as though set forth at length.

63. On or about November 28, 2009 Defendant William Grover posted defamatory and false statements on an online community chat room known as NewJersey.com. Defendant William Grover is an individual who resides at 9 Parkview Avenue, Borough of Stratford, County of Camden and State of New Jersey. Plaintiff, John Gentless filed a complaint against Defendant William Grover for harassment. The matter was transferred to the Pine Hill Municipal Court, as Plaintiff is the Mayor in Stratford Borough. As a result Defendant William Grover filed a retaliatory counter-claim against Plaintiff John Gentless. The matter was adjourned and postponed many times. When the parties appeared in Court, Defendant William Grover agreed to retract the false and defamatory statements, but failed to do so. The Parties went back to Court for an enforcement hearing, and again, the Defendant agreed to retract the false and defamatory statements. Ultimately on February 11, 2010 the Defendant William Grover issued a formal letter of retraction.

64. A portion of the content of the posting is as follows: Plaintiff John Gentless was accused of placing a "false story in the town paper", "... cannot be trusted as mayor", "... Gentless violated the pay-to-play laws", "spent money without counsel approval", and he "... made it his mission to inform all residents of Stratford on every move (Plaintiff) makes".

65. The wrongful acts of Defendant William Grover caused the Plaintiff great physical inconvenience and discomfort, mental suffering, and humiliation of mind, all to Plaintiff's damage.

66. Defendant William Grover in filing these wrongful charges against Plaintiff was guilty of gross and willful oppression and acted wrongfully, maliciously, and without regard for the health and rights of the Plaintiff and with the intent to vex, harass, annoy, humiliate and embarrass the Plaintiff.

**WHEREFORE**, Plaintiff requests judgment against Defendants, and each of them for:

1. Compensatory damages according to proof;
2. Punitive damages;
3. Interest as allowed by law;
4. Costs of suit; and
5. Such other and further relief as this court may deem just and proper.

**COUNT EIGHT – MALICIOUS PROSECUTION**

67. Plaintiff incorporates the allegations in Paragraphs 1 through 66 as though set forth at length.

68. On or about August 2009, Defendant William Grover commenced an action against Plaintiff for alleged violation of 2C:33-4 (harassment) in the Pine Hill Municipal Court of the County of Camden and the State of New Jersey.

69. The action set forth above was terminated in favor of Plaintiff Gentless. Defendant William Grover brought the action against Plaintiff maliciously and without

probable cause and for the purpose of harassing the Plaintiff.

70. By reason of the above, Plaintiff suffered injury to Plaintiff's good name and then was prevented from attending to his business, all to Plaintiff's damage. Plaintiff was, further, compelled to pay, and did actually pay \$2,500.00 costs and counsel fees in defending the action, a reasonable and necessary amount for such defense.

71. In instituting the above action, Defendant William Grover acted maliciously and with intent to injure Plaintiff. Therefore, Plaintiff is entitled to punitive damages.

**WHEREFORE**, Plaintiff requests judgment against Defendants, and each of them for:

1. Compensatory damages according to proof;
2. Punitive damages;
3. Interest as allowed by law;
4. Costs of suit; and
5. Such other and further relief as this court may deem just and proper.

#### **JURY DEMAND**

Plaintiff hereby demands a trial by jury.

#### **CERTIFICATION OF NO OTHER ACTIONS**

Pursuant to Rule 4:5-1, it is hereby stated that the matter in controversy is not the subject of any other action pending in any other Court or of a pending arbitration proceeding to the best of our knowledge and belief. Also, to the best of our knowledge and belief, no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this pleading, we know of no other parties

that should be joined in the above action. In addition; we recognize the continuing obligation of each party to file and serve on all parties and the Court an amended certification if there is a change in the facts stated in this original certification.

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to Rule 4:25-4, John B. Kearney, Esquire, is hereby designated as trial counsel for the Plaintiff in the above matter.

**DEMAND FOR CERTIFICATION OF INSURANCE INFORMATION**

**TO: ALL DEFENDANTS AND /OR THEIR COUNSEL:**

**PLEASE TAKE NOTICE** that pursuant to R.4:10(b), DEMAND is made that all Defendants or Defendants' counsel disclose to the undersigned whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy such a judgment, and if such agreements or policies exist, that they supply to the undersigned a copy of each such policy or agreement together with a statement under oath or certification, setting forth: a) policy number; b) names and addresses of the insurer or issuer; c) inception and/or expiration dates; d) names and addresses of all person insured thereunder; e) personal injury liability limits; f) medical payments limit; g) name(s) and addresses of person(s) who have custody or possession thereof; and h) where and when each policy or agreement can be inspected and copied.

REQUEST FOR PRODUCTION OF DOCUMENTS ADDRESSED TO  
DEFENDANTS

TO: ALL DEFENDANTS AND/OR THEIR COUNSEL:

PURSUANT TO NEW JERSEY RULE OF CIVIL PRACTICE 4:18, you are requested to produce the below listed documents and/or items for the purpose of discovery. The material will be examined and/or photocopied; photograph negatives will be processed and photographs reproduced. Said documents or tangible things are to be produced at the law office of Kearney and Associates, 210 White Horse Pike, Haddon Heights, New Jersey 08035, within fifty (50) days of the date of service hereof and supplemented in accordance with R. 4:18.

1. The entire contents of any investigation file or files and/or other documentary material in your possession that relate to the allegations of Plaintiff's Complaint (excluding references to mental impressions, conclusions or opinions representing the value or merit of the claim or defense or respecting strategy or tactics and privileged communication to and from counsel).
2. Any and all statements concerning this action, as defined by R. 4:18, from all witnesses, including any statements from the parties herein, or their respective agents, servants and/or employees.
3. Any and all documents containing the names and home addresses of all individuals contacted as potential witnesses.
4. Reports of any and all experts who will testify at trial.

DEMAND FOR ANSWERS TO INTERROGATORIES DIRECTED TO

DEFENDANTS

TO: ALL DEFENDANTS AND/OR THEIR COUNSEL

PLEASE TAKE NOTICE that pursuant to R. 4:17(b), Plaintiff demands from Defendant(s), under oath or duly certified answers to Form C and C1 of the Uniform Interrogatories; to be answered by said Defendants within the time prescribed by the Rules of the Court.

NOTICE PURSUANT TO R.1:5-1(a) and R. 4:17-4(c)

PURSUANT to R. 1:5-1(a) and R 4:17-4(c), all parties and their counsel shall forthwith promptly produce to Plaintiff's attorney, copies of any and all Answers to Interrogatories or Replies to Request for Production of Documents from any other party in this action.

TAKE FURTHER NOTICE that, pursuant to New Jersey Court Rule 1:7-1(b), the Plaintiff may suggest to the trier of fact, with respect to any element of damages, that unliquidated damages be calculated on a time unit basis without reference to a specific sum.

Dated:

KEARNEY and ASSOCIATES, P.C.

  
\_\_\_\_\_  
JOHN B. KEARNEY, ESQUIRE

# EXHIBIT A

# MARRAZZO & PLATT, P.C.

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Attorneys at Law

JOSEPH A. MARRAZZO, JR.\*  
STUART A. PLATT\*  
ERIC J. RISO\*\*  
\*Member of NJ & NY Bar  
\*\*Member of NJ & PA Bar

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ERIC J. RISO, [ejresq@marrazzoplattlaw.com](mailto:ejresq@marrazzoplattlaw.com)

December 24, 2009

## VIA HAND-DELIVERY

Borough of Stratford  
307 Union Avenue  
Stratford, NJ 08084

Attn: John Keenan, RMC, Borough Clerk

**RE: Investigation Report Regarding Mayor Gentless  
Our File No. 8249**

Dear Mr. Keenan:

Enclosed please find the Report that I have prepared regarding the activities of Mayor John Gentless. It is my understanding that the findings contained herein are to be discussed with Borough Council at the Public Meeting scheduled for Monday, December 28, 2009. Please distribute this Report to members of Borough Council.

Thank you for your time and attention to this matter. Should you have any questions or concerns, please do not hesitate to contact me at this office.

Very truly yours,



STUART A. PLATT  
For the Firm

SP/jcde  
Enclosure

Q:\8249\l-jkeenan-122409

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REPORT TO STRATFORD BOROUGH COUNCIL REGARDING  
INVESTIGATION OF ACTIVITIES OF MAYOR JOHN GENTLESS  
WHILE IN OFFICE

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PREPARED BY: STUART A. PLATT, ESQUIRE  
MARRAZZO & PLATT, P.C.  
40 BERLIN AVENUE  
STRATFORD, NEW JERSEY 08084  
CONFLICT SOLICITOR

Date: December 24, 2009

## BACKGROUND

The firm of Marrazzo & Platt, P.C. has been appointed by the Stratford Borough Council as Conflict Solicitor to investigate the activities of Stratford Mayor John Gentless while in office. We have relied upon the documentation and information provided to us by Borough officials in providing the report. The opinions contained herein are based upon that documentation and information, and are subject to change should additional information become available.

## FACTS

Based upon a review of the documentation that has been provided, Mayor Gentless has engaged in the following activities: (1) appointing himself to the Shade Tree Commission notwithstanding the adoption of Ordinance 2008:16, which prohibits board membership by governing body members, including the Mayor; (2) facilitating the cutting down of a curbside tree located within Borough right-of-way at property located at 100 Webster Ave., which is owned by Barbara, John and Vincent Gentless, without prior authorization from the Shade Tree Commission; (3) obtaining quotes for the removal of various trees and stump grinding and awarding and instructing purported low bidder to commence work (a) without Borough Council's approval of the expenditure associated therewith and (b) despite the fact that the award violated Pay-to-Play rules; (4) signing letter in March, 2006 as "Chairman of the Shade Tree Commission" despite the fact that he has never held that position; (5) signing letter as "Vice-Chairman of the Shade Tree Commission" despite the fact that no such position exists; (6) intercepting various e-mails sent to Borough Clerk by enabling "email forwarding" setting on Borough Clerk's e-mail account such that e-mails sent to Borough Clerk's e-mail address were being sent to [drjohnfoot@aol.com](mailto:drjohnfoot@aol.com) address and continuing to do so as late as March 17, 2009, notwithstanding apparent agreement that was reached during September 4, 2008 meeting

regarding removal of Mayor's ability to have access to the Clerk's e-mail account;<sup>1</sup> (7) sending a letter to the residents along with the 2008 tax bills without Council's approval; and (8) accusing Councilman Venuto of having a "self inflated Tony Soprano mentality" in an e-mail reply to the Councilman, as well as other members of the Governing Body.

In an e-mail dated April 3, 2009 directed to Councilman Venuto regarding the above-referenced tree removal issue, Mayor Gentless stated, *inter alia*: "Of course I help out the commission and any other commission or board in town. As mayor, I am ex-officio of all the committees. ... ." By way of e-mail dated June 11, 2009, Mayor Gentless advised Matt Simon, Forester – Atlantic City Electric, that no tree work is to be done in Stratford until after the June 22, 2009 Workshop Meeting "regardless of any additional emails or letters you receive from my borough hall."

Finally, it has been reported that the Mayor told a private property owner that he wanted a certain building (Princeton School) changed from siding to brick. It was also reported that upon discovering that the Borough Fire Chief parked his government provided SUV at the Lindenwold Police Station (the Chief was a Lindenwold police officer), the Mayor obtained a key to the vehicle and returned it to the Borough without authorization notwithstanding the long-standing practice that allowed the Fire Chief to use the vehicle for personal use (a formal policy setting forth guidelines/rules for the use of the Borough provided emergency vehicle was subsequently adopted as a result).

### ISSUE

What remedies are available to Borough Council in light of the conduct outlined above?

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<sup>1</sup> By way of letter dated July 20, 2009, Councilman Grover reported this activity to Chief Morello. The Chief responded by way of letter dated July 24, 2009, indicating that an investigation was being undertaken and requesting that supporting documentation/evidence be provided. The result of this investigation is unknown at this time.

## DISCUSSION

### I. Local Government Ethics Law Charges.

In light of the above, Council may want to consider filing charges against the Mayor with the Local Finance Board for violating the Local Government Ethics Law, N.J.S.A. 40A:9-22.1, *et seq.*, which establishes a code of ethics that governs virtually every person who serves in local government. See Krug v. Bridewater Tp. Planning Bd., 407 N.J. Super. 1, 9 (App. Div. 2009).

Pursuant thereto, local government officers must comply with the following provisions:

a. No local government officer or employee or member of his immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest;

b. No independent local authority shall, for a period of one year next subsequent to the termination of office of a member of that authority:

(1) award any contract which is not publicly bid to a former member of that authority;

(2) allow a former member of that authority to represent, appear for or negotiate on behalf of any other party before that authority; or

(3) employ for compensation, except pursuant to open competitive examination in accordance with Title 11A of the New Jersey Statutes and the rules and regulations promulgated pursuant thereto, any former member of that authority.

The restrictions contained in this subsection shall also apply to any business organization in which the former authority member holds an interest.

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;

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;

e. No local government officer or employee shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his independence of judgment in the exercise of his official duties;

f. No local government officer or employee, member of his immediate family, or business organization in which he has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the local government officer has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the local government officer in the discharge of his official duties;

g. No local government officer or employee shall use, or allow to be used, his public office or employment, or any information, not generally available to the members of the public, which he receives or acquires in the course of and by reason of his office or employment, for the purpose of securing financial gain for himself, any member of his immediate family, or any business organization with which he is associated;

h. No local government officer or employee or business organization in which he has an interest shall represent any person or party other than the local government in connection with any cause, proceeding, application or other matter pending before any agency in the local government in which he serves. This provision shall not be deemed to prohibit one local government employee from representing another local government employee where the local government agency is the employer and the representation is within the context of official labor union or similar representational responsibilities;

i. No local government officer shall be deemed in conflict with these provisions if, by reason of his participation in the enactment of any ordinance, resolution or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to him as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group;

j. No elected local government officer shall be prohibited from making an inquiry for information on behalf of a constituent, if no fee, reward or other thing of value is promised to, given to or accepted by the officer or a member of his immediate family, whether directly or indirectly, in return therefor; and

k. Nothing shall prohibit any local government officer or employee, or members of his immediate family, from representing himself, or themselves, in negotiations or proceedings concerning his, or their, own interests.

N.J.S.A. 40A:9-22.5. The determination of whether a public official has a conflicting interest that may interfere with the impartial performance of his duties as a member of the public body must be done on a case-by-case, fact-sensitive basis, and 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. Shapiro v. Mertz, 368 N.J. Super. 46, 53 (App. Div. 2004). Actual proof of dishonesty need not be shown; the key is whether there is a potential for conflict. Id; see also Mountain Hill, L.L.C. v. Township Committee of Tp. of Middletown, 403 N.J. Super. 146 (App. Div. 2008), *certif. denied*, 199 N.J. 129 (2009).

Complaints alleging conduct in violation of any of the aforesaid provisions are filed with the Local Finance Board. N.J.S.A. 40A:9-22.9. A guilty finding results in a fine of not less than \$100.00 nor more than \$500.00, N.J.S.A. 40A:9-22.10(b), and constitutes sufficient cause for the “removal, suspension, demotion or other disciplinary action by the officer or agency having the power of removal or discipline.” N.J.S.A. 40A:9-22.11. The remedies provided for under the Local Government Ethics Law “are in addition to all other criminal and civil penalties provided under the law.” N.J.S.A. 40A:9-22.10(c).

## II. Civil Action.

Another possible alternative is to bring an action in Superior Court against Mayor Gentless seeking injunctive and declaratory relief compelling him to refrain from engaging in unauthorized activity without the advice and consent of Council. See e.g., Municipal Council of the City of Newark v. James, 183 N.J. 361 (2005). If the event he fails to comply after an order

is entered, it could then be argued to the Court by way of motion to enforce litigant's rights that "cause" exists warranting his removal from office.

### III. Statutory Removal from Office.

#### A. Action by Governing Body.

As you are aware, Stratford operates under the borough form of municipal government, N.J.S.A. 40A:60-1, *et seq.*, which provides for a Mayor and six-member Council, all of whom are elected officers of the municipality. See N.J.S.A. 40A:60-2. Pursuant thereto, Council is authorized to, *inter alia*, "remove any officer of the municipality, other than those officers excepted by law, for cause." N.J.S.A. 40A:60-6(b)(5). Unlike other forms of government, this statute does not place any limitation on Council's removal power in terms of whom may be removed from office, nor does it provide for any due process protections, such as notice and the opportunity to be heard.<sup>2</sup> Based upon a strict reading of this statute, then, it appears that Council may be in a position to adopt a Resolution at a public hearing removing the Mayor, provided that cause exists for his removal.

#### B. Hearing.

As set forth above, Council is statutorily authorized to "remove" the Mayor pursuant to N.J.S.A. 40A:60-6(b)(5). However, there is no guidance in this section as to the manner in which removal is accomplished, nor is the term "cause" defined. Moreover, removal of an elected official without notice and an opportunity to be heard raises serious due process concerns. That being said, the following alternative procedure for statutory removal should be considered.

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<sup>2</sup> For example, in municipalities operating under the Faulkner Act, council is authorized to remove, by at least two-thirds vote of the whole number of the council, any municipal officer, other than the mayor or a member of council, for cause, upon notice and an opportunity to be heard. See N.J.S.A. 40:69A-37.

To the extent Stratford is a civil service municipality, it would at first blush appear that the procedures set forth in the Civil Service Act, N.J.S.A. 11A:1-1, *et seq.*, should be followed in order to effectuate the mayor's removal in light of the due process rights afforded thereunder. The Civil Service Act, however, only applies to employees in the career service, N.J.A.C. 4A:1-1.2, and not elected officials. See N.J.S.A. 11A:3-5. When civil service does not apply, the removal of municipal officers is governed by N.J.S.A. 40A:9-161, which provides as follows:

In any municipality wherein Title 11 (Civil Service) [now Title 11A] of the Revised Statutes is not operative and unless otherwise provided by law, no officer or employee of such municipality who has tenure in office shall be removed from his office or position except upon written charges, signed by the person making such charges. The complaint shall be filed with the governing body of such municipality and a copy thereof shall be served upon the officer or employee so charged, with notice of a designated time and place for the hearing thereon which shall be not less than 10 days nor later than 30 days from the service of the complaint.

The officer or employee so charged and the governing body shall have the right to be represented by counsel and the power to subpoena witnesses and documentary evidence. The governing body shall prescribe rules and regulations for the conduct of the hearing.

No such officer or employee shall be removed from his office or position for political reasons or except as otherwise provided by law, because of a change in the form of government.

The Superior Court shall have jurisdiction to review the determination of the governing body, which court shall hear the cause *de novo* on the record below and affirm, modify or set aside the determination.

Either party may supplement the record with additional testimony subject to the rules of evidence.

The removal procedures set forth in this section shall not apply to officers for which specific removal procedures are elsewhere provided by law.

Id.

As mentioned above, “cause” is a required element under N.J.S.A. 40A:60-6(b)(5) to effectuate the removal of any municipal officer.<sup>3</sup> Therefore, “cause” will need to be demonstrated during the hearing. In this regard, Golaine v. Cardinale, 142 N.J. Super. 385 (Law Div. 1976), *aff’d*, 163 N.J. Super. 453 (App. Div. 1978), *certif. denied*, 79 N.J. 497 (1979), provides a comprehensive analysis of the substantive law regarding removal for cause under New Jersey law:

“Cause” in this context is a concept which, like all of the enduring principles of the common law, is certain as a matter of legal import while being at the same time extremely elastic as a matter of specific application. It means, essentially, “such cause as is ‘plainly sufficient under the law and sound public policy’ ” and has “reference to a substantial cause touching qualifications appropriate to the office or employment or to its administration.” ... It also necessarily implies such degree of misconduct or culpability on the part of the office holder as clearly implicates the public interest in precluding his continuance in that particular office. ... It is, indeed, the element of fault which conceptually distinguishes removal from office from all other causes resulting in a vacancy in office. ...

There are certain types of culpable official conduct which are so patently inimical to the public interest and to the public trust upon which the office is predicated that they will, per se, not only justify but virtually compel removal, such as, for example, criminal misconduct in office or misconduct which proceeds from a corrupt or other improper motive. ... Because, however, removal for cause is a remedial proceeding, that cause and the culpability upon which it is based need not necessarily involve either commission of a crime or an improper purpose. ...

Where the dereliction charged, therefore, is not of such intrinsically reprehensible character, the determination of whether a specific act or omission constitutes cause for removal requires an evaluation of the conduct in terms of its relationship to the nature of the office itself, and, in that context, an appraisal of the actual or potential impairment of the public interest which may be expected to result from the conduct in question. Thus, for example, an unexcused absence from his post by a police officer even for a short period of time may well be sufficiently consequential to constitute cause because that conduct is so fundamentally violative of his essential function and has so substantial a capacity for harm to the public. ... On the other hand, a brief unexcused absence by the executive director of a local housing authority cannot but be regarded as trivial and inconsequential.

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<sup>3</sup> As an elected official, there can be little doubt that the mayor is an “officer of the municipality.” See N.J.S.A. 40A:9-22.3, defining “local government officer” as “any person whether compensated or not, whether part-time or full-time: (1) elected to any office of a local government agency ... .” Under the Local Government Ethic Law, the term “local government agency” includes “any ... governing body ... .” Id.

... The point, of course, is that the charged dereliction, to constitute cause, must be itself an act of misfeasance or nonfeasance, and must be, further, an act which in view of the duties and obligations of the office, substantially disadvantages the public. ...

Id. at 396-98 (citations omitted).

Given the conduct of Mayor Gentless, a viable argument can certainly be made that cause exists warranting his removal. If this course of action is chosen, the Borough Clerk should swear out the complaint to the extent that the Governing Body will be presiding over the hearing. In the alternative, the Governing Body could delegate this task and appoint special counsel to prosecute this matter before an independent hearing officer, who would preside over the hearing process and render a decision. Indeed, N.J.S.A. 40A:9-161 appears to provide this authority, by delegating to the Governing Body the power to prescribe rules and regulations for the conduct of the hearing.

#### **IV. Referral to Camden County Prosecutor's Office.**

A public servant engages in official misconduct "when, with purpose to obtain a benefit for himself or another or to injure or to deprive another of a benefit: a. he commits an act relating to his office but constituting an unauthorized exercise of his official functions, knowing that such act is unauthorized or he is committing such act in an unauthorized manner; or b. he knowingly refrains from performing a duty which is imposed upon him by law or is clearly inherent in the nature of his office." N.J.S.A. 2C:30-2. "Official misconduct is a crime of the second degree. If the benefit obtained or sought to be obtained, or of which another is deprived or sought to be deprived, is of a value of \$200.00 or less, the offense of official misconduct is a crime of the third degree." Id.

The first element of official misconduct under N.J.S.A. 2C:30-2 is present to the extent that the Mayor has engaged in the unauthorized exercise of his official duties. Whether he did so

to benefit himself, or with the purpose of injuring or depriving another, which is also a required element under this criminal statute, is a more difficult question. Arguably, however, the tree removal at the property he owns was done for his benefit and, as such, Mayor Gentless may indeed be guilty of official misconduct.

Pursuant to N.J.S.A. 2C:51-2, a person holding elective office forfeits such office if, *inter alia*, he (1) “is convicted under the laws of this State of an offense involving dishonesty or of a crime of the third degree or above or under the laws of another state or of the United States of an offense or a crime which, if committed in this State, would be such an offense or crime; or (2) “is convicted of an offense involving or touching such office, position or employment.” Thus, N.J.S.A. 2C:51-2(a) mandates the forfeiture of public office of a defendant who is convicted of any one of three categories of offenses: (1) “an offense involving dishonesty”; (2) “a crime of the third degree or above”; or (3) “an offense involving or touching such office, position or employment.” *State v. Ercolano*, 335 N.J. Super. 236, 243 (App. Div. 2000), *certif. denied*, 167 N.J. 635 (2001). “A trial court’s sole responsibility is to determine whether an offense falls within any one of these three categories. If it does, the court must order the forfeiture mandated by N.J.S.A. 2C:51-2(a).” *Id.*

As set forth above, official misconduct is, at the very least, a crime of the third degree. If found guilty, Mayor Gentless will have to forfeit his office. Accordingly, it is an option to refer this matter to the Camden County Prosecutor’s Office for investigation and further action.

### **Conclusion**

Under the above information, Mayor Gentless has engaged in unauthorized conduct that, even when viewed with the utmost liberality, can be considered nothing less than improper. It may rise to the level warranting his removal from elected office. At the very least, however, it

seems clear that he has used his official position to secure unwarranted privileges or advantages for himself or others and has violated his duties as an elected official. Therefore, the filing of a complaint with the Local Finance Board for violation of the Local Government Ethics Board appears to be in order. A guilty finding at that level constitutes sufficient cause for his removal. Moreover, the remedies provided for under the Local Government Ethics Law “are in addition to all other criminal and civil penalties provided under the law.” Therefore, Borough Council can simultaneously pursue the other avenues outlined in this report should it so desire.

# EXHIBIT B

ATTN:  
SCOTT  
BURNS

NOTICE OF INTENTION

TO RECALL

JOHN GENTLESS, MAYOR

OF THE BOROUGH OF STRATFORD

'COMMITTEE TO RECALL JOHN GENTLESS FROM OFFICE OF MAYOR' IS HEREBY SERVING THEIR NOTICE OF INTENTION.

THE SPONSORS OF THIS RECALL ARE REGISTERED VOTERS IN THE BOROUGH OF STRATFORD AND SUPPORT THE RECALL OF JOHN GENTLESS FROM THE OFFICE OF MAYOR.

WE ALSO ACCEPT THE RESPONSIBILITY OF SERVING ON THIS COMMITTEE.

ATTACHED IS OUR STATEMENT OF REASONS OF THE RECALL WHICH DOES NOT EXCEED 200 WORDS.

THE RECALL ELECTION SHALL TAKE PLACE AT THE NEXT GENERAL NOVEMBER ELECTION.

Will J. [Signature]  
Signature  
9 PARKVIEW RD  
Street

William J Grover Jr  
Print Name  
Stratford  
Town

[Signature]  
Signature  
21 PENNSYLVANIA AVE  
Street

Troy A CASEY  
Print Name  
Stratford NJ  
Town

[Signature]  
Signature  
7 BUCKNER AVE  
Street

RICHARD KITE  
Print Name  
STRATFORD NJ  
Town

I, John D. Keenan, Jr., Borough Clerk of the Borough of Stratford, acting in the capacity of "recall election official" authorized by law, hereby approve on this 7th day of January, 2010, this "Notice of Intention" to recall John Gentless from the office of Mayor of the Borough of Stratford, filed with my office this 7th day of January, 2010 along with an attached statement of not in excess of 200 words, by the "Committee to Recall John Gentless From Office Of Mayor".

JAN 07 2010

[Signature]  
John D. Keenan, Jr., R.M.C.

We," The Committee to Recall Mayor John Gentless" formed in response to observed patterns of behavior, which call his ability to effectively lead the town of Stratford into question. The actions of Mayor John Gentless throughout the past two years demonstrate an inability to act in the best interest of the town and its people. This prevalent and enduring behavior serves to establish his unethical and negligent approach to the position of Mayor.

1. Inappropriate actions throughout redevelopment planning which directly led to lawsuits, wasted time and wasted taxpayer money.
2. Habitual viewing of Borough Clerk e-mails, violating OPRA regulations.
3. Falsifying documents/titles.
4. Fabrication of story in an issue of the Stratford Times.
5. Unrelenting efforts to keep taxpayers uninformed.
6. Repeatedly demonstrates an unmitigated disregard for the limits of his authority, resulting in unilateral decision making to support his agenda.
7. Frequently neglects to present required issues to Council. Further, recurrently discounts advice/rulings of council.
8. Knowingly and willingly endangered the health, safety and welfare of himself and others in an attempt to thwart the Borough's tree cutting project.

I, John D. Keenan, Jr., Borough Clerk of the Borough of Stratford, acting in the capacity of "recall election official" authorized by law, hereby certify this as the attached statement to the "Notice of Intention", filed in my office on January 07, 2010, and approved on the same date.

John D. Keenan, Jr., R.M.C.

JAN 07 2010

# EXHIBIT C

*Residents of Stratford*, now that the election is over, we wanted to take this time to give our side of some ugly lies that were delivered to your homes by Ben Angeli, Holly Tate and John Gentless. We did not want to publish negative information to win an election. We ran on our accomplishments. *Taxes were lowered for the first time in 30 years.* We would not let council borrow money and now your debt is at an all time low. Steve Venuto handled the new police contracts and reduced their increases from 5.5% to 3.5%. Attrition plans were put into place reducing the size of our work staff saving an additional \$150,000. *These are just some of the policies put into place that proved to save you, the taxpayer, money.*

*UPDATE on the activities of Mayor John Gentless:* At the Council Agenda meeting on December 28th, Stuart Platt our conflict attorney, presented the results of his investigation into the *questionable activities of Mayor John Gentless.* It was determined by a unanimous council vote, that *Mayor John Gentless violated his oath of office.* Here is the final result as determined by our attorney and agreed upon by council *"It was determined that Mayor John Gentless has engaged in unauthorized conduct that, even when viewed with the utmost liberality, can be considered nothing less than improper. It may rise to the level warranting his removal from elected office. However, at the very least it seems clear the he has used his official position to secure unwarranted privileges or advantages for himself or others and has violated his duties as an elected official."* This is being sent to the Camden County Prosecutors office and the Department of Community affairs for further investigation. This could warrant his removal from office. Ben Angeli and Holly Tate spent most of the meeting protecting Mayor Gentless. Bill Grover and Steve Venuto would not waiver on continuing the investigation into the questionable if not illegal activities of Mayor Gentless.

*State Approves Tree Removal.* When they told you that Bill Grover removed trees on Jefferson Avenue near the house of Steve Venuto, they forgot to tell you that State Representatives tagged three of those trees. Two additional trees lifted the sidewalk approximately 1 foot off the ground and wheel chairs or handicap residents could not pass. The state of NJ paid for the removal of these trees with a state grant along with an additional 45 trees in town. No cost to the residents. They wanted you to think this process was flawed. *The truth is, now that the Shade Tree Commission has been taken away from Mayor John Gentless, it has never been more documented and all costs accounted for.*

*Holly Tate hands out the taxpayers money.* They said that Steve Venuto showed no respect to *Holly Tate.* The truth is, Steve treated her like every other councilperson. She has asked for health benefits paid for by our residents since her first day in office. As Director of Finance, she willingly gave raises to herself,

*The Veterans of Foreign Wars.* Holly Tate is quoted saying that a movie at the Miss Stratford pageant for the Stratford Veterans of Foreign Wars was self promoting and robbed the contestants of their time to shine. That movie was made over a 3 month period. Interviews were conducted with each veteran and pictures of them as soldiers in battle. *These men stormed Normandy, fought in the pacific, were bombed by Japanese pilots and gave us the very freedom we take for granted. We had Veterans from WWII to Afghanistan.* It was an amazing night. These Veterans came to our council meeting to tell Holly Tate how angry they were for what she wrote. Her answer was simple; she told the Veterans that they have their days and they don't need to use the Miss Stratford Pageant. *Holly Tate showed disrespect to our Stratford Veterans of Foreign Wars on the eve of Veterans Day.* The residents at the meeting were outraged. One resident said it felt like Jane Fonda all over again. She criticized the pageant as disorganized at best. *By the way, Holly Tate never attended the Miss Stratford Pageant.*

*Controlling the Vote.* The Mayor controls Ben Angeli's vote and has said it at our meetings by telling us how he will vote before we take roll call. *Ben Angeli only likes debate when he wins.* When he loses he calls Steve and Bill bullies. Ben who comes ill prepared and claims he is not copied on important information and continually accuses council of shutting him out. When we go back, we find he has been involved all along and the borough clerk must resend information over and over. There are 260 working days for the average American. We work 36 days for the year. Things need to get done quickly and we need to move forward all of the time. It is great to be nice but it is nice to be efficient and help your town first and foremost.

*Shade Tree Commission.* Ben Angeli once submitted a fake tree removal form so he could test our new shade tree committee in the hopes of making them look bad. *Ben Angeli's intention was to find a way to get the "Shade Tree Commission" back in the hands of the Mayor.* He admitted the test at an agenda meeting and once again played the poor me routine. Council was outraged.

*The Liquor License.* Ben Angeli has said Steve Venuto and Bill Grover kept the people of Stratford in the dark regarding the liquor license in town. The truth is, council followed the advice of their solicitor on how to advertise according to state law and that is what was done. *The vote was 5 for and 1 against. He failed to mention the other councilpersons.* Ben Angeli is upset that the bowling alley can sell liquor. I guess he forgets that the bowling alley allowed customers to bring in their own alcohol. By selling it retail, they now can control the amount of alcohol consumed and can prevent under age drinking. *Stratford received \$300,100 for that license. That money was needed to cover a mistake made by our accountants. We were lucky that the state allowed us to use it this year. Without it, we would have had layoffs and a huge tax increase.* Ben complains about the license but loves the tax reduction. What a politician and he takes credit for it all.

*The Landlord Ordinance.* A new ordinance was created for all landlords and rental properties. This was a process that we worked on for over 4 months, a total 12 meetings. Ben Angeli said it was rushed through by Steve Venuto and Bill Grover. *It was pushed because our tax paying residents were being pushed around by these residential landlords and watched their property values go down.* We also needed to make it safe for everyone who lives in these units. Landlords have let these properties run down, allow multiple families live in their units, have been making upgrades without paying for permits and *not paying their fare share of taxes when their property values increase.* They also allow children who do not live in Stratford to use their addresses to go to our schools and have no accountability to our town. *Mayor Gentless and his family own 7 rental homes in Stratford. He does not want to pay the new fees.* The Gentless family is the single largest owner of residential properties in town. They own more the 10% of all the units and are still looking to add more. The fees are needed to hire a code enforcement official to inspect these units. The cost to the taxpayer will be zero. The fees charged will be used to fund the entire project. *Once again, Ben Angeli and Holly Tate tried to protect their friend Mayor Gentless and tried to stop the ordinance. It was voted on and passed 4 to 2. Why just mention Steve Venuto and Bill Grover?*

*Redevelopment is now in limbo,* not because of rushing as stated by Holly Tate; it is due to mistakes made by professionals at the land use level. Not the board members. *It is also due to Holly Tate and Mayor John Gentless steering the process at the land use board level.* They defied every order given to them by our borough solicitor and their actions cannot be defended in a court of law. *Mayor Gentless has tried to stop this process every step of the way.* He intentionally creates problems for the borough and has said he will never let redevelopment happen. The last thing, in our opinion, he wants is to see more residential housing in Stratford that will hurt his rental business in town. *Mayor Gentless has stated many times that he wants to see a park developed at the Incollingos Shopping Center. This would be the loss of a tax ratable property. The Borough would have to buy the property, develop the property and maintain the property all at additional cost to the taxpayer while losing the revenue that it once generated.*

*The Mayors rental properties.* Mayor John Gentless is a Podiatrist in Voorhees, has a booming home rental business in Stratford, and earns money as the Mayor not to mention \$100 for every person he marries. *Mayor Gentless lives with his Mother on Union Avenue. His mother's taxes are frozen.* Mayor Gentless has been quoted saying "he owns this town". *Truth be told, Mayor Gentless has single handedly used this town for his own benefit.*

*This letter is written to inform you,* the resident, of what is going on in your town. There is no election to win, *just the never ending desire to fight injustice.* For all the voters in Stratford who supported us in the recent election we strongly invite you to become active members of the Stratford Republican Club.

*Councilman Steve Venuto & Bill Grover* respond to political literature delivered to your home on the Eve of Election Day. *We urge you to read to the end of this document so that you will know the TRUTH.* December 29<sup>th</sup> 2009

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For information on the club go to [www.republican-club-of-stratford.com](http://www.republican-club-of-stratford.com) or call Club President Joan Trexler 783-4518 or Ben Vukicevich 783-3353. For the voters that have been enlightened by the contents of this letter we also invite you to do the same or at least become involved in the town and *get to know what's going on by attending Agenda and Council meetings.* The time and place of all meetings can be accessed at [www.stratfordnj.org](http://www.stratfordnj.org)

*To know the TRUTH you must get involved, otherwise, the liars and malcontents will win.*

*The Christmas Season and New Years is over, we wish all the residents of Stratford a Happy and prosperous New Year.*

*Steve Venuto & Bill Grover*