



New Jersey Libertarian Party

Open Government Advocacy Project

John Paff, Chairman

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Patricia McNamara, Secretary
Local Finance Board
101 S Broad St – PO Box 803
Trenton, NJ 08625-0803

(via e-mail to pmcnamara@DCA.state.nj.us)

Dear Ms. McNamara:

I intend this letter to be my complaint against Nicholas J. Costa, Esq., who serves as municipal attorney for the Borough of Wrightstown in Burlington County. In accordance with N.J.A.C. 5:35-1.1(b), following are the required elements of the complaint:

1. **State the point of the Local Government Ethics Law alleged to be violated.**

N.J.S.A. 40A:9-22.6 (a)(1)

2. **State the name(s) and title(s) of the parties involved in the action and against whom the complaint is filed.**

- Complainant John Paff and the New Jersey Libertarian Party
- Respondent Nicholas J. Costa, Esq. Wrightstown Municipal Solicitor

3. **Set forth in detail the pertinent facts surrounding the alleged violative action.**

N.J.S.A. 40A:9-22.6 (a)(1) states that local government officers must annually file a public disclosure statement showing:

Each source of income, earned or unearned, exceeding \$2,000 received by the local government officer or a member of his immediate family during the preceding calendar year. Individual client fees, customer receipts or commissions on transactions received through a business organization need not be separately reported as sources of income. If a publicly traded security is the source of income, the security need not be reported unless the local government officer or member of his immediate family has an interest in the business organization.

In Section II.A of his 2011 Financial Disclosure Statement that reported income received during calendar year 2010 (Exhibit pages 1 - 2), Mr. Costa listed his law firm of Costa & LaRosa, P.C. as his only source of income in excess of \$2,000. Yet, a December 15, 2011 letter from Florence Township Administrator Richard A. Brook (Exhibit page 3) indicates that Mr. Costa earned \$22,814.04 from the Township during 2010 by serving as its municipal prosecutor.

In order to determine whether Mr. Costa earned his \$22,814.04 personally or was paid through his firm (in which case he arguably wasn't required to separately report it as a source of income, in accordance with the above cited statute), I requested copies of both sides the checks that Florence Township issued to Mr. Costa. As can be seen from Mr. Brooks' letter, that part of my request was denied.

I filed a lawsuit (*Paff v. Township of Florence, et al*, Docket No. BUR-L-823-12) to obtain the check copies. I was successful and the checks paid to Mr. Costa during 2010 are attached as Exhibit pages 4 through 14. As can be seen, the checks were payable to Mr. Costa in his individual capacity and not to his firm. Accordingly, he violated¹ N.J.S.A. 40A:9-22.6 by not reporting Florence Township as a source of income of greater than \$2,000 on his 2011 Financial Disclosure Statement.

- 4. Indicate whether the complaint concerns the complainant in any way and what, if any, relationship the complainant has to the subject of the complaint.**

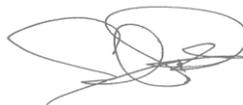
Complainant has no interest in or relationship to this complaint greater than any other citizen or organization who wishes for all government officers and employees to comply fully with the Local Government Ethics Law.

- 5. Indicate any other action previously taken in an attempt to resolve the issue and indicate whether the issue is the subject of pending litigation elsewhere.**

No other action has been taken previously in an attempt to resolve this issue and this issue is not the subject of any pending litigation.

Thank you for your attention to this matter. I ask that you please acknowledge your receipt of this complaint within 30 days.

Sincerely,



John Paff

¹ My lawsuit, which was filed on January 27, 2012, disclosed that the purpose of my request for the check copies was to allow me to determine whether Mr. Costa violated the Local Government Ethics Law by failing to report Florence Township as a source of income. Since Mr. Costa was named as a defendant in my suit, he may have filed an amended Financial Disclosure Statement after having realized the object of my pursuit. Even if he did file an amended Statement, I believe that his failure to report this source of income when the report was originally filed still constitutes a violation of the Ethics Law.