



New Jersey Libertarian Party

Open Government Advocacy Project

John Paff, Chairman

P.O. Box 5424

Somerset, NJ 08875-5424

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Email: lpsmc@pobox.com

January 17, 2012

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 Mario DiNatale, Deputy Mayor of Voorhees Township in Camden 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:9-22.5 (c)

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
- Mario DiNatale, Voorhees Township Deputy Mayor

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

According to “Abuse of badges may cost them badges,” by Courier Post columnist Jeremy Rosen, published on January 11, 2012 (copy attached), DiNatale, the subject of a motor vehicle stop, displayed a police badge to the officer who stopped him in an attempt to receive favorable treatment.

Complainant asserts that this violates N.J.S.A. 40A:9-22.5 (c) which states that “[n]o local government officer or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others.”

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,

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

John Paff

Abuse of badges may cost them badges

Public officials in New Jersey have each other's back — to the extent some are excused from following laws others must either abide by or pay a price.

That process is shown by a Jan. 5 email from a Berlin Township patrolman to the police chief in neighboring Voorhees. In the email, Patrolman Wayne Bonfiglio described a situation earlier that day involving a Voorhees official.

Bonfiglio told how he stopped Mario DiNatale, Voorhees' deputy mayor, off Route 73 for having a rejected red inspection sticker from four months ago and for having tinted front windows on his Cadillac. When DiNatale pulled over in a Super Wawa parking lot, Bonfiglio said, he pulled a "brazen" stunt that could've brought a criminal charge.

Bonfiglio said DiNatale held a Voorhees police badge out his driver's-side window.

"I could not believe that a police officer would openly display his badge on a car stop in front of so many witnesses," Bonfiglio wrote to Voorhees Chief Keith Hummel. "I still approached the vehicle with caution. I asked DiNatale if he was a police officer. He simply replied, 'Voorhees Township Police.' "

"Believing that I knew most, if not all, of your police officers," Bonfiglio continued in his email, "I asked, 'You are a Voorhees Township police officer?'"

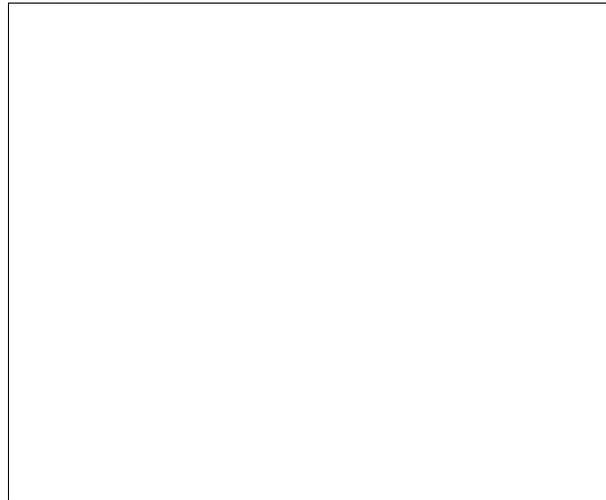
"At that, Mr. DiNatale said, 'No, I'm the director,' " the officer wrote.

Hummel told me he issued DiNatale a police badge for the deputy mayor's role as Voorhees' public safety director. A Voorhees committee member is annually appointed to that liaison role. Hummel said directors have received a police badge since 1980.

"We expect everyone to comply with Title 39 laws of the state of New Jersey," Hummel said. "Whatever action the Berlin officer took or did not take was at his discretion."

In his email, Bonfiglio wrote to Hummel, "I told Mr. DiNatale, that out of respect for you (Hummel), I will not issue him any summons for his violation(s)," Bonfiglio wrote. "I did instruct him to remove the tint,

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FROM SOUTH JERSEY TO YOU

make necessary repairs and have his vehicle re-inspected.

“My true concern is that if Mr. DiNatale would brazenly display this badge to a police officer on a car stop, then would Mr. DiNatale use this badge in such a way that would fraudulently give any other person the impression that he is a sworn police officer?”

The Camden County Prosecutor’s office emailed me a statement about the use of police badges: “The authority a badge conveys cannot be used to request favors or special treatment. Further, civilian individuals issued badges cannot use them to state or imply they are deputized law enforcement personnel. Impersonating an officer is a fourth-degree crime.”

The prosecutor doesn’t tell municipalities who can receive badges. The office said badges issued to civilian officials are not uncommon and can be useful to offer a quick way for government personnel to perform tasks on scene. Here’s the prosecutor’s badge regulation:

“A member of the staff shall not display the Camden County Prosecutor’s Office credentials in a personal matter or attempt to use his/her official position to secure unwarranted privileges or advantages for himself/herself or others, or to give the appearance of such action.”

Hummel said this incident has him wondering whether he will issue badges to elected officials.

“I advised (Bonfiglio) I would contact the prosecutor about the badge,” Hummel said, noting he wasn’t previously aware of DiNatale’s alleged vehicle infractions and isn’t sure if they have been fixed.

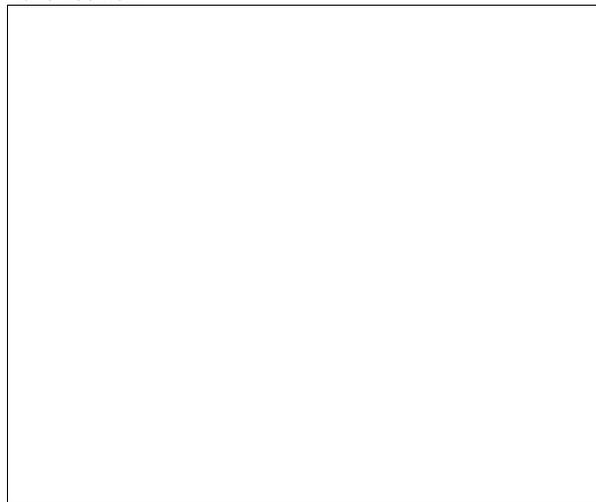
Democrat DiNatale, a part-time township committeeman since 2004, makes around \$7,700 in his public post. He didn’t return calls or emails this week.

Bonfiglio and his boss, Berlin Township Police Chief Joseph Jackson, stand by the patrolman’s decision not to charge DiNatale.

New Jerseyans face up to 18 months in jail for impersonating a law enforcement officer; a \$100 fine for vehicle window tint without a medical exemption; and fines between \$100 and \$200, up to 30 days in prison and revoked registration for driving with an expired inspection sticker.

“All officers throughout this state have the option to exercise discretion,” Jackson said. “From my understanding of the event, Mr.

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FROM SOUTH JERSEY TO YOU

DiNatale identified himself as the civilian safety director for Voorhees Township.”

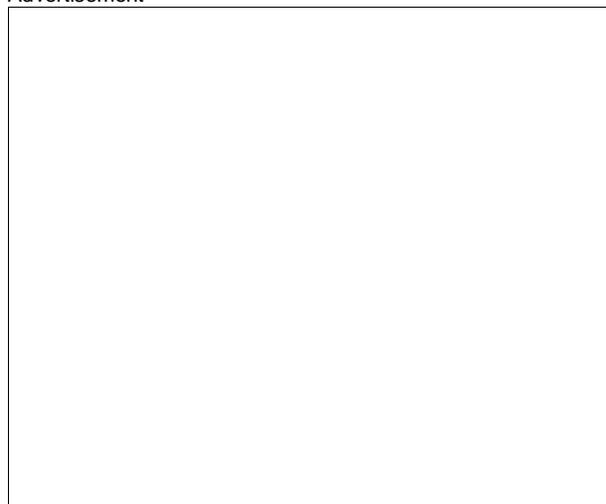
But Jackson added, “We never have (issued civilians police badges), and under my command, never will.”

The chief would not answer why.

He probably didn’t want to throw any officials under the bus.



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State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO Box 803
TRENTON, NJ 08625-0803

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

RICHARD E. CONSTABLE, III
Commissioner

January 22, 2013

Mario DiNatale, Deputy Mayor
15 Wilderness Drive
Voorhees Township, New Jersey 08043

Re: Local Government Ethics Law
LFB Complaint #12-003
Notice of Dismissal

Dear Mr. DiNatale:

The purpose of this letter is to apprise you of the Local Finance Board's (Board) final disposition of the above-referenced complaint. As you are aware, the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq., authorizes the Board to initiate, receive, hear and review complaints, and hold hearings with regard to possible violations of the Local Government Ethics Law. Upon receipt of a complaint against a local government officer or employee, the Board determines if a complaint is within its jurisdiction, frivolous, or has no reasonable factual basis. The Board then determines if the complaint warrants a formal investigation. You were notified by letter dated November 19, 2012 that an investigation was authorized into a complaint filed against you. You are hereby notified that the complaint was dismissed by the Board.

In complaint #LFB-12-003, as summarized, it was alleged that you attempted to your your official position to secure unwarranted privileges when you showed a Township of Voorhees police badge to a police officer who had made a motor vehicle stop in the Township of Berlin.

The Board specifically investigated possible violation of the following provisions of the Local Government Ethics Law:

N.J.S.A. 40A: 9-22.5(c) No local government officer or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others.

Following an investigation and a thorough review of the documentation submitted and evaluation of the facts and circumstances relevant to this complaint, the Board determined that you were subject to a motor vehicle stop on January 5, 2012 for having a rejected registration sticker and improper tinting of the vehicles front windows. You identified yourself to the patrolman conducting the stop using the identification badge issued to you by the Township of Voorhees in your capacity as Public Safety Director. You were not issued any citations as a result of that motor vehicle stop. On January 16, 2012, you sent an email to Berlin Township Police Chief Joseph Jackson requesting that the appropriate tickets be issued to you.

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At the January 9, 2013 meeting of the Local Finance Board, a motion was made to find no violation of the Local Government Ethics Law. Three members voted in favor of the motion for no violation and one member voted against the motion. Four of the six Local Finance Board members were present during this meeting. As a result of this vote, the complaint was dismissed.

LFB Complaint 12-003 is now closed.

An appeal of this Determination may be made to the Appellate Division of the Superior Court [Rules Governing the Courts of New Jersey, 2:2-3(a)(2)]. Any appeal must be filed within 45 days from the date of service of this Determination.

Should you have any questions regarding this matter, please contact Nick Bennett at (609) 292-0479.

Sincerely,

A handwritten signature in black ink, appearing to read 'THN', written over a large, stylized circular flourish.

Thomas H. Neff, Chair
Local Finance Board

C: Complainant

THN:nb

C12-003.dismissal.accused

CHRISTOPHER T. MORRIS
Council President



PHYLLIS MAGAZZO
Mayor

CATHERINE UNDERWOOD
Township Clerk

Council Members
MARION BODANZA
FRANK EPIFANTIO
JEROME McINTOSH

TOWNSHIP OF BERLIN

MUNICIPAL BUILDING
135 Route 73 South
West Berlin, NJ 08091
Phone (856) 767-1854

BERLIN TOWNSHIP FASCIMILE

FAX RE: 856.768.6613

TO: John Paff

SUBJECT: _____

FAX NO.: 908-325-0129

DATE: _____

FROM: Catherine Underwood

NO. OF PAGES: 2 pages

COMMENTS: _____

Please confirm back that you
received my response for your
OPRA

From: John Paff [paff@pobox.com]
Sent: Sunday, January 27, 2013 6:15 PM
To: CUnderwood@BerlinTwp.com; paff@pobox.com
Subject: OPRA Request Township of Berlin

Attachments: 20130127T181446R.txt



20130127T181446
R.txt (1 KB)

Township of Berlin

Please accept this e-mail/fax as my request for government records in accordance with the Open Public Records Act (OPRA) and the common law right of access. Please respond and send all responsive documents to me via e-mail at paff@pobox.com. If e-mail is not possible, please fax responses and responsive records to me at 908-325-0129. Also, I would appreciate it if you would acknowledge your receipt of this e-mail.

Background:

I am informed that Mario DiNatale, Deputy Mayor of Voorhees Township, was pulled over in Berlin Township on or about January 5, 2012 for a motor vehicle stop. I am further informed that DiNatale, on or about January 16, 2012, sent an e-mail to Chief Joseph Jackson asking that tickets be issued to him, probably for rejected inspection sticker and improperly tinted windows.

Records requested:

1. The e-mail sent by DiNatale to Chief Jackson.
2. Any e-mail or correspondence sent by Jackson (or anyone else) in response to the e-mail responsive to #1 above.
3. All tickets issued to DiNatale arising out his motor vehicle stop mentioned in background above.

Thank you.

John Paff
(voice - 732-873-1251)

Attachment: This request as a text file.

- ① attached
- ② N/A no records
- ③ N/A no records

Joe Jackson

From: mariodinatale@comcast.net
Sent: Monday, January 16, 2012 2:20 PM
To: jjackson@berlintwppd.com
Cc: Keith Hummel
Subject: Vehicle stop

Dear Chief Jackson,

My name is Mario DiNatale. On Jan 5th 2012; approximately 4:00PM, I was involved in a motor vehicle stop in your township. The officer, patrolman Wayne Bonfiglio, indicated that my vehicle had tinted windows and that my inspection sticker had expired. At that time, the officer determined not to issue me tickets. Since that time, I have had the tinted windows removed and the vehicle has passed inspection.

While the officer determined not to issue me tickets at that time, I have subsequently requested that he issue tickets to me so that there is no issue concerning the issuance of those tickets. On Sunday Jan 15th, I went to the Berlin Twp police department to request the officer issue me those tickets so that I could pay those violations. The officer in charge, one of your sergeants, advised me that he could not order the officer issue me ticket, and that I should contact you about this matter.

Accordingly, I am requesting again that the officer issue the tickets so that I may pay the violation, clear up any issues and bring this matter to a close. Please let me know how to proceed.

Thank you very much,

Sincerely,

Mario DiNatale

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