



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

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

RICHARD E. CONSTABLE, III
Commissioner

April 9, 2013

Mr. Robert Diaz
108 Foxford Lane
Mullica Hill, NJ 08062

Re: Local Government Ethics Law
Complaint #LFB-09-056
Notice of Dismissal

Dear Mr. Diaz:

The purpose of this letter is to advise you of the status of the above-referenced complaint.

As you are aware, the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq., provides the Local Finance Board (Board) with the power to initiate, receive, hear and review complaints, and hold hearings with regard to possible violations of the Local Government Ethics Law where no local ethics board has been established. Upon receipt of a complaint against a local government officer or employee, the Board determines if a complaint is within its jurisdiction, frivolous, or without a reasonable factual basis. The Board then determines if the complaint warrants a formal investigation.

In complaint #LFB-09-056, it was alleged that: 1) as a Committeeman in the Township of South Harrison, you engaged in open public discussions concerning whether the Township would agree to the transfer of emergency medical services from Unity Service Ambulance Association ("Unity), wherein you served as a Captain, to a newly formed county wide EMS in Gloucester County; and 2) that you were actively involved in subsequent litigation between Unity and the Township when you appeared in court with Counsel for Unity in 2009.

The Board determined that there was reason to investigate for a potential violation of N.J.S.A. 40A:9-22.5.h regarding your testimony at Council meetings on behalf of Unity, as well as your appearance in court against the Township. N.J.S.A. 40A:9-22.5.h states:

N.J.S.A. 40A: 9-22.5.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;



Following an evaluation of the facts and circumstances relevant to allegation #1 of the complaint, the Board determined that you abstained from voting on issues relating to Unity and recused yourself from the dais at the February 11, 2009 meeting, prior to speaking on behalf of Unity. However, upon consideration of the above provision of the Local Government Ethics Law, it was determined that in speaking on behalf of Unity during the Township Committee meeting, you were representing a party other than the local government in connection with a cause, proceeding or other matter pending before the local government you served as a Committee member. A motion was made to find you in violation of N.J.S.A. 40A:9-22.5.h by a vote of 2 to 2 but the motion failed. Therefore, no violation of the Local Government Ethics Law was confirmed by the Board.

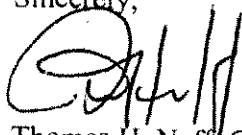
Following an evaluation of the facts and circumstances relevant to allegation #2 of the complaint and upon consideration of the foregoing provisions of the Local Government Ethics Law, the Board concluded that you did not participate during the litigation. Therefore, the Board determined that those allegations against you did not constitute a violation of the Local Government Ethics Law.

This case 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, feel free to contact Eileen Brennen at (609) 292-0479.

Sincerely,



Thomas H. Neff Chair
Local Finance Board

THN:eb
CC: Complainant
09-056 Dismissal Letter

I apologize for how long
this took to resolve. We
have been slowly addressing
a backlog of cases left
by a previous administration.
Thank you for your patience.