

State of New Jersey
 Government Records Request
 Receipt

Requestor Information

John Paff
 1605 Amwell Rd
 Somerset, NJ 08873

 paff@pobox.com

 Request Date: September 25, 2013
 Maximum Authorized Cost: \$1.00
 Email

Request Number: W80182
 Request Status: Filled Closed
 Ready Date: September 25, 2013
 Custodian Contact Information
 Division of Local Government Services
 Records Custodian
 101 South Broad Street
 P.O. Box 803
 Trenton, NJ 08625-0803
 lgsopra@dca.state.nj.us
 609-984-0133
 By _____

Status of Your Request

Your request for government records (# W80182) from the Division of Local Government Services has been reviewed and has been Filled Closed. Detailed information as to the availability of the documents you requested appear below and on following pages as necessary.

The cost and any balance due for this request is shown to the right. Any balance due must be paid in full prior to the release / mailing of the documents.

If you have any questions related to the disposition of this request please contact the Custodian of Records for the Division of Local Government Services. The contact information is in the column to the right. Please reference your request number in any contact or correspondence.

Cost Information

Total Cost:	\$0.00
Deposit:	\$0.00
Total Amount Paid:	\$0.00
Balance Due:	\$0.00

Document Detail

Div	Doc #	Doc Name	Redaction Req	Pages	Legal Size	Electronic Media	Other Cost
LGS	1	Record transmitted to the OAL Re: LFB #12 -099	Y	7	N	Y	
Home and personal e-mail addresses were redacted							

Your request for government records (# W80182) is as follows:

In follow up to W78375, I would like a copy of whatever was transmitted to the OAL in 12-092 (Zimmerman/Rio Grande Fire).

State of New Jersey
Government Records Request
Receipt

[]

STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW

33 Washington Street
Newark NJ 07102
(973) 648-7136

9 Quakerbridge Plaza / PO Box 049
Trenton, NJ 08625-0049
609-689-4030

FROM:

Department of Community Affairs
Local Finance Board

NAME OF AGENCY

101 South Broad Street - P.O. Box 803
Trenton, NJ 08625-0803

ADDRESS

Patricia Parkin McNamara, Executive Secretary

TRANSMITTING OFFICER

609-292-0479

TELEPHONE NUMBER

CFB

.....
LOCAL OFFICIAL USE

COUNTY

Cape May

*

JURISDICTION

South

*

THE FOLLOWING ADDITIONAL INFORMATION IS REQUIRED:

1. Nature of the case. Please include references to statutes or rules and briefly summarize the facts and law involved. Attach pleadings to this form.

2. Estimated time required for hearing.

3. Legal requirements (State or Federal) mandating a date for Agency Decision:

4. Is a court stenographer requested?

5. **Special features to be anticipated in this matter**, i.e., emergent relief, discovery motions, prehearing conference, conference hearing, remand, expedited hearings, location (county).

6. Is a barrier-free location needed?

7. Have the attached documents been exchanged between the parties?

8. Names of other agencies claiming jurisdiction over transmitted dispute:

Robert Zimmerman

v.

Local Finance Board

Name of Contested Case or Short Title

APPEAL LFB #12-099

Agency Docket / Reference Number

Violation of the Local Government Ethics Law

See Attachment #1

One Days(s) or Hours

Yes No If yes, please specify requirements and citation : REQUEST 45 DAY NOTIFICATION

Yes No

PREHEARING CONFERENCE, CONFERENCE

Yes No Uncertain

Yes No If no, the documents shall be served on or offered to the parties on: NONE

Transmitting officer or other agency personnel to receive notices of hearing etc., pursuant to N.J.A.C. 1:1-8.2 (a) 13. This person need not be served by the parties with motions, correspondence, etc.

Patricia Parkin McNamara, Executive Secretary
Department of Community Affairs
Local Finance Board
101 South Broad Street - P.O. Box 803
Trenton, NJ 08625-0803
Phone # 609-292-0479 Fax # 609-633-6243
Email Address: Pat.McNamara@dca.state.nj.us

SERVICE LIST

Parties Named in this Proceeding and their Representatives

For additional parties, attach names, addresses and telephone numbers of each party linked with that representative if any.

PLIFFER

Robert Zimmerman

[Redacted]

TELEPHONE #:

E-MAIL ADDRESS: [Redacted]

RESPONDENT

Thomas H. Neff, Chair

Local Finance Board

101 South Broad Street, Box 803

Trenton, New Jersey 08625

TELEPHONE # (609) 292-0479

E-MAIL ADDRESS: Thomas.Neff@dca.state.nj.us

OTHER

TELEPHONE #

E-MAIL ADDRESS:

OTHER

TELEPHONE #

E-MAIL ADDRESS:

PLIFFER REPRESENTATIVE

n/a

TELEPHONE #

E-MAIL ADDRESS:

RESPONDENT REPRESENTATIVE

Donald Palombi, DAG

Division of Law

PO Box 112

Trenton, New Jersey 08625

TELEPHONE # (609) 984-8569

E-MAIL ADDRESS: Donald.Palombi@lps.state.nj.us

OTHER REPRESENTATIVE

TELEPHONE #

E-MAIL ADDRESS:

OTHER REPRESENTATIVE

TELEPHONE #

E-MAIL ADDRESS:

(Please attach additional sheets for contacts as necessary and indicate representation)

Attachment #1

The Board determined that Middle Township Fire District #2 Fire Commissioner Robert Zimmerman was involved in a conflict of interest because he serves simultaneously as a Fire Commissioner in Middle Township Fire District #2 and President of the Rio Grande Fire Company within the same district in violation of N.J.S.A. 40A:9-22.5 (d) and (e) of the Local Government Ethics Law.

The Board assessed no fine for Mr. Zimmerman's actions in violation of N.J.S.A. 40A:9-22.5(d) and (e), as related to his having engaged in activities prohibited by the statute provided he resign from his position as Fire Commissioner or from his position of President of the Fire Company in the same district, within thirty (30) days of his receipt of the Notice of Violation; and, if he does not resign within thirty (30) days, the board will consider assessing a fine for a violation of the Ethics Law.

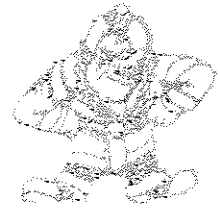
Mr. Zimmerman was notified of the Board's determination and that he is entitled to an administrative hearing in accordance with N.J.S.A. 40A:9-22.12 to contest the **NOTICE**. He was advised that any request for an administrative hearing shall be filed with the Local Finance Board within thirty (30) days receipt of the **NOTICE** which Robert Zimmerman was sent on May 23, 2013. Mr. Zimmerman was also advised by letter dated May 23, 2013 that, if the Local Finance Board does not receive his request for an administrative hearing by July 5, 2013, the Notice of Violation will be considered final.

By letter dated June 26, 2013, received by the Board on July 2, 2013, Mr. Zimmerman officially requested a hearing on this matter.



RIO GRANDE FIRE COMPANY

P.O. BOX 672, 1120 RT. 475,
RIO GRANDE, NJ 08242
1609) 880-1422
FAX (609) 889-0177



June 26, 2013

State of New Jersey
Dept of Community Affairs
Local Finance Board

Ref: Complaint #LFB-12-099

To Whom It May Concern:

I wish to appeal the decision the Finance Board has made on behalf of my situation . I still feel that my situation is unique due to the fact that I am only one vote on a Board of 5 members to decide what gets done and what does not gets done, and also that our money is not comingled.

Thank you

Robert Zimmerman
President of the Rio Grande Vol. Fire Co.
Commissioner of Fire Dist. #2



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

May 23, 2013

Personal and Confidential
Mr. Robert Zimmerman



Re: Local Government Ethics Law
Complaint #LFB-12-099
NOTICE OF VIOLATION

Dear Mr. Zimmerman:

The Local Finance Board (Board) issued a **NOTICE OF VIOLATION** regarding its findings in the matter of Complaint #LFB-12-099 against you. Enclosed is the **NOTICE** issued by the Board.

Please be advised that the **NOTICE** is not a final determination if you desire to avail yourself of the right to request an administrative hearing. If a hearing is requested in accordance with the enclosed **NOTICE**, the Board will not issue a final decision until the completion of the administrative hearing process.

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

Sincerely

Thomas H. Neff, Chair
Local Finance Board

C: Complainant
Enclosure

LEN:ub
C12 099 NOV Zimmerman

**STATE OF NEW JERSEY
LOCAL FINANCE BOARD
NOTICE OF VIOLATION**

In Re: [Robert Zimmerman., Fire Commissioner of the Middle Township Fire District #2 in Rio Grande and President, Rio Grande Fire Company, Complaint #12-099]

This matter having come before the Local Finance Board (Board) pursuant to the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq., upon complaint that Fire Commissioner Robert Zimmerman was involved in a conflict of interest because he serves simultaneously as a Fire Commissioner of Middle Township Fire District #2 and President of Rio Grande Fire Company within the same district in violation of N.J.S.A. 40A:9-22.5(d) and (e) of the Local Government Ethics Law; and

WHEREAS, the Board determined that the allegations were within its jurisdiction, were not frivolous and were based upon a reasonable factual basis, authorized an investigation of this complaint; and

WHEREAS, the Local Government Ethics Law states:

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

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

WHEREAS, the Board, having considered the matter and the relevant statements and information presented and having reviewed Robert Zimmerman's written response to the allegations, determined that Robert Zimmerman is in violation of N.J.S.A. 40A:9-22.5(d), and N.J.S.A. 40A:9-22.5(e) of the Local Government Ethics Law for simultaneously serving as Commissioner of Fire District #2 and President of the Rio Grande Fire Company in the same fire district, an incompatibility of office as defined by Advisory Opinion #92-004/93-019, which held that holding the positions of Commissioner of a fire district and elected or ranking officer in a company in that district would constitute a violation of the Local Government Ethics Law; such dual office holding constitutes his undertaking of 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 and effectuates actions in his official capacity in matters 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 in violation of N.J.S.A. 40A:9-22.5(d) and (e); and,

It is therefore,

DETERMINED that Middle Township Fire District #2 Fire Commissioner Robert Zimmerman shall be assessed no fine for his actions in violation of N.J.S.A. 40A:9-22.5(d) and (e), as related to his having engaged in activities prohibited by the statute provided he resign from his position as Fire Commissioner or from his position of Deputy Chief of the Fire Company in the same district, within thirty (30) days of his receipt of the Notice of Violation; and, if he does not resign within thirty (30) days, the Board will consider assessing a fine for a violation of the Ethics Law. Notice of resignation should be submitted to the Fire District and Thomas H. Neff, Chair, Local Finance Board, P.O. Box 803, Trenton, New Jersey, 08625.

NOTICE that Robert Zimmerman is entitled to an administrative hearing in accordance with N.J.S.A. 40A:9-22.12 to contest this **NOTICE**. Any request for an administrative hearing shall be filed with the Local Finance Board within 30 days receipt of this **NOTICE**. If an administrative hearing is requested, the Board will not issue a final decision until the completion of the administrative hearing process. Said hearing request shall be filed with Patricia Parkin McNamara, Executive Secretary, Local Finance Board, Department of Community Affairs, P.O. Box 803, Trenton, New Jersey 08625.



THOMAS H. NEFF, CHAIR
LOCAL FINANCE BOARD