



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

December 9, 2013

Honorable Steven DiDonato, Mayor
Town of Hammonton



Re: Local Government Ethics Law
Complaint #LFB-11-150
Notice of Determination

Dear Mayor DiDonato:

The purpose of this letter is to apprise you of the Local Finance Board's final disposition of the above-referenced complaint. The Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq., (LGEL) 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 LGEL, where no local ethics board has been established, and determine if a complaint against a local government officer or employee is within its jurisdiction, frivolous, or without a reasonable factual basis, prior to conducting an investigation. You are hereby notified that a complaint was filed against you and dismissed.

Complaint #LFB-11-150, as summarized, alleged that you violated the Local Government Ethics Law when you spoke in opposition at a Zoning Board meeting to an application seeking a use variance on a building that your brother allegedly had an open offer to purchase.

The complaint specifically cited the following provisions of the LGEL as having been violated:

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;

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;



Following a preliminary investigation into the facts and circumstances relevant to this complaint, the Board determined: that your remarks occurred during the public comment period of the May 26, 2011 Zoning Board meeting and that you took no official action as Mayor when you spoke before the Zoning Board, regarding your concerns about the intended use of the building and therefore did not act in your official capacity on a matter where you had a direct or indirect financial or personal involvement that might reasonably be expected to impair your objectivity or independence of judgment; and that you were not using or attempting to use your official position to secure an unwarranted privilege or advantage for yourself or others.

Upon consideration of these facts and circumstances, the Board voted to dismiss this complaint as having no reasonable factual basis.

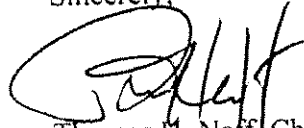
LFB Complaint 11-150 is now closed.

Pursuant to N.J.S.A. 40A:9-22.9, the local government officer or employee against whom a complaint has been filed must be notified of the Board's conclusion regarding a complaint. This letter is a notification that a complaint was filed against you and dismissed. No action is required on your part.

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.

If you have any questions regarding this matter, please contact Eileen Brennen at (609) 292-0479.

Sincerely,



Thomas H. Neff, Chair
Local Finance Board

THN:eb
cc: Complainant
C11-150 Dismissal accused