



New Jersey Libertarian Party

Open Government Advocacy Project

John Paff, Chairman

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November 11, 2011

Thomas H. Neff, Chair
Local Finance Board
101 S Broad St – PO Box 803
Trenton, NJ 08625-0803

(via e-mail to Tom.Neff@dca.state.nj.us)

Dear Mr. Neff:

I intend this letter to be my complaint against Thomas Harper, the Mayor of Wrightstown Borough 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:9-22.5(a) and (e)

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
- Wrightstown Mayor Thomas Harper

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

On his 2010 and 2011 Financial Disclosure Statements (see Exhibit pages 1 through 4), Mayor Harper discloses his interest in M&T Inc. which trades as Tom's Service Center, which is an automobile service station in Wrightstown.

The Borough of Wrightstown, however, routinely purchases its fuel and has its vehicles repaired at Tom's Service Center. Exhibit page 5 is a \$703.95 voucher submitted by Tom's Service Center which was approved and paid on October 12, 2011. Attached as Exhibit pages 6 – 13 are computer run sheets showing that Tom's Service Center was paid \$4,520.67 for repairs and \$7,278.78 for fuel (for a total of \$11,799.45 during 2010).

On November 2, 2011, I submitted an Open Public Records Act request to Wrightstown Borough which requested, in part:

3. All resolutions authorizing the purchase of goods and services from "Tom's Service Center" or "M & T, Inc." from January 1, 2010 through to current date.

4. All solicitations seeking bids or quotes from other vendors of fuel and motor vehicle repair services.

On November 2, 2011, Acting Borough Clerk Freda H. Gorman responded to these requests as follows:

3. No such resolutions exist.

4. No such solicitations exist.

Accordingly, it appears that a) the Borough is paying a business entity owned by its Mayor a substantial sum of money and b) that despite the statutory¹ requirement that "the Borough must "solicit[] at least two competitive quotations, if practicable [and] award [the contract] to a vendor whose response is most advantageous, price and other factors considered" whenever it spends more than 15% of its bid threshold², the Borough has opted to buy its fuel and vehicle repairs at the Mayor's service station without obtaining any competitive quotes or even passing a formal resolution designating Tom's Service Center as a vendor.

In its Revised Final Agency Decision in Local Finance Board v. Laurie Spaziani, LFB-04-014 (attached as Exhibit pages 14 – 18), the Board considered whether the Hopatcong Borough Council President violated N.J.S.A. 40A:9-22.5(a) and (e) by allowing her catering company to vend services for the Borough's annual senior citizen picnic.

The Board found that Spaziani, as Council President, had control over the Recreation Director who solicited and approved the bids for the catering contract. Similarly here, the voucher (Exhibit page 5) was signed off on by two appointed Borough employees over whom Mayor Harper exercises control. It is possible, perhaps likely, that the officials who were supposed to solicit bids for the Borough's fuel and automotive repair services did not undertake the bidding responsibilities imposed by the Local Public Contracts Law out of concern that such would cause financial harm to Mayor Harper.

Under similar circumstances, the Local Finance Board, in Spaziani, held that

Such circumstances could reasonably be expected to impair the proper discharge of [Spaziani's] duties as a member of the Borough Council and to impair her objectivity and independence of judgment in dealing with matters involving the Borough

¹ N.J.S.A. 40A:11-6

² Page 59 of the Borough's 2010 audit, done by John J. Maley, Jr., RMA, indicates that the Borough's bid threshold was \$26,000 effective July 1, 2010. The amount spent, in the aggregate, for both fuel and vehicle repairs, etc. exceeded 15% of the bid threshold (15% of \$26,000 is \$3,900).

employee in question. Such circumstances could also reasonably be perceived by the public to constitute a conflict that would imperil the public's confidence in the integrity of its elected and appointed officials. It is clear that . . . Spaziani's conduct in undertaking to obtain and perform the catering contract for the Borough's annual senior citizens picnic violated N.J.S.A. 40A:9-22.5(a) and (e).

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

Last Name: Harper Middle: Edward (for DLGS use only) Municode: 2011

State of New Jersey Department of Community Affairs Division of Local Government Services Local Finance Board

Local Government Ethics Law Financial Disclosure Statement

This Financial Disclosure Statement is required annually of all local government officers in accordance with N.J.S.A. 40A:9-22.1 et seq., the Local Government Ethics Law.

Year of Service: 2011

Section I. Personal Information - Local Government Officer

Local Government Served: Wrightstown Borough County: Berlin Other: _____

First Name: Thomas Middle: Edward Last Name: Harper

*Spouse's First Name: Mary Middle: _____ Last Name: Harper

Home Address: 54 West Main Street Wrightstown, NJ 08562 Telephone Numbers (optional): 609-723-4649

* Spouse includes a Civil Union partner. Home: _____ Business: _____

Agency	Position Held	Term Expires (if applicable)
1. <u>Wrightstown Council</u>	<u>Mayor</u>	_____
2. <u>Wrightstown MCA</u>	<u>President</u>	_____
3. _____	_____	_____

Section II. Financial Information

Provide the following information for yourself and members of your immediate family for the prior calendar year. If none, please indicate NONE in the space provided. If additional space is needed, please use Extension Forms.

A. List the name and address of each source of income, earned and unearned, which you received in excess of \$2,000. If a publicly traded security is the source of income, the security need not be reported unless you or a member of your immediate family has an interest in the business organization.

Name	Address	Self	Spouse	Dependent Name
1. <u>Relly Construction</u>	<u>311 East Main Street, Wrightstown, NJ 08562</u>	<u>X</u>	<u>X</u>	_____
2. <u>M&A Inc./A. Tom's Service Center</u>	<u>1A Raritan Avenue, Watchtown, NJ 08562</u>	<u>X</u>	<u>X</u>	_____
3. _____	_____	_____	_____	_____
4. _____	_____	_____	_____	_____
5. _____	_____	_____	_____	_____

B. List the name and address of each source of fees and honorariums having an aggregate amount exceeding \$250 received from any single source for personal appearances, speeches, or writing.

Name	Address	Self	Spouse	Dependent Name
1. _____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____
4. _____	_____	_____	_____	_____
5. _____	_____	_____	_____	_____

Last Name: **Harper** First Name: **Thomas** Middle: **Edward** (for DLGS use only) Municode: _____

State of New Jersey
Department of Community Affairs

Division of Local Government Services
Local Finance Board

**Local Government Ethics Law
Financial Disclosure Statement**

Section II. Financial Information- continued

C. List the name and address of each source of gifts, reimbursements or prepaid expenses having an aggregate value exceeding \$400 from any single source, excluding relatives.

Name	Address	Self Spouse	Dependent Name
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____

D. List the name and address of all business organizations in which an interest was held.

Name	Address	Self Spouse	Dependent Name
1. Harper, Inc.	PO Box 412, Wrightstown, NJ 08562	<input checked="" type="checkbox"/>	_____
2. M. J. ...	50 ...	<input checked="" type="checkbox"/>	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____

E. List the address and a brief description of all real property in the State of New Jersey in which an interest was held.

Municipality	County	Block	Lot	Qual.	Address (if applicable)	% of Ownership	Self Spouse	Dependent Name
1. Wrightstown Baro	Burlington	302	102		16 West Main Street, Wrightstown	50%	<input checked="" type="checkbox"/>	_____
2. Wrightstown Baro	Burlington	401	911		5 ... West Street, Wrightstown	50%	<input checked="" type="checkbox"/>	_____
3. Wrightstown Baro	Burlington	401	902		7 ... West Main Street, Wrightstown	50%	<input checked="" type="checkbox"/>	_____
4. Wrightstown Baro	Burlington	401	903		5 ... West Main Street, Wrightstown	50%	<input checked="" type="checkbox"/>	_____
5. Wrightstown Baro	Burlington	401	911		5 ... West Main Street, Wrightstown	50%	<input checked="" type="checkbox"/>	_____

F. Please add any other information you believe is necessary to complete this form.

Wrightstown Baro Burlington, 401 11 42 A-F West Main Street, Wrightstown X X
 Wrightstown Baro Burlington, 401 11 01 44 West Main Street, Wrightstown X X
 Wrightstown Baro Burlington, 402 10 8 East Main Street, Wrightstown X

Section III. Certification

I hereby certify that this Financial Disclosure Statement contains no willful misstatement of fact or omission of material fact and, together with any and all statements previously submitted in writing to the clerk of my local government or the Local Finance Board, constitutes a full disclosure with respect to all matters required by N.J.S.A. 40A:9-22.1 et seq., to the best of my knowledge. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to fines and possible disciplinary action.

 Signature of Local Government Officer
 (Original Signature)

 Date

Last Name: Harper First Name: Thomas Middle: L (for DLGS use only) Municode: _____
 State of New Jersey Department of Community Affairs Division of Local Government Services Local Finance Board

**Local Government Ethics Law
 Financial Disclosure Statement**

This Financial Disclosure Statement is required annually of all local government officers in accordance with N.J.S.A. 40A:9-22.1 et seq., the Local Government Ethics Law. (Please Type or Print)

Year of Service: 2010

Section I. Personal Information- Local Government Officer

Local Government Served: _____
 Municipality: Wrightstown Boro County: Bucks Other: _____
 First Name: Thomas Middle: Edward Last Name: Harper Suffix: _____
 *Spouse's First Name: Mary Middle: _____ Last Name: Harper Suffix: _____
 Home Address: 51 West Main St Telephone Numbers (optional): 605-723-4443
 (optional) Wrightstown NJ 08891 Home: _____ Business: _____

Term Expires (if applicable) 12-12

Position Held Mayor

1. Wrightstown Council Agency Wrightstown
2. Wrightstown Agency Wrightstown
3. _____ Agency _____

Section II. Financial Information

Provide the following information for yourself and members of your immediate family for the prior calendar year. If none, please indicate NONE in the space provided. If additional space is needed, please use Extension Forms.

A. List the name and address of each source of income, earned and unearned, which you received in excess of \$2,000. If a publicly traded security is the source of income, the security need not be reported unless you or a member of your immediate family has an interest in the business organization.

Name	Address	Self	Spouse	Dependent Name
1. <u>MIT Inc</u>	<u>114 Paris Drive Center</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. <u>Wrightstown Boro</u>	<u>21 Sycamore Rd Wrightstown NJ</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. <u>Cash</u>	<u>57 W Main Wrightstown NJ</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. <u>Bank of Wrightstown</u>	<u>16 N E Wrightstown NJ</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	

B. List the name and address of each source of fees and honorariums having an aggregate amount exceeding \$250 received from any single source for personal appearances, speeches, or writing.

Name	Address	Self	Spouse	Dependent Name
1. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
2. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
3. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
4. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
5. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	

Local Government Ethics Law Financial Disclosure Statement

Section II. Financial Information- continued

C. List the name and address of each source of gifts, reimbursements or prepaid expenses having an aggregate value exceeding \$400 from any single source, excluding relatives.

Name	Address	Self Spouse	Dependent Name
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____

D. List the name and address of all business organizations in which an interest was held.

Name	Address	Self Spouse	Dependent Name
1. <u>EXCH LEASING</u>	<u>57 W MAIN WASHINGTON NJ</u>	<u>X</u>	
2. <u>MTI INC</u>	<u>1A PAL AVE WASHINGTON</u>	<u>X</u>	
3. <u>ADIA OF WASHINGTON</u>	<u>16 PAL AVE WASHINGTON</u>	<u>X</u>	
4. _____	_____	_____	_____
5. _____	_____	_____	_____

E. List the address and a brief description of all real property in the State of New Jersey in which an interest was held.

Municipality	County	Block	Lot	Qual.	Address (if applicable)	% of Ownership	Self Spouse	Dependent Name
<u>Washington Boro</u>	<u>Berkshire</u>	<u>302</u>	<u>10</u>		<u>45 W MAIN WASHINGTON</u>	<u>50%</u>	<u>X</u>	
<u>"</u>	<u>"</u>	<u>401</u>	<u>501</u>		<u>54 W MAIN</u>	<u>"</u>	<u>X</u>	
<u>"</u>	<u>"</u>	<u>401</u>	<u>502</u>		<u>46-48 W MAIN</u>	<u>"</u>	<u>X</u>	
<u>"</u>	<u>"</u>	<u>401</u>	<u>501</u>		<u>52 W MAIN</u>	<u>"</u>	<u>X</u>	
<u>"</u>	<u>"</u>	<u>401</u>	<u>503</u>		<u>50A+B W MAIN</u>	<u>"</u>	<u>X</u>	

F. Please add any other information you believe is necessary to complete this form.

<u>Washington Boro</u>	<u>401-11</u>	<u>42AF</u>	<u>W-3R</u>	<u>MIN</u>	<u>WASHINGTON</u>	<u>X</u>	<u>X</u>
<u>"</u>	<u>401-1101</u>	<u>417</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>X</u>	<u>X</u>
<u>"</u>	<u>402-10</u>	<u>6</u>	<u>CRS</u>	<u>MAIN</u>	<u>"</u>	<u>X</u>	<u>X</u>

Section III. Certification

hereby certify that this Financial Disclosure Statement contains no willful misstatement of fact or omission of material fact and, together with any and all statements previously submitted in writing to the clerk of my local government or the Local Finance Board, constitutes a full disclosure with respect to all matters required by N.J.S.A. 40A:9-22.1 et seq., to the best of my knowledge. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to fines and possible disciplinary action.

Date: 10/21/11
 Signature of Local Government Officer: [Signature]
 (Original Signature)

All bills received after the 1st of the month will not be paid until the next month

SOLD TO: **BOROUGH OF WRIGHTSTOWN**

21 Saylor's Pond Road
Wrightstown, N. J. 08562
Tel (609) 723-4450
Fax (609) 723-7137

PURCHASE ORDER NO. 11-00461

DATE ORDERED _____

ORDERED BY: _____

VENDOR NO. 00991

POSTED _____

00991

PAY Tom's Service Center
TO: P0 Box 218, Rexall Ave & Ft. Dix St.
Wrightstown, NJ 08562

QUANTITY	DESCRIPTION		UNIT PRICE	AMOUNT
Invoice	89695	9/1/2011 Diesel	12.99	\$ 13.00
Invoice	89762	9/8/2011 Diesel	11.02	\$ 11.02
Invoice	88767	9/9/2011 Diesel	99.95	\$ 100.00
Invoice	88827	9/14/2011 Diesel	37.79	\$ 38.00
Invoice	89799	9/19/2011 Gas	91.75	\$ 91.75
Invoice	89875	9/23/2011 Diesel	91.98	\$ 92.00
Invoice	72791	9/26/2011 Repairs	322.77	\$ 322.77
Invoice	89954	9/28/2011 Diesel	35.49	\$ 35.50
			703.95	
TAX EXEMPT # 21-6001379			TOTAL	704.04

OFFICER'S CERTIFICATION

I, having knowledge of the facts, certify that the materials and supplies have been received or the services rendered; said certification being based on signed delivery slips or other reasonable procedures.

10/12/11 [Signature]
Date Signature Title

CERTIFICATION OF FUNDS

I hereby certify that funds are available and encumbered.

10/10/11 [Signature]
Date Treasurer

CLAIMANT'S CERTIFICATION AND DECLARATION

I do solemnly declare and certify under the penalties of the Law that the within bill is correct in all its particulars; that the articles have been furnished or services rendered as stated therein; that no bonus has been given or received by any person or persons within the knowledge of this claimant in connection with the above claim; that the amount therein stated is justly due and owing; and that the amount charged is a reasonable one.

10/3/11 [Signature] Owner
Date Signature Official Position

APPROPRIATION OR ACCOUNT CHARGED:

1-01-26-290-225	322.77
1-01-31-460-000	381.18

PAYMENT RECORD

CK # 5262 Date 10/12/11

The above claim was approved and ordered paid.

10/12/11
MEETING DATE

VOUCHER

Payments to Tom's Service Center - 2010

Repairs	Fuel	Fuel	Fuel	Fuel
\$ 20.28	\$ 69.38	\$ 21.80	\$ 23.39	\$ 67.87
\$ 495.80	\$ 26.94	\$ 14.20	\$ 26.99	\$ 48.94
\$ 10.00	\$ 13.75	\$ 8.68	\$ 72.58	\$ 8.68
\$ 200.45	\$ 67.00	\$ 57.94	\$ 49.18	\$ 76.97
\$ 24.95	\$ 7.98	\$ 10.36	\$ 31.49	\$ 26.59
\$ 1,000.49	\$ 10.64	\$ 47.50	\$ 15.00	\$ 88.47
\$ 121.45	\$ 51.85	\$ 74.76	\$ 29.99	\$ 67.00
\$ 117.50	\$ 75.57	\$ 45.37	\$ 85.77	\$ 29.99
\$ 114.95	\$ 11.97	\$ 16.97	\$ 79.77	\$ 67.74
\$ 18.95	\$ 36.33	\$ 4.81	\$ 26.39	\$ 6.90
\$ 198.01	\$ 20.24	\$ 52.90	\$ 24.91	\$ 73.84
\$ 18.95	\$ 11.07	\$ 37.22	\$ 74.45	\$ 63.84
\$ 112.00	\$ 13.23	\$ 6.22	\$ 10.00	\$ 69.75
\$ 156.99	\$ 50.90	\$ 53.90	\$ 52.90	\$ 2.99
\$ 162.95	\$ 11.07	\$ 87.79	\$ 26.49	\$ 79.85
\$ 955.82	\$ 79.89	\$ 16.93	\$ 21.83	\$ 79.85
\$ 430.58	\$ 64.43	\$ 42.30	\$ 23.79	\$ 26.76
\$ 132.55	\$ 42.91	\$ 80.89	\$ 64.10	\$ 30.88
\$ 228.00	\$ 49.76	\$ 42.18	\$ 67.31	\$ 76.98
	\$ 29.87	\$ 39.20	\$ 18.80	\$ 74.40
\$ 4,520.67	\$ 79.43	\$ 41.89	\$ 3.87	\$ 4.17
	\$ 17.41	\$ 13.29	\$ 51.00	\$ 65.10
	\$ 23.13	\$ 82.87	\$ 71.51	\$ 2.50
	\$ 3.90	\$ 25.95	\$ 16.23	\$ 86.00
	\$ 15.33	\$ 54.84	\$ 69.78	\$ 14.76
	\$ 71.99	\$ 16.89	\$ 22.67	\$ 71.96
	\$ 72.77	\$ 29.78	\$ 73.81	\$ 66.90
	\$ 14.27	\$ 3.83	\$ 33.59	\$ 14.87
	\$ 32.19	\$ 63.10	\$ 21.92	\$ 60.97
	\$ 54.76	\$ 23.89	\$ 21.75	\$ 79.77
	\$ 640.15	\$ 75.20	\$ 54.92	\$ 76.61
	\$ 2.99	\$ 10.91	\$ 64.17	\$ 33.74
	\$ 25.96	\$ 9.23	\$ 55.78	\$ 17.78
	\$ 7.28	\$ 24.11	\$ 27.43	\$ 93.14
	\$ 14.00	\$ 49.67	\$ 70.81	\$ 77.48
	\$ 26.94	\$ 24.73	\$ 54.86	\$ 19.76
	\$ 52.90	\$ 8.80	\$ 60.98	\$ 52.96
	\$ 70.53	\$ 73.78	\$ 7.00	
	\$ 58.78	\$ 50.98	\$ 16.23	\$ 7,278.78
	\$ 42.82	\$ 21.29	\$ 19.92	
	\$ 46.74	\$ 62.89	\$ 79.77	

Vendor Range: TOM'S SERVICE CENTER to TOM'S SERVICE CENTER Report Type: Paid
 Threshold Amount: 0.00 Status: Active Include Tax Id: Y Contracts: N Bid: Y State: Y Other: Y
 Date Range Type: Paid Paid Date Range: 01/01/10 to 11/02/11

Vendor #	Name	Status	1099 Type	Tax Id	Invoice	Amount	1099
First	P.O. #	Item Description	Prch. Type	Status			Exc1
Enc Date	Contract Id	Charge Account	Account Description				
00991	TOM'S SERVICE CENTER	Active					
01/19/10	10-00010	1 GAS	Other	Pd Ck:	4850 01/27/10	77224	69.38
		9-01-31-460-000	GASOLINE				
01/19/10	10-00010	2 DIESEL	Other	Pd Ck:	4850 01/27/10	77230	26.94
		9-01-31-460-000	GASOLINE				
01/19/10	10-00010	3 DIESEL	Other	Pd Ck:	4850 01/27/10	77209	13.75
		9-01-31-460-000	GASOLINE				
01/19/10	10-00010	4 GAS	Other	Pd Ck:	4850 01/27/10	78007	67.00
		9-01-31-460-000	GASOLINE				
01/19/10	10-00010	5 DIESEL	Other	Pd Ck:	4850 01/27/10	78017	7.98
		9-01-31-460-000	GASOLINE				
01/19/10	10-00010	6 DIESEL	Other	Pd Ck:	4850 01/27/10	77991	10.64
		9-01-31-460-000	GASOLINE				
01/19/10	10-00010	7 DIESEL	Other	Pd Ck:	4850 01/27/10	77144	51.85
		9-01-31-460-000	GASOLINE				
01/19/10	10-00010	8 TIRE REPAIR	Other	Pd Ck:	4850 01/27/10	77122	20.28
		9-01-26-290-225	MAINTENANCE MOTOR VEHICLES				
01/19/10	10-00010	9 DIESEL	Other	Pd Ck:	4850 01/27/10	77111	75.57
		9-01-31-460-000	GASOLINE				
01/19/10	10-00010	10 DIESEL	Other	Pd Ck:	4850 01/27/10	77112	11.97
		9-01-31-460-000	GASOLINE				
01/19/10	10-00010	11 GAS	Other	Pd Ck:	4850 01/27/10	77112	36.33
		9-01-31-460-000	GASOLINE				
01/19/10	10-00010	12 DIESEL	Other	Pd Ck:	4850 01/27/10	77074	20.24
		9-01-31-460-000	GASOLINE				
01/19/10	10-00010	13 GAS	Other	Pd Ck:	4850 01/27/10	77074	11.07
		9-01-31-460-000	GASOLINE				
01/19/10	10-00010	14 DIESEL	Other	Pd Ck:	4850 01/27/10	77083	13.23
		9-01-31-460-000	GASOLINE				
01/19/10	10-00010	15 GAS	Other	Pd Ck:	4850 01/27/10	77059	50.90
		9-01-31-460-000	GASOLINE				
01/19/10	10-00010	16 DIESEL	Other	Pd Ck:	4850 01/27/10	77019	11.07
		9-01-31-460-000	GASOLINE				
01/19/10	10-00010	17 DIESEL	Other	Pd Ck:	4850 01/27/10	76956	79.89
		9-01-31-460-000	GASOLINE				
01/19/10	10-00010	18 GAS	Other	Pd Ck:	4850 01/27/10	76914	64.43
		9-01-31-460-000	GASOLINE				
01/19/10	10-00010	19 TIRES	Other	Pd Ck:	4850 01/27/10	76832	495.80
		9-01-26-290-225	MAINTENANCE MOTOR VEHICLES				
01/19/10	10-00010	20 TIRES	Other	Pd Ck:	4850 01/27/10	76882	42.91
		9-01-31-460-000	GASOLINE				
01/19/10	10-00010	21 TIRE REPAIRS	Other	Pd Ck:	4850 01/27/10	76886	10.00
		9-01-26-290-225	MAINTENANCE MOTOR VEHICLES				
02/09/10	10-00062	1 DIESEL	Other	Pd Ck:	4874 02/10/10	78056	49.76
		0-01-31-460-000	GASOLINE				
02/09/10	10-00062	2 GAS	Other	Pd Ck:	4874 02/10/10	78121	29.87
		0-01-31-460-000	GASOLINE				

Vendor # Name		Status	1099 Type	Tax Id	Invoice	Amount	1099 Exc1
First Enc Date	P.O. # Contract Id	Item Description Charge Account	Prch. Type Status Account Description				
02/09/10	10-00062	3 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	4874 02/10/10	82281	79.43	
02/09/10	10-00062	4 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	4874 02/10/10	82338	17.41	
02/09/10	10-00062	5 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	4874 02/10/10	82322	23.13	
02/09/10	10-00062	6 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	4874 02/10/10	82349	3.90	
02/09/10	10-00062	7 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	4874 02/10/10	82361	15.33	
02/09/10	10-00062	8 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	4874 02/10/10	82371	71.99	
02/09/10	10-00062	9 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	4874 02/10/10	83279	72.77	
02/09/10	10-00062	10 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	4874 02/10/10	83296	14.27	
02/09/10	10-00062	11 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	4874 02/10/10	83333	32.19	
02/09/10	10-00062	12 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	4874 02/10/10	83330	54.76	
02/09/10	10-00062	13 REPAIRS-1994 FORD PICK-UP 0-01-31-460-000	Other Pd Ck: GASOLINE	4874 02/10/10	68616	640.15	
03/09/10	10-00123	1 OIL 0-01-31-460-000	Other Pd Ck: GASOLINE	4922 03/10/10	83357	2.99	
03/09/10	10-00123	2 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	4922 03/10/10	83405	25.96	
03/09/10	10-00123	3 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	4922 03/10/10		7.28	
03/09/10	10-00123	4 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	4922 03/10/10	82490	14.00	
03/09/10	10-00123	5 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	4922 03/10/10	82490	26.94	
03/09/10	10-00123	6 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	4922 03/10/10	82512	52.90	
03/09/10	10-00123	7 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	4922 03/10/10	82529	70.53	
03/09/10	10-00123	8 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	4922 03/10/10	82550	58.78	
03/09/10	10-00123	9 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	4922 03/10/10	82568	42.82	
03/09/10	10-00123	10 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	4922 03/10/10	82603	46.74	
03/09/10	10-00123	11 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	4922 03/10/10	82598	21.80	
03/09/10	10-00123	12 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	4922 03/10/10	82604	14.20	
03/09/10	10-00123	13 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	4922 03/10/10	82617	8.68	
03/09/10	10-00123	14 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	4922 03/10/10	82616	57.94	
03/09/10	10-00123	15 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	4922 03/10/10	82639	10.36	

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03/09/10	10-00123	16 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	4922 03/10/10	82710	47.50	
03/09/10	10-00123	17 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	4922 03/10/10	83547	74.76	
03/09/10	10-00123	18 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	4922 03/10/10	83547	45.37	
03/09/10	10-00123	19 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	4922 03/10/10	83567	16.97	
03/09/10	10-00123	20 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	4922 03/10/10	83571	4.81	
03/09/10	10-00123	21 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	4922 03/10/10	83614	52.90	
03/09/10	10-00123	22 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	4922 03/10/10	83622	37.22	
03/09/10	10-00123	23 REMOVE & REPLACE TIE ROD END 0-01-26-290-225	Other Pd Ck: MAINTENANCE MOTOR VEHICLES	4922 03/10/10	68870	200.45	
04/13/10	10-00191	1 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	4975 04/14/10	83664	6.22	
04/13/10	10-00191	2 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	4975 04/14/10	83758	53.90	
04/13/10	10-00191	3 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	4975 04/14/10	82724	87.79	
04/13/10	10-00191	4 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	4975 04/14/10	82745	16.93	
04/13/10	10-00191	5 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	4975 04/14/10	82820	42.30	
04/13/10	10-00191	6 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	4975 04/14/10	83767	80.89	
04/13/10	10-00191	7 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	4975 04/14/10	82858	42.18	
04/13/10	10-00191	8 TIRE REPAIR 0-01-26-290-225	Other Pd Ck: MAINTENANCE MOTOR VEHICLES	4975 04/14/10	83791	24.95	
04/13/10	10-00191	9 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	4975 04/14/10	83862	39.20	
04/13/10	10-00191	10 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	4975 04/14/10	82872	41.89	
04/13/10	10-00191	11 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	4975 04/14/10	83887	13.29	
04/13/10	10-00191	12 2001 DODGE RANGER REPAIR 0-01-26-290-225	Other Pd Ck: MAINTENANCE MOTOR VEHICLES	4975 04/14/10	68940	1,000.49	
05/11/10	10-00240	1 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5030 05/12/10	82924	82.87	
05/11/10	10-00240	2 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5030 05/12/10	83923	25.95	
05/11/10	10-00240	3 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	5030 05/12/10	83950	54.84	
05/11/10	10-00240	4 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	5030 05/12/10	83953	16.89	
05/11/10	10-00240	5 TIRES-MOUNT & BALANCE 0-01-26-290-225	Other Pd Ck: MAINTENANCE MOTOR VEHICLES	5030 05/12/10	83944	121.45	
05/11/10	10-00240	6 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5030 05/12/10	83971	29.78	

Vendor # Name		Status	1099 Type	Tax Id	Invoice	Amount	1099 Exc1
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05/11/10	10-00240	7 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5030 05/12/10	82972	3.83	
05/11/10	10-00240	8 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	5030 05/12/10	83003	63.10	
05/11/10	10-00240	9 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5030 05/12/10	82995	23.89	
05/11/10	10-00240	10 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5030 05/12/10	83014	75.20	
05/11/10	10-00240	11 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5030 05/12/10	83044	10.91	
05/11/10	10-00240	12 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5030 05/12/10	84059	9.23	
05/11/10	10-00240	13 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	5030 05/12/10	84042	24.11	
05/11/10	10-00240	14 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5030 05/12/10	84106	49.67	
05/11/10	10-00240	15 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5030 05/12/10	84121	24.73	
05/11/10	10-00240	16 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	5030 05/12/10	84144	8.80	
05/11/10	10-00240	17 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5030 05/12/10	84181	73.78	
06/15/10	10-00307	1 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5082 06/23/10	84230	50.98	
06/15/10	10-00307	2 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5082 06/23/10	84238	21.29	
06/15/10	10-00307	3 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	5082 06/23/10	83083	62.89	
06/15/10	10-00307	4 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5082 06/23/10	83140	23.39	
06/15/10	10-00307	5 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5082 06/23/10	83190	26.99	
06/15/10	10-00307	6 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5082 06/23/10	83205	72.58	
06/15/10	10-00307	7 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5082 06/23/10	80273	49.18	
06/15/10	10-00307	8 TIRE 0-01-26-290-234	Other Pd Ck: MOTOR VEHICLE PARTS & SUPPLIES	5082 06/23/10	80314	117.50	
06/15/10	10-00307	9 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5082 06/23/10	80317	31.49	
06/15/10	10-00307	10 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5082 06/23/10	80339	15.00	
06/15/10	10-00307	11 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5082 06/23/10	81256	29.99	
06/15/10	10-00307	12 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	5082 06/23/10	80375	85.77	
06/15/10	10-00307	13 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5082 06/23/10	81293	79.77	
07/06/10	10-00336	1 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5107 07/14/10	81359	26.39	
07/06/10	10-00336	2 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5107 07/14/10	81442	24.91	

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07/06/10	10-00336	3 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5107 07/14/10	81467	74.45	
07/06/10	10-00336	4 BATTERY 0-01-26-290-225	Other Pd Ck: MAINTENANCE MOTOR VEHICLES	5107 07/14/10	80412	114.95	
07/06/10	10-00336	5 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	5107 07/14/10	80418	10.00	
07/06/10	10-00336	6 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5107 07/14/10	80418	52.90	
07/06/10	10-00336	7 TIRE REPAIR 0-01-26-290-225	Other Pd Ck: MAINTENANCE MOTOR VEHICLES	5107 07/14/10	80428	18.95	
07/06/10	10-00336	8 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	5107 07/14/10	80460	26.49	
07/06/10	10-00336	9 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5107 07/14/10	80514	21.83	
07/06/10	10-00336	10 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5107 07/14/10	80524	23.79	
07/06/10	10-00336	11 U-JOINTS 0-01-26-290-225	Other Pd Ck: MAINTENANCE MOTOR VEHICLES	5107 07/14/10	70800	198.01	
08/10/10	10-00416	1 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5149 08/11/10	80583	64.10	
08/10/10	10-00416	2 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	5149 08/11/10	80614	67.31	
08/10/10	10-00416	3 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5149 08/11/10	80629	18.80	
08/10/10	10-00416	4 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	5149 08/11/10	80637	3.87	
08/10/10	10-00416	5 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5149 08/11/10	81555	51.00	
08/10/10	10-00416	6 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5149 08/11/10	81579	71.51	
08/10/10	10-00416	7 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5149 08/11/10	81649	16.23	
08/10/10	10-00416	8 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	5149 08/11/10	81649	69.78	
08/10/10	10-00416	9 TIRE REPAIR 0-01-26-290-225	Other Pd Ck: MAINTENANCE MOTOR VEHICLES	5149 08/11/10	81704	18.95	
08/10/10	10-00416	10 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5149 08/11/10	81729	22.67	
08/10/10	10-00416	11 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	5149 08/11/10	81770	73.81	
08/10/10	10-00416	12 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5149 08/11/10	81770	33.59	
08/10/10	10-00416	13 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	5149 08/11/10	81770	21.92	
09/07/10	10-00464	1 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5190 09/08/10	81883	21.75	
09/07/10	10-00464	2 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5190 09/08/10	81913	54.92	
09/07/10	10-00464	3 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5190 09/08/10	81949	64.17	
09/07/10	10-00464	4 GASOLINE 0-01-31-460-000	Other Pd Ck: GASOLINE	5190 09/08/10	82010	55.78	

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First Enc Date	P.O. # Contract Id	Item Description Charge Account	Prch. Type Status Account Description				
09/07/10	10-00464	5 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5190 09/08/10	80940	27.43	
09/07/10	10-00464	6 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5190 09/08/10	81008	70.81	
09/07/10	10-00464	7 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5190 09/08/10	81013	54.86	
09/07/10	10-00464	8 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	5190 09/08/10	81029	60.98	
09/07/10	10-00464	9 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5190 09/08/10	81043	7.00	
10/19/10	10-00546	1 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5275 11/10/10	87311	16.23	
10/19/10	10-00546	2 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	5275 11/10/10	87311	19.92	
10/19/10	10-00546	3 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5275 11/10/10	87253	79.77	
11/10/10	10-00546	4 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	5275 11/10/10	87261	67.87	
11/10/10	10-00546	5 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	5275 11/10/10	82124	48.94	
11/10/10	10-00546	6 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5275 11/10/10	82104	8.68	
11/10/10	10-00546	7 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5275 11/10/10	82104	76.97	
11/10/10	10-00546	8 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5275 11/10/10	81085	26.59	
11/10/10	10-00592	1 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5275 11/10/10	86349	88.47	
11/10/10	10-00592	2 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5275 11/10/10	86383	67.00	
11/10/10	10-00592	3 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5275 11/10/10	86399	29.99	
11/10/10	10-00592	4 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	5275 11/10/10	86441	67.74	
11/10/10	10-00592	5 TIRES 0-01-26-290-234	Other Pd Ck: MOTOR VEHICLE PARTS & SUPPLIES	5275 11/10/10	86437	112.00	
11/10/10	10-00592	6 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5275 11/10/10	86503	6.90	
11/10/10	10-00592	7 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5275 11/10/10	86528	73.84	
11/10/10	10-00592	8 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	5275 11/10/10	87382	63.84	
11/10/10	10-00592	9 FORD F-350 BRAKES, BALL JOINTS 0-01-26-290-234	Other Pd Ck: MOTOR VEHICLE PARTS & SUPPLIES	5275 11/10/10	69505	156.99	
12/07/10	10-00644	1 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	5326 12/08/10		69.75	
12/07/10	10-00644	2 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	5326 12/08/10	87646	2.99	
12/07/10	10-00644	3 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5326 12/08/10	86589	79.85	
12/07/10	10-00644	4 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5326 12/08/10	86541	79.85	

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12/07/10	10-00644	5 GAS - FILL CANS 0-01-31-460-000	Other Pd Ck: GASOLINE	5326 12/08/10	86541	26.76	
12/07/10	10-00644	6 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5326 12/08/10	87605	30.88	
12/07/10	10-00644	7 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	5326 12/08/10	87558	76.98	
12/07/10	10-00644	8 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5326 12/08/10	82225	74.40	
12/07/10	10-00644	9 TIRES 0-01-26-290-234	Other Pd Ck: MOTOR VEHICLE PARTS & SUPPLIES	5326 12/08/10	82193	162.95	
12/07/10	10-00644	10 REPLACE OIL PAN, GASKET/OIL 0-01-26-290-225	Other Pd Ck: MAINTENANCE MOTOR VEHICLES	5326 12/08/10	69594	955.82	
12/08/10	10-00644	11 REMVE, REPLCE BELT/FLSH POW 0-01-26-290-225	STE Other Pd Ck: MAINTENANCE MOTOR VEHICLES	5326 12/08/10	69529	430.58	
12/31/10	10-00705	1 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	5398 01/26/11	87654	4.17	
12/31/10	10-00705	2 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	5398 01/26/11	87654	65.10	
12/31/10	10-00705	3 TIRES 0-01-26-290-225	Other Pd Ck: MAINTENANCE MOTOR VEHICLES	5398 01/26/11	87702	132.55	
12/31/10	10-00705	4 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5398 01/26/11	87702	2.50	
12/31/10	10-00705	5 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5398 01/26/11	86651	86.00	
12/31/10	10-00705	6 85-65 0-01-26-290-225	Other Pd Ck: MAINTENANCE MOTOR VEHICLES	5398 01/26/11	86679	228.00	
12/31/10	10-00705	7 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5398 01/26/11	86694	14.76	
12/31/10	10-00705	8 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	5398 01/26/11	86694	71.96	
12/31/10	10-00705	9 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	5398 01/26/11	86718	66.90	
12/31/10	10-00705	10 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	5398 01/26/11	86739	14.87	
12/31/10	10-00705	11 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5398 01/26/11	86739	60.97	
12/31/10	10-00705	12 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	5398 01/26/11	86827	79.77	
12/31/10	10-00705	13 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5398 01/26/11	86820	76.61	
12/31/10	10-00705	14 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	5398 01/26/11	86898	33.74	
12/31/10	10-00705	15 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5398 01/26/11	86926	17.78	
12/31/10	10-00705	16 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5398 01/26/11	86923	93.14	
12/31/10	10-00705	17 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	5398 01/26/11	86929	77.48	
12/31/10	10-00705	18 GAS 0-01-31-460-000	Other Pd Ck: GASOLINE	5398 01/26/11	87907	19.76	
12/31/10	10-00705	19 DIESEL 0-01-31-460-000	Other Pd Ck: GASOLINE	5398 01/26/11	87907	52.96	

**LOCAL FINANCE BOARD
DEPARTMENT OF COMMUNITY AFFAIRS
STATE OF NEW JERSEY
OAL DOCKET NO. CFB 07266-06
AGENCY REF. NO. LFB-04-014**

LAURIE SPAZIANI
Petitioner

vs.

REVISED FINAL AGENCY DECISION

LOCAL FINANCE BOARD
Respondent

This matter came before the Local Finance Board (Board) by way of a complaint against Hopatcong Borough Council President Laurie Spaziani, alleging that Spaziani was involved in a conflict of interest because she, through her catering company, Spaziani's Catering, provided the catering for the Borough of Hopatcong 2004 annual senior citizen picnic. It was alleged that Spaziani conducted business with the municipality she served in substantial conflict with the proper discharge of her duties in the public interest, which might reasonably be expected to prejudice her independence of judgment in the exercise of her official duties in violation of N.J.S.A. 40A:9-22.5(a) and (e).

On October 13, 2004, the Board, having determined that the allegations were within its jurisdiction, were not frivolous and were based upon a reasonable factual basis, authorized an investigation of the allegations of this complaint for a potential violation of N.J.S.A. 40A:9-22.5(a) which states:

No local government officer or employee or member of his immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest;

and N.J.S.A. 40A:9-22.5(e) which states:

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.

On September 14, 2005, the Board determined that Hopatcong Borough Council President Laurie Spaziani was in violation of N.J.S.A. 40A:9-22.5 (a) and (e) when she, through her catering company, Spaziani's Catering, provided catering services for the Borough of Hopatcong's 2004 annual Senior Citizen Picnic. This service was performed while she was a member of the Governing Body of the Borough of Hopatcong and the Council Liaison to the Borough's Recreation Committee. As Borough Council President, doing business with the municipality she served was in substantial conflict with the proper discharge of her duties in the public interest, and might reasonably be expected to prejudice her independence of judgment in the exercise of her official duties. The Board assessed a fine in the amount of \$100.00 for the violation of N.J.S.A. 40A:9-22.5(a) and (e), as related to her having engaged in activities prohibited by the statute. Said fine was suspended because Ms. Spaziani was no longer in office.

On May 10, 2006, upon Spaziani's appeal of the Board's finding, the Board determined to transmit the matter to the Office of Administrative Law to be heard as a contested case.

A hearing was held on December 18, 2006, before Administrative Law Judge (ALJ) James A. Geraghty, who concluded by **Initial Decision** received by the Board on February 1, 2007 (copy attached) that Ms. Spaziani had no conflict of interest in bidding for and accepting the contract to cater the 2004 Hopatcong senior citizens picnic and that such catering services would not be expected to, and did not, prejudice her independence of judgment in the exercise of her official duties. The ALJ further concluded in his Initial Decision that Spaziani relied on the advice of counsel in relation to this matter, and that her reliance constituted a defense to the charge pursuant to In Re Zisa, 385 N.J. Super. 188 (2006). The ALJ reversed the determination of the Local Finance Board.

The Board received exceptions to the Initial Decision dated February 16, 2007, filed by Senior Deputy Attorney General, Daniel P. Reynolds and a letter dated March 2, 2007, from Peter N. Gilbreth, the attorney for Former Councilwoman Spaziani. Mr. Gilbreth urged the Board to adopt the Initial Decision of the ALJ. The Board, at its meeting of March 14, 2007 (forty-two days after receipt of the Initial Decision) rendered its Final Agency Decision in which the Board rejected the Initial Decision of the ALJ; more specifically the Board found that the following four factual findings presented in the ALJ's Initial Decision are incorrect: 1) the senior citizens picnic was privately financed; 2) the Hopatcong Senior citizens committee is a private organization that decided to have the picnic catered; 3) the private organization solicited bids for the provision of the catering services; and 4) the picnic was paid for by private funds. The Board finds that: 1) the senior citizens picnic was financed with public funds; 2) the Hopatcong Senior citizens committee is a government organization that decided to have the picnic catered; 3) the government organization solicited bids for the provision of the catering services; and 4) the picnic was paid for by public funds.

The Board has determined that the ALJ's factual determinations were incorrect due to a fundamental misunderstanding of the meaning of "public funds" and "public function." As to public funds, N.J.S.A. 40A:5-15 states:

All moneys, including moneys collected by taxation, received from any source by or on behalf of any local unit or any board or department thereof shall, within 48 hours after the receipt thereof, either

* * ** * * * * *

b. be deposited to the credit of the local unit in its designated legal depository. N.J.S.A. 40A:5-15 (emphasis supplied).

Therefore, upon receipt by the Borough or by the Recreation Committee of any money from any source, it was to be deposited into the Borough's bank account. Once it was credited to the Borough's bank account, it became public funds. Even the Borough Counsel, who advised Spaziani that she did not have a conflict of interest in submitting a proposal for the catering contract, advised her that she needed to proceed pursuant to the Local Public Contracts Law, N.J.S.A. 40A11-1 et seq. The reason that she needed to so proceed was because she, and/or her catering business, would be paid with public funds. In fact, in order to pay money out of the municipal account, the Borough was required to follow the requirements of N.J.S.A. 40A:1-16, which states:

The governing body of any local unit shall not pay out any of its moneys

* * * * *

b. unless it carries a written or electronic certification of some officer or duly designated employee of the local unit having knowledge of the facts that the goods have been received by, or the services rendered to, the local unit. N.J.S.A. 40A:1-16.

There is no dispute that the Recreation Director is the person who solicited the bids for the provision of the catering services. The bids were therefore not solicited by the "private organization", but by a public employee. The Recreation Director's solicitation of bids followed a meeting of the Borough Council on July 7, 2004, during which the Council discussed the picnic, and the need to engage a caterer for the picnic. It is also clear that the Borough provided or agreed to provide certain picnic items to the caterer. The proposal submitted by Spaziani Catering was submitted to the Recreation Director and was marked "Received" by the Borough and copied to the Borough's Chief Administrative Officer. The Recreation Director was to evaluate the responses to the request for proposals. Finally, Spaziani Catering was paid by a check drawn on the Borough's account, bearing the address of the Borough's municipal office, and was signed by the Recreation Director, a Borough employee. Clearly, the senior citizens picnic was a public function, and was paid for with public funds.

Moreover, the Recreation Director's salary compensation, terms and conditions of employment, and employment itself are subject to the control of the Governing Body, i.e., the Borough Council, of which Spaziani was a member and President. Spaziani therefore sought the approval of her proposal as well as of the services she rendered from a Borough employee whose salary, terms and conditions of employment, and employment itself, were subject to the oversight and control of Spaziani, as a member of the Council. By so doing, Spaziani placed herself in a position in which her public duties and responsibilities as a member of the Borough Council to oversee the manner in which Borough employees, including the Recreation Director, performed their job duties and responsibilities, and to establish their compensation and other terms and conditions of employment, were in conflict with her private personal financial interests.

Such circumstances could reasonably be expected to impair the proper discharge of her duties as a member of the Borough Council and to impair her objectivity and independence of judgment in dealing with matters involving the Borough employee in question. Such circumstances could also reasonably be perceived by the public to constitute a conflict that would imperil the public's confidence in the integrity of its elected and appointed officials. It is clear that, contrary to the findings and conclusions set forth in the Initial Decision, Spaziani's conduct in undertaking to obtain and perform the catering contract for the Borough's annual senior citizens picnic violated N.J.S.A. 40A:9-22.5(a) and (e).

Spaziani has asserted a defense to the charges based upon her reliance on the advice of the Borough attorney. As noted above, the ALJ agreed that Spaziani's reliance constituted a defense to the charges.

This Board has been charged by the Legislature with the jurisdiction to "govern and guide the conduct of local government officers or employees regarding violations of the provisions of [the Local Government Ethics Law]." N.J.S.A. 40A:9-22.4. The Board's jurisdiction includes the interpretation and application of the act. Id. The Board has not delegated that jurisdiction to the attorneys employed by the local governing bodies, and consequently, the fact that a local or municipal attorney is of the opinion that particular conduct is not a violation of the Local Government Ethics Law is not binding upon this Board.

In this case, however, the Board is not aware of any evidence to suggest that Spaziani did not act in good faith in reliance upon the advice of her attorney. The Board concludes that the facts of this case clearly reflect conduct that was in violation of N.J.S.A. 40A:9-22.5(a) and (e), and that the opinion of the Borough Attorney was in error. However, since Spaziani relied upon that advice of counsel in good faith, the Board has determined to dismiss the notice of violation on that basis.

It is therefore determined and hereby ordered by the Local Finance Board that the Initial Decision of Administrative Law Judge, James A. Geraghty, in the above referenced matter be rejected to the extent that the Initial Decision finds that these facts do not constitute a violation of N.J.S.A. 40A:9-22.5(a) and (e). However, Spaziani's good faith reliance upon the advice of the Borough Attorney relieves her of liability for these violations, and the Notice of Violation will be dismissed on that basis.

DATE: MARCH 14, 2007



SUSAN JACOBUCCI, CHAIR
LOCAL FINANCE BOARD

C04-014.Revised Final Agency Decision.