

Office of the Hunterdon County Prosecutor

ANTHONY P. KEARNS, III
PROSECUTOR

JOHN J. KUCZYNSKI
CHIEF OF DETECTIVES

JAMES J. JANCI
FIRST ASSISTANT PROSECUTOR



Justice Center, 2nd Floor
65 Park Avenue
PO Box 756
Flemington, NJ 08822-0756

Telephone 908-788-1129
Fax 908-806-4618
www.co.hunterdon.nj.us/prosecutor.htm

May 23, 2012

Director Charles Centinaro
Attn: Ms. Christina Blunda Kennedy
Deputy Ethics Counsel
Office of Attorney Ethics
PO Box 963
Trenton, New Jersey 08625

RE: Hunterdon County Municipal Prosecutor Mary Mott

Dear Director Centinaro:

Please be advised that on or about March 28, 2012, Frenchtown Borough Police Chief Allan Kurylka requested my office conduct an investigation concerning an allegation of official misconduct by Joint Court of Delaware Valley Municipal Prosecutor Mary Mott for her handling of a speeding ticket issued to one of her employees, Mr. Thomas Spork. The Court found Mr. Spork "not guilty" based on Prosecutor Mott's representation on the "Request to Approve Plea Agreement," that there was a "problem with discovery per officer." Chief Kurylka disputes this representation.

My office conducted a thorough investigation and determined there was insufficient evidence to support any criminal charges. However, because Mr. Spork was employed by Kocisis Farms, was driving a vehicle registered to Kocisis Farms at the time of the ticketed motor vehicle stop, and Kocisis Farms is Ms. Mott's family-owned farm, Ms. Mott may have engaged in ethical violations by handling Mr. Spork's municipal matter, and in making the discovery representation to the Court. Accordingly, my office is notifying you of our investigation and will make our file available to you at your request.

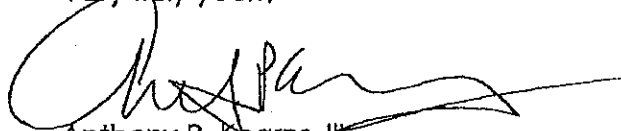
RECEIVED
2012 MAY 29 A 8:19
OFFICE OF
ATTORNEY ETHICS

A1

While our criminal investigation was proceeding, Ms. Mott agreed with my office's request that she refrain from serving as a Municipal Prosecutor, and Assistant Prosecutors from my office served as the temporary Municipal Prosecutor. However, now that the criminal investigation is completed, we have recommended to the involved townships covered by Ms. Mott, that Ms. Mott continue to refrain from serving as a Municipal Court prosecutor during the pendency of the OAE's investigation; but, have informed them that my office will no longer serve as a temporary municipal prosecutor.

If you have any questions or concerns regarding this matter, please do not hesitate to contact me

Very truly yours,



Anthony P. Kearns, III
Prosecutor

APK:ld

c: Steve Lember, Esq.

A2

Mary Rose Mott

Counselor at Law
P.O. Box 184

Baptistown, New Jersey 08803

Telephone:
(908) 996-7265
Same number for fax

Street
1099 County Rt. 519
for Fed-Ex delivery

Joan L. Mott, Esq.
of Counsel

July 24, 2012

Office of Attorney Ethics
Michael J. Sweeny, Ethics Counsel
P.O. Box 963
Trenton, New Jersey 08625

Explanation of Ethic's Complaint

Dear Mr. Sweeny:

I am the Municipal Prosecutor of the Joint Court of the Delaware Valley, a Joint Municipal Court of the Borough of Frenchtown and the Townships of Holland and Alexandria.

I dismissed a speeding ticket with the approval of the Officer who wrote the ticket. I also happen to "know" the Defendant, thus the basis of the complaint.

But I did not, nor did I ever have the intention to do anything improper by this dismissal. This whole matter is simply a case of not thinking about how it "appeared". I.e. I failed to recognize a potential conflict of interest, but this failure was totally unintentional.

The ticket was a speeding ticket for going 30 miles a hour in a 25 mile an hour zone. Officer Johnson had allegedly "clocked" the Defendant going 42 miles an hour but wrote the ticket for 30 in a 25 instead. Unfortunately Officer Johnson, when he wrote out the ticket also put a big 42 on the front of the ticket with a circle around it. This creates a problem with the summons in how it was written.

The Defendant, Thomas Spork, was a young man who works for my husband's farming operation, Kocsis Farms, LLC. (Admittedly I own 49% of the business, but my only involvement in the business is to do the bookkeeping. My husband makes all of the day to day decisions and deals with the employees.) Kocsis Farms, LLC has 7 or so full time and seasonal employees as well as my husband. Kocsis Farms, LLC is a cash grain operation, farming about 3000 acres in Hunterdon County.

The ticket was issued sometime in late January. On February 8th Tom first told me that he had gotten the ticket. I told him at that time that it was a two point violation and that my advice to him was to simply pay the ticket and then to take the on line defensive driving classes offered by DMV to then lose the two points. I told Tom that if he wanted to, he could schedule the matter with the officer in court, but that as far as I was concerned, he should simply pay the ticket and take the class.

After this conversation, Tom then called the Court and asked them to schedule the matter with the officer for Court. (See attached copy of the message book from the Court regarding

A3

RECEIVED
2012 JUL 26 P 1:56
MUNICIPAL COURT

that phone call.)

The obvious point is that if I had the intention of doing something inappropriate in dismissing the ticket, why would I have advised Tom to have the matter scheduled in Court with the officer? If it had been my intention to do something inappropriate in dismissing the ticket, it would have been easier to have done so without the officer present.

At this court, I sit in a small back room and see the defendants one at a time and try to resolve matters. We use plea sheets in this court and if a matter is resolved, the sheet is filled out and the Defendant goes up to the Judge to put the resolution through on the record while I remain in the back room, trying to work out the next matter. In any given day, I will see upwards of 40 different defendants and attorneys, often more, and it is a hectic, fast paced court. The Defendants would be lined up outside of the room and I attempt to move along the calendar as effectively and efficiently as possible. The day this matter was scheduled was a "double session" for the court since we had to reschedule one of the sessions that month. (Normally this is a court with two sessions a month.) Therefore it was an especially busy court session.

On this particular day, Officer Johnson as well as the Chief of Police were in this back room when Tom came in with his ticket. In discussing this matter, the Chief started to grumble and when I asked the Chief if he had a problem with the dismissal he said "I guess not". So I filled out the plea sheet to dismiss the ticket and Tom left the room. My whole interaction on this matter that day took about 3 to 4 minutes, about the same time I spend with each Defendant. I wish to note that while this matter had been specifically scheduled with the officer, Officer Johnson failed to bring his "discovery" with him to court and was unprepared.

I make it my practice and have the reputation of treating everyone in the Court the same way, regardless of who they are. I don't "play games". Period. One reason I live by this practice is that prosecuting in a small community in which one lives and is active results in many Defendants believing that since they somehow "know" you, they deserve special treatment. So I make it clear that I treat everyone the same way, regardless of who they are, which makes my interaction with people, both inside and outside of court, easier.

I can assure you I did not dismiss this ticket because this kid worked for my husband. I just did not think about how it looked in the few moments in which I was dealing with this dismissal on a very busy court day.

And I would also like to say that even though Tom works for my husband, my feeling is "so what"? He is not a friend. We do not socialize together and honestly, he is not even the best of employees. He is just a kid who works for my husband. Nothing special.

I note that from his letter that the County Prosecutor felt that there was an additional problem in so far as that Tom was driving a vehicle registered to Kocsis Farms, LLC at the time of the violation. With respect to that, I did not even realize that fact until the County Prosecutor raised that issue. As a Prosecutor, when I look at a speeding ticket, I look at two things, the speed the Defendant was going and the location of the violation. That's all I care about. I never look at the vehicle information since it is totally irrelevant to me. So I never realized he was driving one of Kocsis Farms' trucks. Furthermore, Kocsis Farms owns probably close to 20 different trucks, (from pick up trucks to flat bed, dump trucks and tractor-trailers) and Tom operates any and all of them at any time during the work day. It was not as if Tom was driving my personal vehicle!

I would have to admit that I have had some difficulties with this particular Chief of

A4

Police for some time since I refuse to do things that he wishes to have done which I feel are inappropriate or unacceptable. In fact, this past January this Chief went to his Mayor in an attempt to have me not reappointed to this court, but I was reappointed anyway. Thus you can understand the nature of the relationship between us. But I have never felt it was my job as a municipal prosecutor to be the puppet of the police department. So what happened here is that while the Chief approved the dismissal at the time, he used the apparent "conflict of interest" to complain to the County Prosecutor, again, I feel, in an attempt to get me removed from the court so that he can find a replacement more suitable to his manner of doing business.

So all this really is a mountain made out of a mole hill because of political reasons.

I did not dismiss the ticket because the Defendant worked for my husband's company!

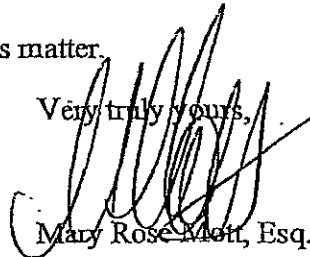
I just did not think about how it appeared (or more so, how the Chief was able to make it appear, which I think is the real point here) in the few minutes that I dealt with this matter in Court that day.

If you have any particular questions you wish to have answered, please feel free to contact me.

If you wish to contact Thomas Spork to ask him to verify the facts contained herein in, his cell phone number is 908-328-4409.

I thank you for your consideration in this matter.

Very truly yours,



Mary Rose Mott, Esq.

A5

PHONE CALL

FOR [REDACTED] M. [REDACTED] TIME [REDACTED] AM/PM

OF [REDACTED] PHONE/MOBILE

MESSAGE: [REDACTED]

SIGNED: [Signature]

TELEPHONED: TELEPHONED

RETURNED YOUR CALL:

PLEASE CALL:

WILL CALL AGAIN:

CAME TO SEE YOU:

WANTS TO SEE YOU:

PHONE CALL

FOR [REDACTED] M. [REDACTED] TIME [REDACTED] AM/PM

OF [REDACTED] PHONE/MOBILE

MESSAGE: [REDACTED]

SIGNED: [Signature]

TELEPHONED: TELEPHONED

RETURNED YOUR CALL:

PLEASE CALL:

WILL CALL AGAIN:

CAME TO SEE YOU:

WANTS TO SEE YOU:

PHONE CALL

FOR [REDACTED] M. [REDACTED] TIME [REDACTED] AM/PM

OF [REDACTED] PHONE/MOBILE

MESSAGE: [REDACTED]

SIGNED: [Signature]

TELEPHONED: TELEPHONED

RETURNED YOUR CALL:

PLEASE CALL:

WILL CALL AGAIN:

CAME TO SEE YOU:

WANTS TO SEE YOU:

PHONE CALL

FOR [REDACTED] M. [REDACTED] TIME [REDACTED] AM/PM

OF [REDACTED] PHONE/MOBILE

MESSAGE: [REDACTED]

SIGNED: [Signature]

TELEPHONED: TELEPHONED

RETURNED YOUR CALL:

PLEASE CALL:

WILL CALL AGAIN:

CAME TO SEE YOU:

WANTS TO SEE YOU:

A6

COUNTY ID	PREFIX	TICKET NUMBER	JOINT COURT OF THE DELAWARE VALLEY	
1020	B	023961	COURT HELD AT: Boro Hall, Second Street, Franchtown, NJ	
COMPLAINT-SUMMONS				
Driver's Lic. No. [REDACTED]				
EXPIRES DATE: 12-12 STATE: NJ Commercial: []				
THE UNDERSIGNED CERTIFIES THAT:				
Name: Thomas S. SPORIC (Please Print)				
Address: 75 Rummel RD				
City: RAILFORD State: NJ Zip: 08848 Telephone: []				
Birth Date: 12-5-87 Sex: M Weight: [] Height: 62 Restrictions: []				
Make of Vehicle: FORD Year: 1997 Body Type: TRUCK Color: GRN				
License Plate No. [REDACTED] State: NJ Exp. Date: 10-12				
Offense Date: Month 01 Day 20 Year 12 Time: 7:33 PM				
LOCATION OF OFFENSE: Describe Location: TRENTON AV				
Municipality: FRD County: HUNTERDON Mun. Code (Offense): 11011				
TRAFFIC OFFENSES - (CHECK ONE) - TITLE 39:				
<input type="checkbox"/> 3-4 Unregistered vehicle <input checked="" type="checkbox"/> 3-29 Failure to exhibit documents <input type="checkbox"/> D.L. or <input type="checkbox"/> REG or <input type="checkbox"/> INS <input type="checkbox"/> 3-33 Unclear plates <input type="checkbox"/> 3-56 Maintenance of lamps <input type="checkbox"/> 3-76.2f Failure to wear seatbelt <input type="checkbox"/> 4-81 Failure to observe signal <input type="checkbox"/> 4-85 Improper passing <input type="checkbox"/> 4-97 Careless driving <input type="checkbox"/> 4-124 Failure to turn <input type="checkbox"/> 4-144 Failure to stop or yield <input type="checkbox"/> 8-1 Failure to inspect <input type="checkbox"/> 8-4 Failure to make repairs <input checked="" type="checkbox"/> 4-88 Speeding 30 MPH in a 25 MPH zone (45)				
IN EXCESS OF SPEED LIMIT BY: <input type="checkbox"/> 5MPH <input type="checkbox"/> 10-14MPH <input type="checkbox"/> 15-19MPH <input type="checkbox"/> 20-24MPH <input type="checkbox"/> 25-29MPH <input type="checkbox"/> 30-34MPH <input type="checkbox"/> 65 MPH Zone <input type="checkbox"/> Safe Corridor <input type="checkbox"/> Construction Zone				
PARKING OFFENSE <input type="checkbox"/> Overline Meter No. <input type="checkbox"/> Prohibited Area <input type="checkbox"/> Double				
OTHER TRAFFIC/PARKING OFFENSE (Describe): SPEEDING 30-25 MPH ZONE				
Statute No. 39:4-98 Ordinance/Code No. []				
Month 01 Day 20 Year 12				
Officer's ID. No. 3				
COURT APPEARANCE REQUIRED: Month 02 Day 09 Year 12 Time: 10:00 AM				
<input type="checkbox"/> Accident <input type="checkbox"/> Property Damage <input type="checkbox"/> Personal Injury <input type="checkbox"/> Death/Serious Bodily Injury				
CONDITIONS: AREA: <input type="checkbox"/> Business <input type="checkbox"/> School <input type="checkbox"/> Residential <input type="checkbox"/> Rural ROAD: <input type="checkbox"/> Dry <input type="checkbox"/> Wet <input type="checkbox"/> Snow <input type="checkbox"/> Ice TRAFFIC: <input type="checkbox"/> Light <input type="checkbox"/> Medium <input type="checkbox"/> Heavy VISIBILITY: <input type="checkbox"/> Clear <input type="checkbox"/> Rain <input type="checkbox"/> Snow <input type="checkbox"/> Fog				
Equipment: <input type="checkbox"/> Helicorder <input type="checkbox"/> Pace <input type="checkbox"/> Speed Measurement Device <input type="checkbox"/> DEBTD				
Equipment Operator's Name: [REDACTED] Operator ID No. 3 Unit Code 11-12				



A7

D-3

Rec'd 4-2-17
BANKS
446

BENCH WARRANT BAIL INFORMATION

Failed to Appear Date: / /
Warrant Date: / / Ordered by: _____
(Signature and file of person issuing warrant)
Bail Amount: \$ Set by: _____
(Signature and file of person setting bail)

Forfeited Return Reinstated Date: / /
(Signature of Judge)

FIRST APPEARANCE, ARRAIGNMENT & COUNSEL INFORMATION

First Appearance Date: / / Arraignment Date: / /
 Advised of Rights: By _____
Defendant Desires Counsel: Yes No
Counsel assigned: Yes No _____
(if yes, name of counsel)
Counsel retained: Yes No _____
(if yes, name of counsel)
Counsel waived: Yes No _____
(if yes, name of Judge accepting waiver)
Name of Prosecuting Attorney: _____
Affiliation: Municipal County State Other (list) _____

MISCELLANEOUS INFORMATION

Additional information and Judge's Notes:

Disc 1.5800
Adjournment Requested by _____ Reason _____ To _____
No Proofs

See attached sheet for additional Judge's notes or other information

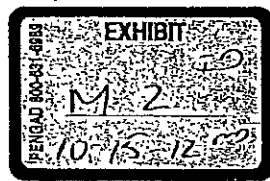
COURT ACTION

Complain Amended to:
Plea: Guilty Not Guilty Date: / /
Finding: Guilty Not Guilty Date: / /
 Guilty but Merged Not Guilty
 If Guilty, Advised of Right to Appeal

Dismissed - Plea Agreement Dismissed - Lack of Prosecution Dismissed - False ID
 Dismissed - Pros. Discretion Dismissed - Rule Dismissed - Other

Fine \$ _____ Costs \$ _____ Contempt \$ _____
VCCB \$ _____ DWI \$ _____ SNSF \$ _____
D.A.E.F. \$ _____ Other \$ _____ Total \$ _____

Period of D.L. Suspension: _____
IDRC: _____ Comba. Service: _____
Ignition Interlock _____ years OR Registration Suspension _____ years
Jail Term/Jail Credit: _____ Credit for _____
Signature of Judge: *[Signature]* Date: *3/8/15*



A8

D-3

Please take as 1st Prosec

REQUEST TO APPROVE PLEA AGREEMENT

DEFENDANT'S NAME: Spork
(Please Print)

Complaint #	Original Charge #	Amended To	G/D/M*	Recommended Sentence/Comments
B-023961	39:4-98		12/6	Problem w/ Discov Per officer

*G= Guilty; D= Dismissed; M= Guilty But Merged

<p>DEFENDANT'S ACKNOWLEDGEMENT</p> <p>I understand the nature of the amended charge(s) against me and the consequences of my guilty plea. I understand and agree voluntarily to the terms of the plea agreement set forth above.</p> <p>I further understand that if the judge does not accept my guilty plea or agree with the recommended sentence, I can withdraw it and plead not guilty.</p> <p>_____ Date</p> <p>_____ Defendant</p>	<p>PROSECUTOR'S ACKNOWLEDGEMENT</p> <p>The defendant and I, as the prosecutor in this case, reached the above plea agreement in accordance with R. 7:6-2 and with the Guidelines for Operation of Plea Agreements in the Municipal Courts of New Jersey.</p> <p>I represent to the Court that the original charge(s) listed above did not involve an accident resulting in personal injury to any person.</p> <p>3/12/18 Date</p> <p><i>[Signature]</i> Prosecutor</p>
---	---

Revised Form 08/14/09

A9



D-2

ARRT1351

REGISTRATION INFORMATION INQUIRY

DATE: 04/02/2012

AUTOPIC: 48933 65190 88030
NAME: KOC SIS FARMS LLC
STREET: PO BOX 157 1099 RT 519
CITY: BAPTISTOWN COUNTY:
STATE: NJ ZIP: 08803

LAST TRAN NO: FL2011J200000179

PLATE NO: [REDACTED] EC167 63
MAKE: FOR
MODEL: 350
YEAR: 1997

VIN PFX: 1 FUEL: 0
COLOR: GN
TYPE: 07
PAS/GVW/LEN: 00000 AXLES/PROP: 2

REG CODE: 51
LAST DASH: 00
LEASED VEHICLE: N
PIN:
PL TYPE: FU

STATUS: A
RENEWED: 01
ISSUED: 01

PF3-END PF4-ADDITIONAL OWNERS PF6-NAME SEARCH PF7-PREVIOUS VEHICLE
PF8-NEXT VEHICLE PF9-LEASE INFO PF11-CANCEL PF12-MAIN MENU

A10

PLEASE READ CAREFULLY

1. PAYMENT AND GUILTY PLEA

You may plead guilty and pay the penalty, if the check box "Court Appearance Required" has not been checked on the reverse side and the offense is payable without the necessity of a court appearance. The more frequently charged payable offenses and penalties are listed below. You may also either sign on to www.njmcdirect.com to determine if the offense is payable and the amount of the penalty or telephone the court. If you wish to pay the penalty, bring or mail this ticket, together with payment in the amount of the penalty, to the court at the address indicated below prior to the court date displayed on the front of this ticket.

ALL COURT SESSIONS HELD AT:

BOROUGH HALL, SECOND STREET, FRENCHTOWN, NJ 08825

Payments by mail are to be by check or money order made payable to this Municipal Court. **Do not send cash. Please print the ticket number on the front of the check or money order.** If payment is received by the court after your court date, you may be assessed additional penalties. A receipt will be sent to you only if your payment is accompanied by a self-addressed, stamped envelope.

To make payment via the internet or for more information, log on to:
www.njmcdirect.com

2. OFFENSE IS NOT PAYABLE OR COURT APPEARANCE REQUIRED

If the offense charged on the reverse is not payable, or if "Court Appearance Required" (see check box on reverse side) is checked, you must appear in court at the time and place indicated, even if you wish to plead guilty.

3. PLEA OF NOT GUILTY

If you wish to plead not guilty, you must notify the court at the address and telephone number as shown below at least 7 days prior to the court date listed on the front of this ticket. If you fail to notify the court, it may be necessary for you to make additional court appearances.

NOTICE

IF YOU FAIL TO APPEAR IN RESPONSE TO THIS SUMMONS OR TO PAY THE PRESCRIBED PENALTY, ADDITIONAL PENALTIES MAY RESULT, A WARRANT MAY BE ISSUED FOR YOUR ARREST AND YOUR DRIVING PRIVILEGES IN NEW JERSEY MAY BE REVOKED. IF THIS IS A PARKING TICKET, YOUR FAILURE TO APPEAR OR PAY THE PRESCRIBED PENALTY SHALL BE CONSIDERED AN ADMISSION OF LIABILITY AND A DEFAULT JUDGMENT MAY BE ENTERED AGAINST THE OWNER OF THE VEHICLE.

EXCEPT FOR A PARKING TICKET, A RECORD OF THIS CONVICTION WILL BE SENT TO THE MOTOR VEHICLE COMMISSION (MVC) THAT ISSUED YOUR LICENSE, EFFECTIVE SEPTEMBER 30, 2005. IF YOU HOLD A COMMERCIAL DRIVER'S LICENSE AND YOU ARE CONVICTED OF TWO OR MORE SERIOUS TRAFFIC VIOLATIONS, THE MVC MAY, DEPENDING ON YOUR RECORD, SUSPEND YOUR COMMERCIAL DRIVING PRIVILEGES EVEN IF THE VIOLATIONS WERE COMMITTED IN A NON-COMMERCIAL MOTOR VEHICLE. FOR MORE INFORMATION, VISIT THE OFFICIAL MVC WEB-SITE AT WWW.NJMVC.GOV.

Send all payments to:

**JOINT COURT OF
THE DELAWARE VALLEY**
Townships of Alexandria & Holland
Borough of Frenchtown
P.O. Box 496 - Milford, NJ 08848-0496
Telephone: (908) 995-9100

Hours of Operation:

10:00 AM to 4:00 PM
Monday thru Thursday

PENALTIES FOR COMMONLY CHARGED OFFENSES

Title 39:	Offense	Payable Amount	Title 39:	Offense	Payable Amount
3-4	Unregistered vehicle	\$ 54.00	4-124	Failure to turn	\$ 85.00
3-29	Failure to exhibit D.L. or Reg.	\$180.00	4-144	Failure to stop or yield	\$ 85.00
3-33	Unclear Plates	\$ 54.00	8-1	Failure to inspect	\$130.00
3-66	Maintenance of lamps	\$ 54.00	8-4	Failure to make repairs	\$130.00
3-76.2f	Failure to wear seatbelt	\$ 46.00	4-97	Careless driving	\$ 85.00
4-81	Failure to observe signal	\$ 85.00	4-98	Speeding - Exceeding the speed limit by:	
4-85	Improper passing	\$ 85.00		1-9 MPH -	\$ 85.00
				10-14 MPH -	\$ 95.00
				15-19 MPH -	\$105.00
				20-24 MPH -	\$200.00

*Excludes failure to exhibit Insurance ID Card

NOTE: If "Safe Corridor", "85 MPH Zone", or "Construction Zone" is checked on the reverse side, you must contact the court to determine the penalty because certain fines are DOUBLED in those areas.

ALL COURT SESSIONS ARE HELD AT:
Borough Hall, Second Street, Frenchtown, NJ 08825

VIOLATIONS BUREAU LOCATED AT:
10 Creek Road, Milford, NJ 08848

ALL LOCAL TRAFFIC ORDINANCES:
CALL REGARDING FINE INFORMATION



PLEASE NOTIFY COURT OF DISABILITY ACCOMMODATION NEEDS.

