

## **LOCAL FINANCE BOARD**

### **Local Government Ethics Law**

December 10, 2014 Meeting

The meeting was called to order at 9:18 AM by Thomas Neff, Chairman. Emma Salay stated that in accordance with the Open Public Meetings Act, C.10:4-6 et seq., proper notice was given to the Secretary of State, the Star Ledger and The Times. A roll call vote was taken; 4 members were present – Neff, Blee, Avery and Light. Ms. Rodriguez was absent. A quorum was present. There are three vacancies. Also present were staff members Patricia McNamara, Nick Bennett, Eileen Brennen, Shannon Hudak, Dana Jones and Deputies Attorney General Donald Palombi and Melanie Walter.

### **MINUTES**

November 12, 2014 meeting Minutes passed.

**Concerning the matter of III.A.10.** A motion was made by Mr. Blee and second by Mr. Avery to: 1) accept the findings of fact but to reject the conclusions of law contained in the Initial Decision of the Administrative Law Judge, James A. Geraghty; and 2) to reinstate the original Notice of Violation and the \$100.00 fine assessed and to waive said fine. A roll call vote was taken; 4 affirmative, 0 negative, 0 abstain, 0 recuse, 1 absent (Rodriguez). Motion passed.

**Concerning the matter of III.A.1.** A motion was made by Mr. Avery second by Mr. Neff to dismiss the complaint as being outside the jurisdiction of the Local Finance Board in its enforcement of the Local Government Ethics Law. A roll call vote was taken; 4 affirmative, 0 negative, 0 abstain, 0 recuse, 1 absent (Rodriguez). Motion passed.

**Concerning the matter of III.A.2.** A motion was made by Mr. Avery second by Mr. Blee to dismiss certain allegations (2, 3, 5 and 7 of C11-018 and 1 and 2 of C14-044) as being outside the jurisdiction of the Local Finance Board and to authorize investigations for certain allegations (1, 4 and 6 of 11-018 and 3, 4 and 5 of C14-044) relating to potential violations of N.J.S.A. 40A:9-22.5.c.d.e.g. & h. A roll call vote was taken; 4 affirmative, 0 negative, 0 abstain, 0 recuse, 1 absent (Rodriguez). Motion passed.

**Concerning the matter of III.A.3.** A motion was made by Mr. Avery second by Mr. Neff to dismiss the complaint as having no reasonable factual basis under the Local Government Ethics Law. A roll call vote was taken; 4 affirmative, 0 negative, 0 abstain, 0 recuse, 1 absent (Rodriguez). Motion passed.

**Concerning the matter of III.A.4.** A motion was made by Mr. Avery second by Mr. Light to notify the complainant that the Local Finance Board will take no further action on the matter pending the outcome of a criminal investigation against the accused and notification has been made to the Board that a conclusion by the appropriate court of law has been made. A roll call vote was taken; 4 affirmative, 0 negative, 0 abstain, 0 recuse, 1 absent (Rodriguez). Motion passed.

**Concerning the matter of III.A.6.** A motion was made by Mr. Avery second by Mr. Blee to find no violations of the Local Government Ethics Law and to dismiss the complaint. A roll call vote was taken; 4 affirmative, 0 negative, 0 abstain, 0 recuse, 1 absent (Rodriguez). Motion passed

**Concerning the matter of III.A.7.** A motion was made by Mr. Blee second by Mr. Light to: 1) find one of the accused individuals in violation of N.J.S.A. 40A:9-22.5.c.&d and to assess fines in the total amount of \$1,250.00 as they relate to appointing oneself to the paid position of Emergency Management Coordinator and for continuing to collect the salary of the Emergency Management Coordinator position after resigning from the position, as outlined in the draft Notice of Violation; 2) to find no violations

against each of the remaining accused individuals and to dismiss the complaint against them; and 3) to authorize an investigation into potential violations of N.J.S.A. 40A:9-22.5.d; and 4) to refer the matter to the Division of Criminal Justice in the Department of Law and Public Safety for further review. A roll call vote was taken; 4 affirmative, 0 negative, 0 abstain, 0 recuse, 1 absent (Rodriguez). Motion passed.

**Concerning the matter of III.A.8.** A motion was made by Mr. Light second by Mr. Blee to dismiss two of the allegations against the accused and find no violation of the Local Government Ethics Law; and to find the accused in violation of N.J.S.A. 40A:9-22.5.d. & h. and assess a fine in the total amount of \$1,100.00 as related to: 1) advocating for the rezoning of a property the accused represented as a co-listing agent at a Borough Council meeting; for voting in favor of a resolution approving a sewer connection to a tract of land the accused represented as a co-listing agent; and for participating in a vote on a matter concerning the purchase of property by the Borough within 200 feet of property owned by the accused, as outlined in the draft Notice of Violation. A roll call vote was taken; 4 affirmative, 0 negative, 0 abstain, 0 recuse, 1 absent (Rodriguez). Motion passed.

**Concerning the matter of III.A.9.** 1) A motion was made by Mr. Neff second by Mr. Light to authorize the issuance of a second Notice of Violation to those individuals from local governments in Cumberland and Sussex Counties requesting payment of fines assessed to be remitted pursuant to Notices of Violation previously issued in connection with the failure to timely file a 2014 FDS; 2) A motion was made by Mr. Neff and second by Mr. Avery to issue Notices of Violation and assess a \$100 fine to those individuals identified in the remaining 19 counties who have not timely filed 2014 Financial Disclosure Statements, pursuant to the list run in September, 2014, in violation of N.J.S.A. 9-22.6

At 10:15 AM a motion was made by Mr. Avery second by Mr. Light to go into closed session for the purpose of discussing complaints, advisory opinion requests and to receive legal advice. 4 affirmative, 0 negative, 0 abstain, 0 recuse, 1 absent (Rodriguez). Motion passed.

### **ADVISORY OPINION REQUESTS**

**14-020**

At 10:30 AM a motion was made by Mr. Neff second by Mr. Avery to go into open session. A roll call vote was taken; 4 affirmative, 0 negative, 0 abstain, 0 recuse, 1 absent (Rodriguez). Motion passed.

**Concerning the matter of III.A.5.** A motion was made by Mr. Avery second by Mr. Blee to find no violation of the Local Government Ethics Law and to dismiss the complaint. 4 affirmative, 0 negative, 0 abstain, 0 recuse, 1 absent (Rodriguez). Motion passed.

The Board determined to break from the Ethics portion of the meeting and take a brief recess. A brief recess was taken. The Board will reconvene to consider applications.

The Board reconvened to consider applications.

Respectfully submitted,



Patricia Parkin McNamara  
Executive Secretary