



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

CHARLES A. RICHMAN
Acting Commissioner

May 13, 2015

Ms. Pamela Piner
[REDACTED]

Re: Local Government Ethics Law
Complaint 07-031
Notice of Dismissal

Dear Ms. Piner:

The purpose of this letter is to inform you of the status of the above referenced complaint filed against you in your capacity of Executive Director of the Township of Toms River Parking Authority.

The Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq., 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 Local Government Ethics Law, 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. The Board then determines if the complaint warrants a formal investigation.

The Local Government Ethics Law states:

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;

As you are aware, an internal audit of Local Government Ethics Law complaints revealed that the Board had not concluded its investigation of Complaint C07-031, filed under a previous administration.

Local Finance Board complaint C07-031 alleges that you violated the Local Government Ethics Law when you hired business entities in which you or your husband had an interest to



provide services to the Parking Authority and then submitted invoices for payment for the services rendered.

In the course of the preliminary investigation, the Board found that you and your spouse, James Piner, owned The Fix It Guy during the relevant time period. It also appears that you owned Thread, Etch & Ink during the same period. Both companies were paid for services rendered to the Parking Authority in July, September and October 2006.

You were notified by letter dated August 25, 2014 that the Board had not received your response to a Notice of Investigation it had originally issued in September 2008. The Board requested that you respond to that Notice of Investigation. You responded to this letter by email to Board staff on August 28, 2014. Your email contained the original document you submitted to the Board on September 10, 2008. Following review of this response, the Board further requested that you provide it with information concerning the Authority's policy entering into contracts with employees or relatives of employees of the Parking Authority or members of the Board of Commissioners of the Authority to perform vendor services for the Authority. This was promptly submitted to the Board.

You informed the Board that the Parking Authority currently follows all bidding and quoting requirements when soliciting vendors. Anything over \$17,500 requires an advertised Request For Proposals with bid openings being conducted at an advertised public meeting. Anything that does not require the public bidding process requires three solicited bids. It is the normal practice of the Parking Authority to solicit no less than five. In emergency situations, vendors may be selected from the Toms River Township preferred vendor list. You further indicated that it is the practice of the Board of Commissioners to not conduct business with an employee or family member of the employee.

Please note that the Board has repeatedly interpreted the Local Government Ethics Law as prohibiting any act in one's official capacity to authorize payment to entities in which that official, or a member of that official's immediate family, has a business interest or personal involvement. Further, the Board has determined that certain local government officer's business interest would be barred from doing business with the entity served where the local government officer is a part of the review or approval process as to the completion of the work or services.

In a prior case, the Board found a violation of the Local Government Ethics Law when a local government employee acted in his official capacity to certify vouchers for payment to a company in which he had a financial interest. The Board's decision was upheld by the Office of Administrative Law on appeal. The Administrative Law judge determined that "[i]t is not unreasonable that the objectivity and independence that is required for the public to receive the fullest measure of responsibility from a public official could have been compromised by so tangled a web of relationships [between the local government employee and the company in which he had an interest]. [The local government employee] should not have been involved in signing invoices related to work performed by [the company in which he had an interest]."

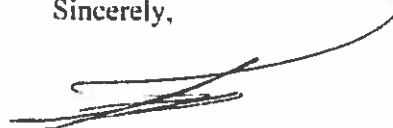
However, in light of the time that has passed between the filing of the complaint and the present status of the complaint, as well as the current policies and practices of the Toms River Parking Authority which would prohibit such a recurrence of the prohibited activity, the Board has elected to dismiss this complaint.

Local Finance Board complaint C07-031 is now closed.

I apologize for the delay in addressing this matter.

Should you have any questions regarding the Board's action on this complaint, please contact Nick Bennett at (609) 292-0479.

Sincerely,



Timothy J. Cunningham, Chair
Local Finance Board

C: Complainant

TJC:nb

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