



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

RICHARD E. CONSTABLE, III
Commissioner

December 12, 2014

Daniel Aschenbach
[REDACTED]

Re: Local Government Ethics Law
Complaint #LFB-11-004
Notice of Determination

Dear Mr. Aschenbach:

The purpose of this letter is to apprise you of the Local Finance Board's (Board) final disposition of the above-referenced Complaint.

The Local Government Ethics Law (LGEL), N.J.S.A. 40A:9-22.1 et seq., authorizes the Board 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. Upon receipt of a complaint against a local government officer or employee, the Board determines if a complaint is within its jurisdiction, frivolous, or has no reasonable factual basis, prior to conducting a formal investigation.

You are hereby notified that a Complaint has been filed against you and has been dismissed because it falls outside of the Board's jurisdiction.

The Complaint alleges violations of N.J.S.A. 40A:9-22.5(c), which states:

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

The Complaint alleges that you, as Township Commissioner, compromised the "fair-and-open" public contracting process for the position of Township Attorney. More specifically, the Complaint alleges that three days prior to the publication of Requests For Qualifications (RFQs), you (1) advised Township Administrator, Marlena Schmid, that Bob Renaud would be appointed Township Attorney; (2) requested that Schmid provide Renaud with a copy of "the current township attorney's contract," "insurance broker proposals" and "legal budgets for 2006 and 2010"; and (3) advised Schmid that "Bob would like to review/approve legals on RFQs." The Complaint alleges that such actions constituted the use or attempted use of one's official position to secure an unwarranted privilege or advantage in violation of subsection (c) of the LGEL.



Following a preliminary investigation of the facts and circumstances relevant to this Complaint, the Board determined at its meeting on December 10, 2014, that it did not have jurisdiction over this matter because it involves alleged violations of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and/or Pay-to-Play Law, N.J.S.A. 19:44A-20.4 et seq. Accordingly, the Board voted to dismiss the Complaint.

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

If you have any questions regarding this matter, please feel free to contact Shannon Hudak at (609) 292-7075.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Neff', written over a horizontal line.

Thomas H. Neff, Chair
Local Finance Board

Cc: Complainant