



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
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TRENTON, NJ 08625-0803

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

RICHARD E. CONSTABLE, III
Commissioner

March 13, 2015

Hugh A. Keffner


Re: Local Government Ethics Law
LFB Complaint # 11-089
Notice of Determination

Dear Mr. Keffner:

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 was filed against you and was dismissed as having no reasonable factual basis.

The Complaint alleges violations of the following provisions of the LGEL:

N.J.S.A. 40A:9-22.5(a)

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.

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.

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

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.

The Complaint, as summarized, alleges that you violated the LGEL when you provided benefits to Saint James Church for its 2011 Parish Festival. Specifically, the Complainant alleges that a request was made to the Township Committee to allow the Church to hire auxiliary police for the Festival instead of duly sworn police officers. At an April 2011 public meeting, you allegedly agreed to allow the Church to hire the auxiliary police, and took part in the discussions and decision-making on the topic. The Complainant argues that such action constituted a conflict of interest because you were a parishioner of the Church, a member of the 2011 Parish Festival Committee, and your wife was employed as an Administrative Assistant by the Church.

It is understood that the PBA filed a grievance against the Township relating to the contractual violation arising from the alleged employment of the auxiliary police as security for the Festival. Board Staff contacted the Complainant on multiple occasions in an attempt to determine the outcome of the grievance, along with other supporting documentation. No response was received.

Following a preliminary investigation of the facts and circumstances relevant to this Complaint, the Board determined at its meeting on March 11, 2015, to dismiss the Complaint as having no reasonable factual basis as the original Complainant has been unresponsive to Board Staff's written requests for information and documentation necessary to verify the allegations and make an appropriate determination in this matter.

Accordingly, the Board voted to dismiss the Complaint, finding that there is no reasonable factual basis to conclude that an ethical violation took place.

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,



Timothy J. Cunningham, Chair
Local Finance Board

Cc: Complainant