



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

RICHARD E. CONSTABLE, III
Commissioner

December 10, 2014

Maryann Merlino


Re: Local Government Ethics Law
LFB Complaint #12-058
Notice of Dismissal

Dear Ms. Merlino:

The purpose of this letter is to apprise you of the Local Finance Board's (Board) final disposition of the above-referenced complaint. As you are aware, the Local Government Ethics Law, 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 Local Government Ethics Law. 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. The Board then determines if the complaint warrants a formal investigation. You were notified by letter dated January 6, 2014 that an investigation was authorized into a complaint filed against you. You are hereby notified that the complaint was dismissed by the Board.

In complaint #LFB-12-058, as summarized, it was alleged that you violated the Local Government Ethics Law when you attended a meeting at the Township Municipal Building with a Township construction official and a local land developer in your capacity as the real estate agent for the developer in August 2012.

The Board specifically investigated a possible violation of the following provisions of the Local Government Ethics Law:

N.J.S.A. 40A:9-22.5(c) No local government officer or employee shall use his official position to secure unwarranted privileges or advantages for himself or others; and,

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; and,

N.J.S.A. 40A:9-22.5(h) No local government officer or business organization in which he has an interest shall represent any person or party other than the local government in connection with any cause, proceeding, application or other matter pending before any agency in the local government in which he

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serves. This provision shall not be deemed to prohibit one local government employee from representing another local government employee where the local government agency is the employer and the representation is within the context of official labor union or similar representational responsibilities.

Following an investigation and a thorough review of the documents submitted and evaluation of the facts and circumstances relevant to this complaint, the Board determined that during the public comment portion of the August 8, 2012 meeting, Ralph Condo of Condo Avenue "inquired about a meeting with a developer at Town Hall regarding the Loudon Property and the possibility of low income housing on that property. He noted the possibility of a conflict of interest because she is a realtor."

You are recorded as having responded that you "[are] trying to bring development to the Township not low income housing".

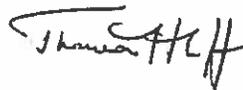
You replied to the Board's Notice of Investigation and an additional Request for Information by explaining that you are the sole owner and licensed broker of Home & Suite Realty in Atco. In August 2012, you extended a courtesy to another locally based real estate salesperson by traveling to a vacant parcel of land in the Loudon section of Waterford Township to speak with a gentleman from Gloucester County who professed to have an interest in developing the property for residential construction. You had no personal, professional, or business relationship whatsoever with the gentleman. Upon encountering the gentleman at the property, you learned that he had previously been in contact with an employee of Waterford Township. The individual indicated to you that he had made an arrangement to review local land use ordinances at the Township Municipal Building. He informed you that he did not know where the municipal building was located. You offered to lead him over to the municipal building, where you introduced him to Edward Toussaint, the Township Zoning Official. You did not attend the meeting or participate in discussions.

The Local Finance Board considered these facts and circumstances at its November 12, 2014 and December 10, 2014 meetings. Upon consideration of these facts and circumstances, the Board voted to dismiss this complaint.

LFB Complaint 12-058 is now closed.

Should you have any questions regarding this matter, please contact Nick Bennett at (609) 292-0479.

Sincerely,



Thomas H. Neff, Chair
Local Finance Board

C: Complainant
THN:nb
C12-058.dismissal