



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

March 12, 2015

Mr. Thomas Polistina  


Re: Local Government Ethics Law  
Complaint #LFB-12-097  
Notice of Dismissal  
City of Northfield

Dear Mr. Polistina:

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., provides the 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, prior to conducting an investigation.

In complaint #LFB-12-097, as summarized, it was alleged that you violated the Local Government Ethics Law when you voted to approve an amendment to the Northfield Land Use Ordinance (Ordinance 9-2012) involving property owned by your employer, Nick Droboniku.

Pursuant to a preliminary investigation of this matter, the Board voted to authorize an investigation of these allegations. The following provision of the Local Government Ethics Law was alleged to be violated:

**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;**



Following an investigation and review of the documents submitted and evaluation of the facts and circumstances relevant to this complaint, the Board determined that you voted to approve Ordinance 9-2012, which amended the 1986 Land Use and Development Ordinance and affected several properties in the City's master plan, including property owned by your employer, Nick Droboniku. The subject property was initially located in an R-3 zone and changed to an R-B zone as a result of the adoption of Ordinance 9-2012.

The Board also considered how changes to a municipal land use ordinance would affect an entire municipality, including the multiple changes that occurred as a result of Ordinance 9-2012 and determined that the change to the zoning of Mr. Droboniku's property did not impact him to any greater extent than the zoning changes to the balance of the properties throughout the municipality.

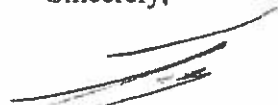
In light of these facts and information, the Board voted to determine that you did not violate the Local Government Ethics Law when you voted to approve Ordinance 9-2012 as your vote on the Ordinance did not directly affect the property of Mr. Droboniku to any greater extent than other properties affected by the zone changes, through the adoption of the updated master plan, pursuant to the Municipal Land Use Law.

The complaint is now closed.

An appeal of this Determination may be made to the Appellate Division of the Superior Court [Rules Governing the Courts of New Jersey, 2:2-3(a)(2)]. Any appeal must be filed within 45 days from the date of service of this Determination.

If you have any questions regarding this matter, please feel free to contact Eileen Brennen at (609) 292-0479.

Sincerely,



Timothy J. Cunningham, Chair  
Local Finance Board

TJC:eb  
cc: Complainants  
E12-097 Determination of Polistiana



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CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

RICHARD E. CONSTABLE, III  
Commissioner

August 15, 2014

Mr. Timothy Carew  
Councilman, City of Northfield



Re: Local Government Ethics Law  
Complaint #LFB-12-097  
Notice of Determination

Dear Councilman Carew:

The purpose of this letter is to apprise you of the Local Finance Board's 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 Local Finance Board (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, prior to conducting an investigation.

You are hereby notified that a complaint was filed against you and dismissed.

Complaint #LFB-12-097, as summarized, alleged that you were in conflict with the Local Government Ethics Law when you voted in favor of an amendment to the municipal land use ordinance (Ordinance 9-2012) due to an association with Mr. Nick Droboniku, your most recent campaign manager/treasurer, whose property was affected by the amendment of Ordinance 9-2012.

Complainant alleged a violation of the following section of the Local Government Ethics Law:

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;



The following section was implied:

**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;**

Following a preliminary investigation of the facts and circumstances relevant to this complaint, the Board, determined that campaign involvement is not specific enough to be a direct or indirect financial or personal involvement that might reasonably be expected to impair ones objectivity or independence of judgment, in and of itself, and therefore not violative of the Local Government Ethics Law. Additionally, provision "a" would not be applicable since voting for an ordinance is not having an interest in a business organization or engaging in any business, transaction, or professional activity, which would be in substantial conflict with the proper discharge of ones duties in the public interest.

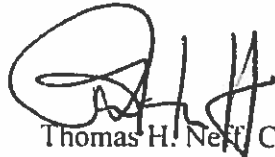
Therefore, the Board found no reasonable factual basis, and the complaint was dismissed.

*However, during the preliminary investigation process, a review of your 2012 Financial Disclosure Statement (FDS) shows that it is incomplete and should be completed. It appears that you did not properly complete Section II.A., when you failed to disclose income received from the City of Northfield as Councilman. Enclosed is a copy of that FDS. Please complete the form and return it to me within 10 days of receipt of this letter. Please also submit a copy of the amended FDS to your municipal clerk for the City's records.*

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. 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 Eileen Brennen at (609) 292-0479.

Sincerely,



Thomas H. Neff, Chair  
Local Finance Board

THN:eb  
Enclosure  
cc: complainant(s)

Last Name: CAREW First Name: TIMOTHY Middle: 0 (for OIGS use only) Municode: 0118  
 State of New Jersey Department of Community Affairs  
 Local Government Ethics Law  
 Division of Local Government Services  
 Local Finance Board

This Financial Disclosure Statement is required annually of all local government officers in accordance with N.J.S.A. 40A:9-22.1 et seq., the Local Government Ethics Law.  
 (Please Type or Print)

Year of Service:           

**Section I. Personal Information- Local Government Officer**

Local Government Served: NORTHFIELD County: ATLANTIC Other:             
 Municipality: NORTHFIELD  
 First Name: TIMOTHY Middle: 0 Last Name: CAREW  
 Spouse's First Name: DORNA Middle: 0 Last Name: CAREW  
 Home Address: 1512 SHALE RD Home:            Telephone Numbers (optional):             
NORTHFIELD NJ 08225 Business:           

\* Spouse includes a Civil Union partner.  
 Agency: NORTHFIELD City Council Position Held: Council At Large Term Expires (if applicable): 12-31-2013

**Section II. Financial Information**

Provide the following information for yourself and members of your immediate family for the prior calendar year. If none, please indicate NONE in the space provided. If additional space is needed, please use Extension Forms.

- A. List the name and address of each source of income, earned and unearned, which you received in excess of \$2,000. If a publicly traded security is the source of income, the security need not be reported unless you or a member of your immediate family has an interest in the business organization.
- | Name                     | Address                     | Sell Spouse                         | Dependent Name |
|--------------------------|-----------------------------|-------------------------------------|----------------|
| 1. <u>ZBEN Local 351</u> | <u>113 Black Horse Pike</u> | <input checked="" type="checkbox"/> |                |
| 2. <u>          </u>     | <u>Folsom NJ</u>            | <input type="checkbox"/>            |                |
| 3. <u>          </u>     | <u>          </u>           | <input type="checkbox"/>            |                |
| 4. <u>          </u>     | <u>          </u>           | <input type="checkbox"/>            |                |
| 5. <u>          </u>     | <u>          </u>           | <input type="checkbox"/>            |                |

- B. List the name and address of each source of fees and honorariums having an aggregate amount exceeding \$250 received from any single source for personal appearances, speeches, or writing.
- | Name                 | Address           | Self Spouse              | Dependent Name |
|----------------------|-------------------|--------------------------|----------------|
| 1. <u>          </u> | <u>          </u> | <input type="checkbox"/> |                |
| 2. <u>          </u> | <u>          </u> | <input type="checkbox"/> |                |
| 3. <u>          </u> | <u>          </u> | <input type="checkbox"/> |                |
| 4. <u>          </u> | <u>          </u> | <input type="checkbox"/> |                |
| 5. <u>          </u> | <u>          </u> | <input type="checkbox"/> |                |

**Section II. Financial Information - continued**

C. List the name and address of each source of gifts, reimbursements or prepaid expenses having an aggregate value exceeding \$400 from any single source, excluding relatives.

	Name	Address	Self	Spouse	Dependent Name
1.	N/A		<input type="checkbox"/>	<input type="checkbox"/>	
2.			<input type="checkbox"/>	<input type="checkbox"/>	
3.			<input type="checkbox"/>	<input type="checkbox"/>	
4.			<input type="checkbox"/>	<input type="checkbox"/>	
5.			<input type="checkbox"/>	<input type="checkbox"/>	

D. List the name and address of all business organizations in which an interest was held.

	Name	Address	Self	Spouse	Dependent Name
1.	N/A		<input type="checkbox"/>	<input type="checkbox"/>	
2.			<input type="checkbox"/>	<input type="checkbox"/>	
3.			<input type="checkbox"/>	<input type="checkbox"/>	
4.			<input type="checkbox"/>	<input type="checkbox"/>	
5.			<input type="checkbox"/>	<input type="checkbox"/>	

E. List the address and a brief description of all real property in the State of New Jersey in which an interest was held.

	Municipality	County	Block	Lot	Qual.	Address (if applicable)	% of Ownership	Self	Spouse	Dependent Name
1.	NORTHAMPTON	ATLANTIC				1512 Shore Rd	100	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2.								<input type="checkbox"/>	<input type="checkbox"/>	
3.								<input type="checkbox"/>	<input type="checkbox"/>	
4.								<input type="checkbox"/>	<input type="checkbox"/>	
5.								<input type="checkbox"/>	<input type="checkbox"/>	

F. Please add any other information you believe is necessary to complete this form.

**Section III. Certification**

I hereby certify that this Financial Disclosure Statement contains no willful misstatement of fact or omission of material fact and, together with any and all statements previously submitted in writing to the clerk of my local government or the Local Finance Board, constitutes a full disclosure with respect to all matters required by N.J.S.A. 40A:9-22.1 et seq., to the best of my knowledge. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to fines and possible disciplinary action.

Date 5-27-12

  
 Signature of Local Government Officer  
 (Original Signature)