



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

William Horton  


RE: Local Government Ethics Law  
Complaint #LFB-13-010  
Notice of Determination

Dear Mr. Horton:

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, 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, prior to conducting an investigation.

Pursuant to N.J.S.A. 40A:9-22.9, you are hereby notified that a complaint was filed against you and it was dismissed.

The allegations set forth in the complaint may be summarized as follows:

Borough of Peapack-Gladstone Mayor William Horton violated the Local Government Ethics Law when he:

- (A) Ordered Borough Zoning Officer James Fania to remove lawn signs displaying messages opposed to a local hospital from properties along Highland Avenue; and,
- (B) Used Borough funds to purchase gift cards for distribution to Borough employees from a shop operated by the Mayor's wife.

The nature of the complaint alleges possible violations of the following provisions of the 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;

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;

After a preliminary investigation of the facts and circumstances relevant to this complaint, the Board determined that you did not violate the Local Government Ethics Law.

The Board's preliminary investigation determined that you were the Mayor of Peapack-Gladstone during the relevant time period. Your term expired on December 31, 2014 and you did not continue to serve on the governing body beyond that date.

Your wife was a member of the Matheny Medical and Educational Center Board of Trustees. Mrs. Horton, at the relevant time, was also the General Manager of The Second Chance, the gift/thrift shop affiliated with the hospital and you both had dedicated time and money to support the Matheny mission. Mrs. Horton previously served as President of The Friends of Matheny, a 501(c)(3) fundraising organization. Furthermore, your former law firm had previously served as bond counsel to Matheny. Finally, your residence was adjacent to the Matheny property on Highland Avenue.

*Claim (A) Mayor Horton ordered Borough Zoning Officer James Fania to remove lawn signs displaying messages opposed to Matheny from properties along Highland Avenue*

It was alleged that you directed Borough Zoning Officer James Fania to remove lawn signs that had been placed on private properties in the Borough. The signs contained a message protesting legal action taken against the Borough by the Matheny hospital.

You provided an unsolicited response to the Board containing your answer to the allegations. Your response included notarized affidavits from Borough Administrator Margaret Gould and Zoning Officer James Fania.

Both Ms. Gould and Mr. Fania certified that you did not direct them to remove the signs on Highland Avenue.

Claim (B) Mayor Horton used Borough funds to purchase gift cards for distribution to Borough employees from a shop operated by the Mayor's wife.

It was alleged that in 2012, municipal employees were provided with holiday gift certificates to the Second Chance Thrift Shop. The shop is managed by Mrs. Horton and donates its proceeds to Matheny.

You provided additional information regarding this claim in your response. You explained that your wife and you personally paid for 13 gift certificates from Second Chance. You enclosed copies of the cancelled check used to pay for the gift certificates. You went on to state that you inquired of the governing body if it would reimburse you for your \$260 expenses. The Council denied the request.

Upon review of the facts and circumstances of each of these matters, the Board voted to dismiss both matters as having no reasonable factual basis.

Complaint #LFB 13-010 is now closed.

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

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

Sincerely,



Timothy J. Cunningham, Chair  
Local Finance Board

C: Complainant

TJC:nb  
C13-010.determination.letter