

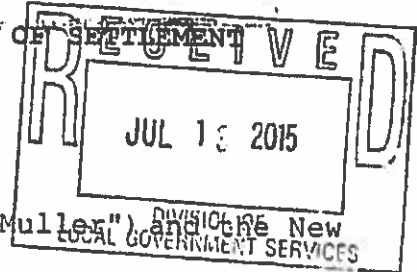
William C. Muller,
Petitioner,

v.

LOCAL FINANCE BOARD,
Respondent.

)
) STATE OF NEW JERSEY
) OFFICE OF ADMINISTRATIVE LAW
) OAL DOCKET NO.: CFB 00993-2015 S
)
) LOCAL FINANCE BOARD

) STIPULATION OF SETTLEMENT



William C. Muller, (hereinafter "Mr. Muller") and the New Jersey Department of Community Affairs, Division of Local Government Services, Local Finance Board (hereinafter "LFB" or "the Board"), together hereinafter known as ("the parties"), with mutual interest in resolving LFB Ethics Complaint #LFB 13-018 amicably, and in consideration of the mutual promises, covenants, and undertakings set forth in this Stipulation, the adequacy and sufficiency of which are hereby acknowledged, the parties, each intending to be legally bound, do hereby agree as follows:

1. This matter arises from the Board's issuance of a Notice of Violation alleging that:

a. Mr. Muller served as the co-listing agent to a 32.5 acre tract of land located on Pottersville Road, adjacent to his personal residence in the Borough. While serving as the co-listing agent to the property, Mr. Muller was also a member of the Borough of Peapack-Gladstone Land Use Board. On

September 14, 2010, Mr. Muller participated in the public comment portion of the Borough Council meeting advocating the re-zoning of the property into smaller, developable parcels of land, constituting the representation of a person or party other than the local government in connection with a matter pending before any agency in the local government in which Mr. Muller served, in violation of N.J.S.A. 40A:22.5(h);

- b. Borough of Peapack-Gladstone Councilmember Mr. Muller on January 24, 2012 moved and voted in favor of a resolution approving a sewer connection to the 32.5 acre tract of land for which he served as the co-listing agent of the property at such time that governmental approvals were required to complete the sale of the property, constituting acts in one's official capacity in a matter in which he had a direct or indirect personal or financial involvement that might reasonably be expected to impair his objectivity or independence of judgment, in violation of N.J.S.A. 40A: 22.5(d); and
- c. Borough of Peapack-Gladstone Councilmember Mr. Muller owned property at 14 Willow Avenue in the Borough of Peapack-Gladstone, a residential property

located within 200 feet of a parcel of land the Borough was in negotiations to purchase located at 156-158 Main Street in the Borough. At the August 28, 2012 meeting of the Borough Council, Mr. Muller voted against Resolution No. 094-12 and Resolution No. 0977-12, which authorized the Mayor and clerk to execute a contract to acquire the property and authorized the issuance of bonds to fund the acquisition of the property located within 200 feet of property owned by Mr. Muller, constituting acts in one's official capacity in a matter in which he had a direct or indirect personal or financial involvement that might reasonably be expected to impair his objectivity or independence of judgment, in violation of N.J.S.A. 40A: 22.5(d).

2. The parties acknowledge that there were violations of N.J.S.A. 40A: 22.5(d) and N.J.S.A. 40A:22.5(h).
3. Mr. Muller asserts that he inadvertently committed the above violations, without intent to violate the Local Government Ethics Law. The Board acknowledges his assertion that he did not realize he was acting contrary to the requirements of the Local Government Ethics Law. The Board takes no independent position on Mr. Muller's intent, as intent is not relevant to whether a violation occurred.

4. The parties agree that the fine shall be reduced to assessed fine of \$250 for the first violation, \$250 for the second violation, and \$100 for the third violation, for a total of \$600.00, and shall be paid by Mr. Muller within thirty days of receipt of final executed agreement

5. Mr. Muller hereby withdraws his appeal and request for hearing in this matter, and waives his right to any hearing in connection with the matter.

6. This Stipulation of Settlement shall be conditioned upon the final approval of the Local Finance Board at an open public meeting. Upon approval by the Local Finance Board, the Chairman of the Local Finance Board shall sign and date this Stipulation of Settlement on behalf of the Local Finance Board. Mr. Muller will execute this Stipulation of Settlement before it is presented to the OAL or to the Local Finance Board.

7. This Stipulation is intended to be a final resolution of all violations underlying the Action.

8. This Stipulation of Settlement constitutes the entire Stipulation between the parties.

9. This Stipulation shall become effective immediately upon execution by the Parties.

10. Mr. Muller represents that he has read and understands all of the terms of this Stipulation of Settlement, and he has

entered into this Stipulation of Settlement knowingly and voluntarily.

We hereby consent to the entry, form and substance of this Stipulation of Settlement

DATED: 7/1/2015 By: William C. Muller
William C. Muller

DATED: 7/6/15 By: Jeffrey S. Chiesa
Jeffrey S. Chiesa, Esq.
Attorney for William C. Muller

DATED: 7/8/15 By: Melanie R. Walter
Melanie R. Walter, Esq.
Attorney for Local Finance Board

For Signature after Vote by Local Finance Board on Final Decision

DATED: 7/8/15 By: Timothy Cunningham
Timothy Cunningham
Chairman, Local Finance Board

