



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 13, 2015

David Kenny
[Redacted]

RE: Local Government Ethics Law
Complaint #LFB-13-042
Notice of Determination

Dear Mr. Kenny:

The purpose of this letter is to apprise you of the Local Finance Board's 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., (LGEL) 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 dismissed.

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

You, as part of the Township of Hamilton administration, failed to disqualify the Mercer County Catholic Youth Organization (CYO) as a bidder to operate the township owned Bromley Neighborhood Service Center although Martin Flynn was both a member of the CYO Board of Directors and the Township Director of Health, Recreation, Seniors, & Veterans Services.

The complaint alleges a possible violation of the following provisions of the LGEL:

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 personal or financial 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 to dismiss the allegations that you violated N.J.S.A. 40A:9-22.5(c), N.J.S.A. 40A:9-22.5(d), and N.J.S.A. 40A:9-22.5(e) as having no reasonable factual basis.

The Board dismissed the allegations as LGEL governs individual local government officers and employees for personal actions, not "administrations." Administrators are free to participate in actions where they individually do not have a conflicting relationship. You did not have such a conflicting relationship. In addition, there is no basis under the LGEL for the CYO to be disqualified from the consideration process simply because one Township Employee is a member of the Board of Directors. Therefore, the Board voted to dismiss the Complaint as having no reasonable factual basis.

Complaint #LFB 13-042 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 do not hesitate to contact Dana Jones at (609) 292-0479.

Sincerely,



Timothy J. Cunningham, Chair
Local Finance Board

Cc: Complainant(s)
TJC: DCJ
C13-042. Dismissal-letter-Kenny



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CHRIS CHRISTIE
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KIM GUADAGNO
Lt. Governor

RICHARD E. CONSTABLE, III
Commissioner

March 13, 2015

Illiana Schirmer



RE: Local Government Ethics Law
Complaint #LFB-13-042
Notice of Determination

Dear Ms. Schirmer:

The purpose of this letter is to apprise you of the Local Finance Board's 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., (LGEL) 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 dismissed.

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

You, as part of the Township of Hamilton administration, failed to disqualify the Mercer County Catholic Youth Organization (CYO) as a bidder to operate the township owned Bromley Neighborhood Service Center although Martin Flynn was both a member of the CYO Board of Directors and the Township Director of Health, Recreation, Seniors, & Veterans Services.

The complaint alleges a possible violation of the following provisions of the LGEL:

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 personal or financial 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 to dismiss the allegations that you violated N.J.S.A. 40A:9-22.5(c), N.J.S.A. 40A:9-22.5(d), and N.J.S.A. 40A:9-22.5(e) as having no reasonable factual basis.

The Board dismissed the allegations as LGEL governs individual local government officers and employees for personal actions, not "administrations." Administrators are free to participate in actions where they individually do not have a conflicting relationship. You did not have such a conflicting relationship. In addition, there is no basis under the LGEL for the CYO to be disqualified from the consideration process simply because one Township Employee is a member of the Board of Directors. Therefore, the Board voted to dismiss the Complaint as having no reasonable factual basis.

Complaint #LFB 13-042 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 do not hesitate to contact Dana Jones at (609) 292-0479.

Sincerely,



Timothy J. Cunningham, Chair
Local Finance Board

Cc: Complainant(s)
TJC: DCJ
C13-042. Dismissal-letter-Schirmer



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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

RICHARD E. CONSTABLE, III
Commissioner

March 13, 2015

Martin Flynn



RE: Local Government Ethics Law
Complaint #LFB-13-042
Notice of Determination

Dear Mr. Flynn:

The purpose of this letter is to apprise you of the Local Finance Board's 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., (LGEL) 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 dismissed.

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

You participated in the bidding process of who would operate the Hamilton Township owned Bromley Neighborhood Service Center although you were both a Township Officer and a member of the Mercer County Catholic Youth Organization (CYO). In addition, the CYO should have been disqualified from the process as you are a member of the CYO Board of Directors.

The complaint alleges a possible violation of the following provisions of the LGEL:

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 personal or financial 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 to dismiss the allegations that you violated N.J.S.A. 40A:9-22.5(c), N.J.S.A. 40A:9-22.5(d), and N.J.S.A. 40A:9-22.5(e) as having no reasonable factual basis.

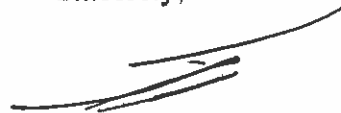
The Board dismissed the allegations as it found that you did not participate in the solicitation of bids or the Township selection process of contracting to run the Bromley Neighborhood Center. In addition, under the LGEL there is not a basis for the CYO to be disqualified from the process simply because you are a member of the Board of Directors. Therefore, the Board voted to dismiss the Complaint as having no reasonable factual basis.

Complaint #LFB 13-042 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 do not hesitate to contact Dana Jones at (609) 292-0479.

Sincerely,



Timothy J. Cunningham, Chair
Local Finance Board

Cc: Complainant(s)
TJC: DCJ
C13-042. Dismissal-letter-Flynn



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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

RICHARD E. CONSTABLE, III
Commissioner

March 13, 2015

Dennis Pone



RE: Local Government Ethics Law
Complaint #LFB-13-042
Notice of Determination

Dear Mr. Pone:

The purpose of this letter is to apprise you of the Local Finance Board's 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., (LGEL) 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 dismissed.

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

You, as part of the Township of Hamilton administration, failed to disqualify the Mercer County Catholic Youth Organization (CYO) as a bidder to operate the township owned Bromley Neighborhood Service Center although Martin Flynn was both a member of the CYO Board of Directors and the Township Director of Health, Recreation, Seniors, & Veterans Services.

The complaint alleges a possible violation of the following provisions of the LGEL:

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 personal or financial 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 to dismiss the allegations that you violated N.J.S.A. 40A:9-22.5(c), N.J.S.A. 40A:9-22.5(d), and N.J.S.A. 40A:9-22.5(e) as having no reasonable factual basis.

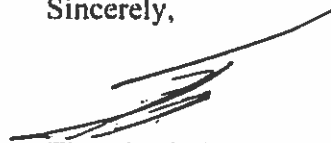
The Board dismissed the allegations as LGEL governs individual local government officers and employees for personal actions, not "administrations." Administrators are free to participate in actions where they individually do not have a conflicting relationship. You did not have such a conflicting relationship. In addition, there is no basis under the LGEL for the CYO to be disqualified from the consideration process simply because one Township Employee is a member of the Board of Directors. Therefore, the Board voted to dismiss the Complaint as having no reasonable factual basis.

Complaint #LFB 13-042 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 do not hesitate to contact Dana Jones at (609) 292-0479.

Sincerely,



Timothy J. Cunningham, Chair
Local Finance Board

Cc: Complainant(s)
TJC: DCJ
C13-042. Dismissal-letter-Pone



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Lt. Governor

RICHARD E. CONSTABLE, III
Commissioner

March 13, 2015

Kelly Yaede


RE: Local Government Ethics Law
Complaint #LFB-13-042
Notice of Determination

Dear Ms. Yaede:

The purpose of this letter is to apprise you of the Local Finance Board's 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., (LGEL) 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 dismissed.

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

You, as part of the Township of Hamilton administration, failed to disqualify the Mercer County Catholic Youth Organization (CYO) as a bidder to operate the township owned Bromley Neighborhood Service Center although Martin Flynn was both a member of the CYO Board of Directors and the Township Director of Health, Recreation, Seniors, & Veterans Services.

The complaint alleges a possible violation of the following provisions of the LGEL:

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 personal or financial 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 to dismiss the allegations that you violated N.J.S.A. 40A:9-22.5(c), N.J.S.A. 40A:9-22.5(d), and N.J.S.A. 40A:9-22.5(e) as having no reasonable factual basis.

The Board dismissed the allegations as LGEL governs individual local government officers and employees for personal actions, not "administrations." Administrators are free to participate in actions where they individually do not have a conflicting relationship. You did not have such a conflicting relationship. In addition, there is no basis under the LGEL for the CYO to be disqualified from the consideration process simply because one Township Employee is a member of the Board of Directors. Therefore, the Board voted to dismiss the Complaint as having no reasonable factual basis.

Complaint #LFB 13-042 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 do not hesitate to contact Dana Jones at (609) 292-0479.

Sincerely,



Timothy J. Cunningham, Chair
Local Finance Board

Cc: Complainant(s)
TJC: DCJ
C13-042. Dismissal-letter-Yaede



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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

RICHARD E. CONSTABLE, III
Commissioner

March 13, 2015

Ed Gore



RE: Local Government Ethics Law
Complaint #LFB-13-042
Notice of Determination

Dear Mr. Gore:

The purpose of this letter is to apprise you of the Local Finance Board's 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., (LGEL) 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.

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After a preliminary investigation of the facts and circumstances relevant to this complaint, the Board determined to dismiss the allegations that you violated N.J.S.A. 40A:9-22.5(c), N.J.S.A. 40A:9-22.5(d), and N.J.S.A. 40A:9-22.5(e) as having no reasonable factual basis.

The Board dismissed the allegations as LGEL governs individual local government officers and employees for personal actions, not "administrations." Administrators are free to participate in actions where they individually do not have a conflicting relationship. You did not have such a conflicting relationship. In addition, there is no basis under the LGEL for the CYO to be disqualified from the consideration process simply because one Township Employee is a member of the Board of Directors. Therefore, the Board voted to dismiss the Complaint as having no reasonable factual basis.

Complaint #LFB 13-042 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 do not hesitate to contact Dana Jones at (609) 292-0479.

Sincerely,



Timothy J. Cunningham, Chair
Local Finance Board

Cc: Complainant(s)
TJC: DCJ
C13-042. Dismissal-letter-Gore