



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

April 24, 2015

Joseph Sooy


RE: Local Government Ethics Law
Complaint #LFB-14-047
Notice of Determination

Dear Mr. Sooy:

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:

As a Commissioner in the City of Millville, you did not recuse yourself from a closed session meeting of the governing body held to discuss a potential settlement with an employee, Sherry Trout, although you were the subject of a separate grievance filed by her. In addition, you relied on other legal counsel in city matters.

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

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.



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(d) as having no reasonable factual basis.

The Board dismissed the allegations as, in this matter, the simple filing of a grievance by one party did not rise to the level needed to create a prohibitive involvement that would have necessitated you to recuse yourself. It appears that the grievance comes from you acting in your official capacity as a Commissioner. In addition, you are free to disagree with the legal advice of the City Solicitor; of course, you do so at your own peril. Therefore, the Board voted to dismiss the Complaint as having no reasonable factual basis.

Complaint #LFB 14-047 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
C14-047. Dismissal-letter