



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

Thomas Boccino


RE: Local Government Ethics Law
Complaint #LFB-14-068
Notice of Determination

Dear Mr. Boccino:

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 Principal Planner, Land Acquisition for the Somerset County Parks Commission and Freeholder Board, you issued an inaccurate press release regarding the acquisition of Open Space by the Board of Freeholders when you stated that Franklin Township has agreed to contribute monies to the acquisition and that the Board had entered into a contract for the property. You issued this press release to help a Freeholder and a candidate for Freeholder in their upcoming elections.

The complaint alleges a possible violation of the following provision 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.



After a preliminary investigation of the facts and circumstances relevant to this complaint, the Board determined to dismiss the allegation that you violated N.J.S.A. 40A:9-22.5(c) by your involvement in issuing a press release concerning the acquisition of Open Space.

The Board dismissed the allegations as it found that Somerset County and Franklin Township had a verbal understanding that Franklin Township would contribute monies to the acquisition and contracts were being exchanged and signed at the time of the press release. In addition, the Board determined that the connection between a county employee issuing a press release and securing an unwarranted privilege for Freeholder candidates was tenuous. Therefore, the Board voted to dismiss the complaint as having no reasonable factual basis.

Complaint #LFB 14-068 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
C14-068. Dismissal-letter