



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
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TRENTON, NJ 08625-0803

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

RICHARD E. CONSTABLE, III
Commissioner

April 22, 2015

PERSONAL AND CONFIDENTIAL
Daniel Kenny



Re: Local Government Ethics Law
Complaint #LFB-15-003
Notice of Determination

Dear Mr. Kenny:

The purpose of this letter is to apprise you of the Local Finance Board's (Board) final disposition of the above-referenced Complaint.

The Local Government Ethics Law (LGEL), N.J.S.A. 40A:9-22.1 et seq., authorizes the Board to initiate, receive, hear and review complaints, and hold hearings with regard to possible violations of the LGEL where no local ethics board has been established. Upon receipt of a complaint against a local government officer or employee, the Board determines if a complaint is within its jurisdiction, frivolous, or has no reasonable factual basis, prior to conducting a formal investigation.

You are hereby notified that a complaint has been filed against you and it has been dismissed.

The Complaint alleges violations of N.J.S.A. 40A:9-22.5(c), which states:

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

In summary, the Complaint alleges that you, in your official capacity as police officer, secured an unwarranted privilege for another when you falsified an automobile accident report, concluding that the complainant was at fault in the accident.

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 found that the complainant was involved in an automobile accident in the Township. The complainant claimed that you falsified the accident police report to claim that the complainant admitted that he caused the accident.



The complainant pursued this matter through the Township Police Department Internal Affairs Unit, which resulted in the creation of an amended accident report.

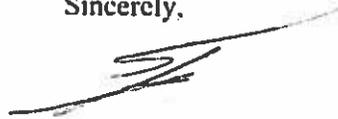
The complainant alleges that you falsified the original accident report to grant an unwarranted privilege to the other party in the accident. The opposing party is a retired Brick Township employee. He retired in January 2009 after thirteen (13) years in the Township. You were hired by the Township of Brick Police Department in 2012.

Following a preliminary investigation of the facts and circumstances relevant to this complaint, the Board determined disputes involving motor vehicle accidents, traffic violations, and police reports generally fall within the purview of the municipal and state courts. The Local Government Ethics Law does not grant the Board the jurisdiction to adjudicate these matters. Furthermore, the Board found that there is no reasonable factual basis upon which to find a violation of the Local Government Ethics Law. There is no indication that you had a prior relationship with either party in the accident which might give rise to a prohibitive involvement and thus implicate a violation of the Local Government Ethics Law.

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

If you have any questions regarding this matter, please contact Nick Bennett at (609) 292-7075.

Sincerely,



Timothy J. Cunningham, Chair
Local Finance Board

Cc: Complainant

C15-003.determination
TJC:nb