

# John Paff

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JUNE 17, 2015

Assemblyman Joe Danielsen  
334 Elizabeth Ave.  
Somerset, NJ 08873

Assemblyman David W. Wolfe  
852 Highway 70  
Brick, NJ 08724

RE: Assembly Bill No. A1195  
Transfers Ethics Enforcement to State Ethics Commission

Dear Assemblymen Danielson and Wolfe:

I write to Assemblyman Danielsen because he is my General Assembly representative and to Assemblyman Wolfe because he is the primary sponsor of the captioned bill. I write in support of the captioned bill and S719, its companion in the New Jersey Senate which was favorably reported out of the Senate State Government, Wagering, Tourism & Historic Preservation Committee on June 11, 2015.

Enclosed is written testimony that I submitted to the Senate Committee on the day of the hearing seeking abolition of all county and local ethics boards as well as clarification on the manner of collection and disposition of the penalties collected Local Government Ethics Law (LGEL) violators. Since the Senate committee did not incorporate my suggestions into S729, I am hoping that you may wish to consider them when A1195 moves through the process.

Thank you for your attention to this matter. Please know that I am very familiar with the Local Finance Board's shortcomings in its handling of LGEL matters and would be happy to share my experiences with either of you upon request.

Sincerely,

John Paff

**John Paff's June 11, 2015 Written Testimony to the  
Senate State Government, Wagering, Tourism & Historic Preservation  
Committee  
regarding Senate Bill 729**

Hon. Jim Whelan, Chairman and Committee members:

As a person who has filed many ethics complaints and who was a member of the Local Ethics Board in Franklin Township (Somerset County) until the Board was disbanded by act of the Township Council, I would like to make the following comments on the bill:

1. The Franklin Township Council disbanded our local ethics board, wisely in my view, because of its cost. A December 11, 2013 Star Ledger article on the Council's actions noted the Council's position that it "could not afford the \$50,000 that would be required annually to operate the municipal ethics board."

What had occurred is that our Board began vigorously enforcing the ethics law and the respondents in the cases we brought demanded hearings, as is their right under N.J.S.A. 40A:9-22.24. Our local ethics board, similar to most, was comprised of five non-attorney volunteers who did not have the ability to conduct contested hearings without having an attorney's advice and participation every step of the way. Legal services, as you all realize, do not come cheap. Ultimately, and somewhat ironically, the Township Council, faced with the attorney fees that our enforcement activities generated, felt that it was not wise to have a municipal ethics board when the state Local Finance Board would take over our board's duties if our local board was disbanded.

Out of the nearly six hundred counties and municipalities in the State, only a small number--perhaps less than 50--have established their own ethics boards. The Local Finance Board's list of those counties and municipalities is attached.

While I haven't examined each of the local and county ethics boards, the ones that I have looked at appear to exist only because they were established long ago and are not doing a particularly good job in enforcing the ethics law. I believe that if these local boards were to vigorously enforce the law their municipal councils, following Franklin's logic, would likely disband them once the attorney bills started to come in.

In sum, I ask that the Committee please consider an amendment that would abolish all the county and local boards and place sole enforcement under the State Ethics Commission.

2. If the Committee decides to retain local and county ethics boards, I ask that N.J.S.A. 40A:9-22.10 be amended to permit local and county boards to enforce penalties in the municipal court. As you are undoubtedly aware, N.J.S.A. 2A:58-11(b) requires penalty enforcement actions to be brought in the Superior Court unless "the statute that establishes the civil penalty provides that the action may be brought in the municipal court." In my experience with the Franklin Municipal Ethics Board, we could not justify paying our attorney to file actions in Superior Court to collect fines of \$100 to \$500. The municipal court would have been an attractive enforcement option.

3. Also drawing from my experience with the Franklin Municipal Ethics Board, it was hard to justify enforcing penalties given that any money that we collected would, in accordance with N.J.S.A. 2A:58-11(f), go to the State Treasurer. In other words, to enforce the ethics laws, we would have to spend more money on legal fees than the fine's amount in order to go to Superior Court and any penalties we did enforce would go to the state rather than the township. N.J.S.A. 2A:58-11(f) permits "a different disposition" of the penalties collected if the Committee wished to provide for it in S729.



# LOCAL GOVERNMENT SERVICES ETHICS

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## LOCAL ETHICS BOARDS

The local governments listed below have advised the Local Finance Board that they have created a local ethics board. If the local board has promulgated a code which is identical to the code contained in the statute, N.J.S.A. 40A:9-22.5, they do not need the approval of the Local Finance Board. Those indicated by an asterisk (\*) have local boards which are operating with a code deemed approved by the Local Finance Board.

ATLANTIC COUNTY  
BERGEN COUNTY  
\*CAMDEN COUNTY  
ESSEX COUNTY

HUDSON COUNTY  
\*MIDDLESEX COUNTY  
\*PASSAIC COUNTY

Bayonne City  
\*Bergenfield Borough (effective 5/9/10)  
Closter Borough  
Dumont  
Edison  
\*East Brunswick Township  
Fair Lawn Borough  
Fort Lee Borough  
Haledon Borough  
Hasbrouck Heights Borough  
Hillsborough Township  
Jersey City  
Little Falls  
Little Silver Borough  
Lumberton Township  
\*Margate City  
\*Marlboro Township  
Middle Township(Cape May)  
Milltown Borough

\*Moorestown Township  
Morris Township  
Mount Olive Township  
\*New Brunswick City  
\*North Brunswick Township  
North Haledon Borough  
North Wildwood City  
\*Norwood Borough  
Ocean City  
\*Old Bridge Township  
Piscataway Township  
Roseland Borough  
Scotch Plains Township  
Shrewsbury Borough  
\*Teaneck Township  
Totowa Borough  
Trenton City  
Verona Township  
Wanaque Borough