

State of New Jersey
 Government Records Request
 Receipt

Requestor Information

John Paff
 1605 Amwell Rd
 Somerset, NJ 08873

 paff@pobox.com

 Request Date: June 9, 2014
 Maximum Authorized Cost:
 Email

Request Number: W87315
 Request Status: Partial Closed
 Ready Date:
 Custodian Contact Information
 Division of Local Government Services
 Records Custodian
 101 South Broad Street
 P.O. Box 803
 Trenton, NJ 08625-0803
 lgsopra@dca.state.nj.us
 609-984-0133
 By _____

Status of Your Request

Your request for government records (# W87315) from the Division of Local Government Services has been reviewed and has been Partial Closed. Detailed information as to the availability of the documents you requested appear below and on following pages as necessary.

The cost and any balance due for this request is shown to the right. Any balance due must be paid in full prior to the release / mailing of the documents.

If you have any questions related to the disposition of this request please contact the Custodian of Records for the Division of Local Government Services. The contact information is in the column to the right. Please reference your request number in any contact or correspondence.

Cost Information

Total Cost:	\$0.00
Deposit:	\$0.00
Total Amount Paid:	\$0.00
Balance Due:	\$0.00

Document Detail

Div	Doc #	Doc Name	Redaction Req	Pages	Legal Size	Electronic Media	Other Cost
LGS	1	Notice of Dismissal letter for LFB-13-056	N	2	N	Y	
LGS	2	Notice of Dismissal letters for LFB-11-054	N	4	N	Y	
LGS	3	Notice of Determination letters for LFB-13-001	N	4	N	Y	
LGS	4	Notice of Dismissal letter for LFB-13-052	N	2	N	Y	
LGS	5	Notice of Dismissal letters for LFB-13-057	N	4	N	Y	
LGS	6	Ethics Complaints	N		N	N	
		Clarification requested					

State of New Jersey
Government Records Request
Receipt

Your request for government records (# W87315) is as follows:

Ethics Complaint filed in John Alice v. Gloucester County Freeholders, No. 11-054. Also the Notice of Dismissal, Notice of Violation or other document that resolved this case. Ethics Complaint filed in Beth Mason, et al v. Dawn Zimmer, et al, No. 13-001. Also the Notice of Dismissal, Notice of Violation or other document that resolved this case. Ethics Complaint filed in Paolucci v. Bollwage, No. 13-052. Also the Notice of Dismissal, Notice of Violation or other document that resolved this case. Ethics Complaint filed in Scott Alexander v. Ed Forte, No. 13-056. Also the Notice of Dismissal, Notice of Violation or other document that resolved this case. Ethics Complaint filed in Eastwood v. Parisi, No. 13-057. Also the Notice of Dismissal, Notice of Violation or other document that resolved this case.



State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO BOX 803
TRENTON, NJ 08625-0803

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Vt. Governor

RICHARD E. CONSTABLE, III
Commissioner

March 24, 2014

Mr. Joseph Parisi
573 Floyd Street
Englewood Cliffs, NJ 07632

Re: LFB Complaint #13-057
Notice of Dismissal

Dear Mr. Parisi:

The purpose of this letter is to apprise you of the final disposition of the above-referenced complaint.

The Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq., 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. You are hereby notified that a complaint was filed against you, and it was dismissed.

Complaint LFB 13-057 was filed against you for failure to file a 2013 Annual Financial Disclosure Statement (FDS).

The Local Government Ethics Law states in pertinent part:

N.J.S.A. 40A:9-22.6(a) Local government officers shall annually file a financial disclosure statement.

The Board received a complaint regarding the non-filing of your 2013 Financial Disclosure Statement. However, upon review of the 2013 Financial Disclosure Statements submitted electronically, it was determined that your Financial Disclosure Statement was submitted and received. It is noted however that the form submitted does not include the selection of a local government agency on page 1. Without the designation of a local government agency, the form may be difficult for a member of the public to find online in the Local Finance Board database.



It has also been determined that your 2013 Financial Disclosure Statement satisfies the requirements of N.J.S.A. 40A:9-22.6.

Upon consideration of these facts and circumstances, the Board voted to dismiss this matter as having no reasonable factual basis.

LFB Complaint #13-057 is now closed.

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

If you have any questions regarding this matter, please do not hesitate to contact Eileen Brennen at (609) 292-0479.

Sincerely,

A handwritten signature in black ink, appearing to read 'THN', written over a faint, larger signature.

Thomas H. Neff, Chair
Local Finance Board

THN.eb
cc: Complainant
C13-057 Parisi Dismissal



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 24, 2014

Mr. Joseph Favaro
70 Johnson Avenue
Englewood Cliffs, NJ 07632

Re: LFB Complaint #13-057
Notice of Dismissal

Dear Mr. Favaro:

The purpose of this letter is to apprise you of the final disposition of the above-referenced complaint.

The Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq., 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. You are hereby notified that a complaint was filed against you, and it was dismissed.

Complaint LFB 13-057 was filed against you for failure to file a 2013 Annual Financial Disclosure Statement (FDS).

The Local Government Ethics Law states in pertinent part:

N.J.S.A. 40A:9-22.6(a) Local government officers shall annually file a financial disclosure statement.

The Board received a complaint regarding the non-filing of your 2013 Financial Disclosure Statement. However, upon review of the 2013 Financial Disclosure Statements submitted electronically, it was determined that your Financial Disclosure Statement was submitted and received. It is noted however that the form submitted does not include the selection of a local government agency on page 1. Without the designation of a local government agency, the form may be difficult for a member of the public to find online in the Local Finance Board database.



It has also been determined that your 2013 Financial Disclosure Statement satisfies the requirements of N.J.S.A. 40A:9-22.6.

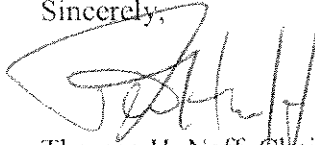
Upon consideration of these facts and circumstances, the Board voted to dismiss this matter as having no reasonable factual basis.

LFB Complaint #13-057 is now closed.

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

If you have any questions regarding this matter, please do not hesitate to contact Eileen Brennen at (609) 292-0479.

Sincerely,



Thomas H. Neff, Chair
Local Finance Board

THN:eb
cc: Complainant
C13-057.Favaro Dismissal



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 16, 2014

Mr. Vincent Nestore
1 Wheatley Boulevard
Mullica Hill, NJ 08062

Re: Local Government Ethics Law
Complaint #LFB-11-054
Notice of Dismissal

Dear Mr. Nestore:

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

In complaint #LFB-11-054, as summarized, it was alleged that you participated in closed session discussions and voted to approve Resolution 45885 regarding the award of counsel fees (as required by judicial order) to Mark Cimino, Esq., who represented Mr. Burnett against the County in Burnett v. Gloucester County and who also represented you in a recount following the November 2010 County Freeholder Race.

Pursuant to a preliminary investigation of this matter, the Board voted to authorize an investigation of these allegations. The following provisions of the Local Government Ethics Law were alleged to be violated.

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 financial or personal 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.

Following an investigation and review of the documents submitted and evaluation of the facts and circumstances relevant to this complaint, the Board determined that you were not an elected official during the time when the Burnett v. Gloucester County lawsuit was ongoing and that you had no influence on who the Republican Executive Committee hired to represent it during the 2010 recount of the Freeholder race. Furthermore, the resolution awarding fees was not a discretionary matter, having been ordered by a judge.

In light of these facts, the Board voted to determine that you did not violate the Local Government Ethics Law when you participated in closed a closed session meeting and voted on the above-referenced Resolution.

The complaint is now closed.

If you have any questions regarding this matter, please feel free to contact Eileen Brennen at (609) 292-0479.

Sincerely,



Thomas H. Neff, Chair
Local Finance Board

THN:eb
cc: Complainant
C11-083.Dismissal Nestore



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 16, 2014

Mr. Larry Wallace
75 Kirschling Drive
Woolwich Township, NJ 08062

Re: Local Government Ethics Law
Complaint #LFB-11-054
Notice of Dismissal

Dear Mr. Wallace:

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

In complaint #LFB-11-054, as summarized, it was alleged that you participated in closed session discussions regarding the award of counsel fees (as required by judicial order) to Mark Cimino, Esq., who represented Mr. Burnett against the County in Burnett v. Gloucester County and who also represented you in a recount following the November 2010 County Freeholder Race.

Pursuant to a preliminary investigation of this matter, the Board voted to authorize an investigation of these allegations. The following provisions of the Local Government Ethics Law were alleged to be violated.

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 financial or personal 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.

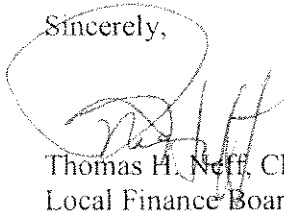
Following an investigation and review of the documents submitted and evaluation of the facts and circumstances relevant to this complaint, the Board determined that you were not an elected official during the time when the Burnett v. Gloucester County lawsuit was ongoing and that you had no influence on who the Republican Executive Committee hired to represent it during the 2010 recount of the Freeholder race. Furthermore, the resolution awarding fees was not a discretionary matter, having been ordered by a judge.

In light of these facts, the Board voted to determine that you did not violate the Local Government Ethics Law when you participated in closed a closed session meeting and voted on the above-referenced Resolution.

The complaint is now closed.

If you have any questions regarding this matter, please feel free to contact Eileen Brennen at (609) 292-0479.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas H. Neff", is written over a circular stamp or seal. The signature is fluid and cursive.

Thomas H. Neff, Chair
Local Finance Board

THN:eb
cc: Complainant
C11-054.Dismissal.Wallace



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 12, 2014

Mayor Edward Forte, Jr.
508 3rd Avenue
Haddon Heights, NJ 08035

Re: Local Government Ethics Law
Complaint #LFB-13-056
Notice of Dismissal

Dear Mayor Forte:

The Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq., authorizes the Local Finance Board (Board) to initiate, receive, hear and review complaints, and hold hearings with regard to possible violations of the Local Government Ethics Law. 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. The Board then determines if the complaint warrants a formal investigation.

You are hereby notified a complaint was filed against you and it was dismissed.

In complaint #LFB-13-056, it was alleged that you are in violation of the Local Government Ethics Law because you obtained free concert tickets and offered said tickets to members of the Haddon Heights Fire Department to influence members of the department the night before the General Election. It was alleged the receipt and sharing of tickets was in relation to your position as Mayor and meant to improperly influence an election.

The complainant alleged violations of the following provisions of the Local Government Ethics Law, but the following was implied:

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(f) No local government officer or employee, member of his immediate family, or business organization in which he has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him, directly or indirectly in the discharge of his official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the

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local government officer has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the local government officer in the discharge of his official duties;

A preliminary investigation of this complaint reveals that the concert tickets were originally given to a Haddon Township (Westmont) volunteer firefighter by Comcast, his employer. The employee was told to distribute the tickets to his fellow firefighters. Because the Westmont fire department was unable to use all of the tickets, the Westmont Fire Chief offered the tickets to neighboring fire departments, including Bellmawr, Haddonfield, and Haddon Heights. You were given the tickets in your position as Assistant Fire Chief of the Haddon Heights Volunteer Fire Department, not in your position as Mayor. The tickets were then offered by the Haddon Heights Fire Chief to all members of the department.

You did not solicit the tickets. They were not provided to you in your capacity as Mayor. You did not distribute them in conjunction with, or relation to, the General Election.

Upon consideration of the facts of circumstances related to this complaint, the Board voted to dismiss this matter as having no reasonable factual basis.

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. No action is required on your part. This letter is a notification that a complaint was filed against you and that the complaint has been dismissed.

This case is now closed.

If you have any questions regarding this matter, please feel free to contact Nancy Malool at (609) 984-7764.

Sincerely,



Thomas H. Neff, Chair
Local Finance Board

C: Complainant
THN:nm
C-13-056.Dismissal.Accused



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 12, 2014

Mayor J. Christian Bollwage
1113 Coolidge Road
Elizabeth, NJ 07201

Re: Local Government Ethics Law
Complaint #LFB-13-052
Notice of Dismissal

Dear Mayor Bollwage:

The Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq., authorizes the Local Finance Board (Board) to initiate, receive, hear and review complaints, and hold hearings with regard to possible violations of the Local Government Ethics Law. 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. The Board then determines if the complaint warrants a formal investigation.

You are hereby notified a complaint was filed against you and it was dismissed.

In complaint #LFB-13-052, it was alleged that you are in violation of the Local Government Ethics Law because you included a letter concerning the Board of Education with residents' property tax bills in an attempt to influence the school board election.

The complainant did not cite a specific provision of the Local Government Ethics Law, but the following was implied:

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;

Following a preliminary investigation of the facts and circumstances relevant to this complaint, the Board determined that the letter served to inform residents about issues concerning tax bills issued by the municipality. The Board has long held that local governments are free to distribute newsletters intended to inform residents of issues and actions taken by the municipality.

Of particular note, the information in the letter accompanying tax bills did not advocate a particular vote in an election. Had the letter advocated voting for one candidate over another, the Board's decision would have been different.

Therefore, the Board voted to dismiss this matter as having no reasonable factual basis.

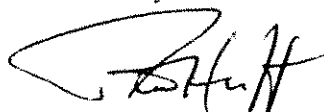


Pursuant to N.J.S.A. 40A:9-22.9, the local government officer or employee against whom a complaint was filed must be notified of the Board's determination regarding a complaint. No action is required on your part. This letter is a notification that a complaint was filed against you and that the complaint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

This case is now closed.

If you have any questions regarding this matter, please feel free to contact Nancy Malool at (609) 984-7764.

Sincerely,



Thomas H. Neff, Chair
Local Finance Board

C: Complainant
THN:nm
C-13-052.Dismissal.Accused



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 14, 2014

Councilman Ravi Bhalla
2 Constitution Ct
Hoboken, NJ 07030-5588

Re: Local Government Ethics Law
Complaint #LFB-13-001
Notice of Determination

Dear Councilman Bhalla:

The purpose of this letter is to apprise you of the Local Finance Board's 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 Local Finance Board (Board) to initiate, receive, hear and review complaints, and hold hearings with regard to possible violations of the Local Government Ethics Law. 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 an investigation.

You are hereby notified that a complaint was filed against you and dismissed.

Complaint #LFB-13-001 was filed against you. The complaint, as summarized, alleged that it is a violation of the LGEL for a Mayor to retain a council colleague for legal services needed with respect to a personal small claims court matter. This is a matter of first impression as no similar matter has ever come to the attention of the Board.

Complainant alleges violations of the following sections of the LGEL:

N.J.S.A. 40A:9-22.5(a) No local government officer or employee or member of his immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest; and

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 financial or personal involvement that might reasonably be expected to impair his objectivity or independence of judgment; and

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;



Following a preliminary investigation of the facts and circumstances relevant to this complaint, the Board found no cause for concern that violations of the LGEL were present for primarily two reasons.

First, the retention of your legal services was solely in your and the Mayor's private capacities and the legal representation had nothing to do with official business of the City of Hoboken.

Second, the private legal representation was for such a minor matter that the potential benefit the Mayor may have received, or the potential compensation received by you, was so minor as to be trivial and would not impact your respective duties. In light of these facts, the Board voted to dismiss the complaint as having no reasonable factual basis.

Although complainants cited several Attorney Ethics opinions in their complaint, it should be noted that these cases were not on point, and no Attorney Ethics opinions were provided that indicate that a mayor may not hire a councilman in a legal matter. If the Office of Attorney Ethics is concerned about such matters, it will no doubt act accordingly should complainants bring this matter to their attention. However, the Board has been advised that complainants have not submitted this matter to that Office as they had indicated in the complaint.

The final issue raised by complainants was that your relationship with the Mayor caused you to invoke attorney-client privilege regarding a matter of City business. Review of this matter reveals that the context in which the privilege was raised was one involving yourself and the City Attorney and did not have anything to do with your private representation of the Mayor.

Please note that this determination is not intended to set a precedent that the retention of legal services or some other form of private employment by a member of one branch of local government of another member of local government will never run afoul of the Local Government Ethics Law. Scenarios can be envisioned where an arrangement could be so substantial financially, or so compromising in terms of personal disclosure matters, that the otherwise personal relationship could reasonably call into question the LGEL provisions referenced above. However, the complaint filed here is clearly not such a case and was unanimously dismissed.

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. No action is required on your part. This case is now closed.

If you have any questions regarding this matter, please feel free to contact Nancy Malool at (609) 984-7764.

Sincerely,



Thomas H. Neff, Chair
Local Finance Board

C. Complainant
HIN:nm
C-13-001-Dismissal-Accused



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 14, 2014

Mayor Dawn Zimmer
59 Madison Street #2
Hoboken, NJ 07030

Re: Local Government Ethics Law
Complaint #LFB-13-001
Notice of Determination

Dear Mayor Zimmer:

The purpose of this letter is to apprise you of the Local Finance Board's 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 Local Finance Board (Board) to initiate, receive, hear and review complaints, and hold hearings with regard to possible violations of the Local Government Ethics Law. 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 an investigation.

You are hereby notified that a complaint was filed against you and dismissed.

Complaint #LFB-13-001 was filed against you. The complaint, as summarized, alleged that it is a violation of the LGEL for a Mayor to retain a council colleague for legal services needed with respect to a personal small claims court matter. This is a matter of first impression as no similar matter has ever come to the attention of the Board.

Complainant alleges violations of the following sections 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; and

N.J.S.A. 40A:9-22.5(f) No local government officer or employee, member of his immediate family, or business organization in which he has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him, directly or indirectly in the discharge of his official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the local government officer has no knowledge or reason to believe that the

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campaign contribution, if accepted, was given with the intent to influence the local government officer in the discharge of his official duties;

Following a preliminary investigation of the facts and circumstances relevant to this complaint, the Board found no cause for concern that violations of the LGEL were present for primarily two reasons.

First, the legal retention of the councilman was solely in your private capacity and the legal representation had nothing to do with official business of the City of Hoboken.

Second, the private legal representation was for such a minor matter that the potential benefit you may have received, or the potential compensation received by the councilman, was so minor as to be trivial and would not impact your respective duties. In light of these facts, the Board voted to dismiss the complaint as having no reasonable factual basis.

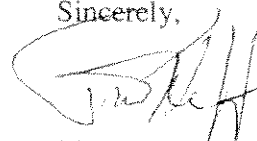
Although complainants cited several Attorney Ethics opinions in their complaint, it should be noted that these cases were not on point, and no Attorney Ethics opinions were provided that indicate that a mayor may not hire a councilman in a legal matter. If the Office of Attorney Ethics is concerned about such matters, it will no doubt act accordingly should complainants bring this matter to their attention. However, the Board has been advised that complainants have not submitted this matter to that Office as they had indicated in the complaint.

Please note that this determination is not intended to set a precedent that the retention of legal services or some other form of private employment by a member of one branch of local government of another member of local government will never run afoul of the Local Government Ethics Law. Scenarios can be envisioned where such an arrangement could be so substantial financially, or so compromising in terms of personal disclosure matters, that the otherwise personal relationship could reasonably call into question the LGEL provision referenced above. However, the complaint filed here is clearly not such a case and was unanimously dismissed.

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. No action is required on your part. This case is now closed.

If you have any questions regarding this matter, please feel free to contact Nancy Malool at (609) 984-7764.

Sincerely,



Thomas H. Neff, Chair
Local Finance Board