

STATE OF NEW JERSEY
STATE ETHICS COMMISSION
Post Office Box 082
Trenton, New Jersey 08625-0082
(609) 292-1892

STATE OF NEW JERSEY
STATE ETHICS COMMISSION
COMMISSION CASE NO. 15-14

**IN THE MATTER OF DAVID
SAMSON, FORMER CHAIRMAN,
PORT AUTHORITY OF NEW YORK &
NEW JERSEY**

Administrative Action

CONSENT ORDER

WHEREAS, the State Ethics Commission (“Commission”) is authorized to initiate, receive, investigate, review and hear complaints regarding violations of the New Jersey Conflicts of Interest Law, *N.J.S.A. 52:13D-12 et seq.* (“Conflicts Law”), applicable rules of the Commission, *N.J.A.C. 19:61-1.1 et seq.*, the Uniform Ethics Code, and any agency code of ethics by any State officer or employee or special State officer or employee; and

WHEREAS, this matter was brought before the Commission by complaints filed with the Commission; and

WHEREAS, the Commission conducted a preliminary investigation of the matters and issues raised by the complaints; and

WHEREAS, the Commission and David Samson (“Samson”) now desire to enter into a final and complete resolution of the matters and issues raised thereby;

IT IS THEREFORE agreed by the parties as follows:

1. Samson was nominated by Governor Christie to serve as a Commissioner on the Port Authority of New York and New Jersey (“Port Authority”) on September 30, 2010. He was confirmed by the New Jersey State Senate on January 25, 2011. On February 3, 2011, Samson was elected Chair of the Port Authority. He resigned from the Port Authority on March 28, 2014.

2. At all times while Samson served on the Port Authority, he was a named partner at Wolff & Samson, PC (“Wolff & Samson”).

3. In October of 2010, the South Jersey Transportation Authority (“SJTA”) retained Wolff & Samson as bond counsel for a two-year term, with the option for two one-year extensions, for the purpose of restructuring certain debt. The representation was extended for the two one-year terms. In 2011, Wolff & Samson billed SJTA for tax analysis and advice regarding the Atlantic City Airport. Wolff & Samson continued to represent the SJTA through 2013.

4. On March 29, 2011, Samson told a newspaper that the Port Authority had been exploring a takeover of the Atlantic City airport since 2007. On March 20, 2013, the Port Authority Board passed a resolution authorizing the Port Authority to take over operations at the Atlantic City Airport from the SJTA. The resolution authorized the Port Authority staff to finalize the details for the takeover. Samson recused from the Port Authority Board’s vote to approve the resolution but he was present during the Port Authority Board’s Executive Session discussion of the proposed takeover. At the conclusion of the staff’s presentation to the Port Authority Board concerning the proposed takeover of the Atlantic City Airport, Samson thanked the senior staff and stated: “That’s really exciting and is consistent with all our thoughts on where we are going with this exciting operation agreement.” Following the March 20, 2013 meeting, Samson met with reporters and discussed the Port Authority’s takeover of the airport.

5. In July of 2013, SJTA entered into a Management Agreement with the Port Authority whereby the SJTA agreed to pay the Port Authority \$500,000 per year to perform certain management and other services at the Atlantic City Airport.

6. In July 2016, Samson pled guilty to a one-count Information that charged him with knowingly and corruptly soliciting, demanding, accepting, and agreeing to accept a thing of value, namely, a non-stop United route between Newark Airport and Columbia Airport (the "Newark/Columbia Route"), intending to be influenced and rewarded in connection with the business, a transaction, and a series of transactions of the Port Authority involving a thing of value of at least \$5,000, in violation of Title 18, United States Code, Section 666(a)(1)(B). As set forth in the Information, Samson threatened to use and did use his official position and authority as the Chair of the Port Authority, including his authority to control the agenda of the Board and the Operations Committee, to pressure United to reinstate and operate the Newark/Columbia Route for Samson's benefit so that he could use this route to travel more conveniently to and from his house in Aiken, South Carolina. On March 6, 2017, Samson was sentenced to one year of home confinement with a location monitoring device, four years of probation, 3,6000 hours of community service and a fine of \$100,000.

7. It is the position of the Commission that, pursuant to the Conflicts of Interest Law, *N.J.S.A. 52:13D-13(e)*, Samson was a Special State officer while serving as a Commissioner of the Port Authority and was thus subject to the Commission's jurisdiction.

8. It is Samson's position that as a Commissioner of the Port Authority, he was not subject to the Conflict of Interest Law, but rather the Port Authority's own Code of Ethics.

9. It is the Commission's position that:

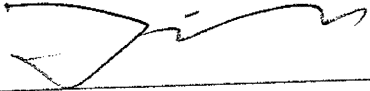
- a. Samson should have recused himself from discussions with the Port Authority staff and Board members concerning the Port Authority's takeover of operations at the Atlantic City Airport from the SJTA and discussing the takeover of the airport with the press while the SJTA was a client of Wolff & Samson and that by not recusing himself, he violated the Commission's recusal rule (*N.J.A.C.* 19:61-7.4(d)) and sections 23(e)(1), 23(e)(3), 23(e)(4) and 23(e)(7) of the Conflicts Law.
- b. Samson misused his official position as the Chair of the Port Authority to pressure United Airlines to reinstate and operate an unprofitable non-stop flight between Newark Airport and Columbia Airport for his personal benefit; and by improperly accepting this benefit from United Airlines, which violated sections 23(e)(3), 23(e)(6) and 23(e)(7) of the Conflicts of Interest Law.

10. Without waiving his position that he is not subject to the Conflict of Interest Law, Samson acknowledges that if he were subject to the Conflicts Law, his conduct as set forth in paragraphs three (3) through five (5), above, could be construed as violations of the Commission's recusal rule (*N.J.A.C.* 19:61-7.4(d)) and sections 23(e)(1), 23(e)(3), 23(e)(4) and 23(e)(7) of the Conflicts Law. Samson further acknowledges that the use of his position as Chair of the Port Authority to coerce United Airlines into reinstating a canceled flight between Newark Liberty International Airport and Columbia, S.C. for his personal benefit would constitute a violation of sections 23(e)(3), 23(e)(6) and 23(e)(7) of the Conflicts Law.

11. In consideration of the above, David Samson agrees to pay a civil penalty in the amount of \$11,000 within thirty (30) days of the execution of this Consent Order.

12. The Commission and Samson agree that this Consent Order constitutes a complete and final resolution of all matters and issues involved herein. This Consent Order does not constitute

precedent in other pending or future Commission matters and is not intended to constitute a finding of admission of guilt or liability on the part of Samson.




David Samson

Dated: SEPTEMBER 22, 2017



State Ethics Commission
By: Rachelle R. Hendricks

Dated: 10/17/17



State Ethics Commission
By: Mark Holmes, Acting Executive Director

Dated: 10/17/17