

## LOCAL FINANCE BOARD

### Local Government Ethics Law

July 11, 2018 Meeting

The meeting was called to order at 9:23 am by Timothy J. Cunningham, Chairman. Emma Salay, Deputy Executive Secretary stated that in accordance with the Open Public Meetings Act, C.10:4-6 et seq., proper notice was given to the Secretary of State, the *Star-Ledger* and the *Times of Trenton*. A roll call vote was taken; 6 members were present: William Close, Timothy J. Cunningham, Ted Light, Dominick DiRocco, Adrian Mapp and Idida Rodriguez. Alan Avery and Francis Blee were absent. A quorum was present. Also present were Patricia Parkin McNamara, Executive Secretary, Melanie Walter, Deputy Attorney General and staff members: Nick Bennett, Dana C. Jones, Paul Urbish, Dina Venero and Tina Vignali.

### MINUTES

The June 13, 2018 minutes. A motion was made by Mr. Light and second by Mr. Mapp to approve the minutes. A roll call was taken: 6 affirmative, 2 absent (Mr. Avery and Mr. Blee). Motion passed.

**Concerning the matter of III.A.1.** A motion was made by Mr. Mapp and second by Mr. Close to dismiss part 1 of the complaint for having no reasonable factual basis; and to find a violation and to assess one fine in the amount of \$100.00 against the accused for FDS filing requirements in part 2 of the complaint. A roll call was taken: 6 affirmative, 2 absent (Mr. Avery and Mr. Blee). Motion passed.

**Concerning the matter of III.A.2.** A motion was made by Mr. Mapp and second by Ms. Rodriguez to dismiss the complaint as having no reasonable factual basis. A roll call was taken: 6 affirmative, 2 absent (Mr. Avery and Mr. Blee). Motion passed.

**Concerning the matter of III.A.3.** A motion was made by Mr. Close and second by Mr. Mapp to investigate the complaint. A roll call was taken: 6 affirmative, 2 absent (Mr. Avery and Mr. Blee). Motion passed.

**Concerning the matters of III.A.4.** A motion was made by Mr. Light and second by Mr. Mapp to dismiss the complaint, the Board having decided not to pursue the matter due to the accused's other legal issues. A roll call was taken: 6 affirmative, 2 absent (Mr. Avery and Mr. Blee). Motion passed.

**Concerning the matter of III.A.5.** A motion was made by Mr. Close and second by Mr. Mapp to investigate the complaint. A roll call was taken: 6 affirmative, 2 absent (Mr. Avery and Mr. Blee). Motion passed.

**Concerning the matter of III.A.6.** A motion was made by Mr. Light and second by Mr. Close to investigate the complaint against A; and to dismiss the complaint as having no jurisdiction against B. A roll call was taken: 6 affirmative, 2 absent (Mr. Avery and Mr. Blee). Motion passed.

**Concerning the matter of III.A.7.** A motion was made by Mr. Light and second by Ms. Rodriguez to dismiss the complaint as having no reasonable factual basis against A; and to dismiss the complaint for

lack of jurisdiction against B. A roll call was taken: 6 affirmative, 2 absent (Mr. Avery and Mr. Close). Motion passed.

**Concerning the matter of III.A.8.** The matter was deferred.

**Concerning the matter of III.A.9.** A motion was made by Ms. Rodriguez and second by Mr. Close to investigate the complaint. A roll call was taken: 6 affirmative, 2 absent (Mr. Avery and Mr. Blee). Motion passed.

**Concerning the matter of III.A.10.** A motion was made by Ms. Rodriguez and second by Mr. Light to investigate the complaint. A roll call was taken: 6 affirmative, 2 absent (Mr. Avery and Mr. Blee). Motion passed.

**Concerning the matter of III.A.11.** A motion was made by Mr. Light and second by Mr. Close to investigate the complaint. A roll call was taken: 6 affirmative, 2 absent (Mr. Avery and Mr. Blee). Motion passed.

**Concerning the matter of III.A.12.** A motion was made by Mr. Light and second by Mr. Close to find a violation and to assess a fine in the amount of \$100.00 against the accused. A roll call was taken: 6 affirmative, 2 absent (Mr. Avery and Mr. Blee). Motion passed.

**Concerning the matter of III.A.13.** A motion was made by Mr. DiRocco and second by Mr. Cunningham to find no violation and dismiss the complaint as having no reasonable factual basis. A roll call was taken: 2 affirmative, 4 negative, 2 absent (Mr. Avery and Mr. Blee). Motion failed. A motion was made by Mr. Mapp and second by Ms. Rodriguez to find a violation against the accused. A roll call was taken: 3 affirmative, 3 negative, 2 absent (Mr. Avery and Mr. Blee). Motion failed. Staff was directed to research potential guidance on local government charitable contributions.

**Concerning the matter of III.A.14.** A motion was made by Mr. Mapp and second by Ms. Rodriguez to accept the settlement of a contested case transmitted to the Office of Administrative Law which acknowledges a violation and fine in the amount of \$25.00 against the accused. A roll call vote was taken: 6 affirmative, 2 absent (Mr. Avery and Mr. Blee). Motion passed.

**Concerning the matter of III.A.15.** A motion was made by Mr. Cunningham and second by Mr. Close to issue an administrative order of the Local Finance Board to: (a) maintain the finding of violation against the accused and waive the previously assessed fine; (b) order immediate compliance with the LGEL in connection with the multiple positions held; (c) collect the fine in the amount of \$200.00 for FDS filing violations previously assessed against the accused; (d) notify the governing body of action needed; and (e) issue a subpoena to the municipal clerk. A roll call vote was taken: 6 affirmative, 2 absent (Mr. Avery and Mr. Blee). Motion passed.

**Concerning the matter of III.A.16.** A motion was made by Mr. DiRocco and second by Mr. Light to find: (a) no violations of the LGEL in appeal A or B; (b) uphold the decision of the local ethics board; and (c) dismiss appeal A and B as having no reasonable factual basis. A roll call vote was taken: 6 affirmative, 2 absent (Mr. Avery and Mr. Blee). Motion passed.

At 10:20 am, a motion was made by Mr. Cunningham and second by Mr. Light to go into closed session for the purpose of discussing complaints, advisory opinions and to receive legal advice. A roll call was taken: 6 affirmative, 2 absent (Mr. Avery and Mr. Blee). Motion passed.

Ms. Rodriguez recused on the first matter and stepped out of the meeting.

At 10:54 am, a motion was made by Mr. DiRocco and second by Mr. Close to go into open session. A roll call vote was taken: 6 affirmative, 2 absent (Mr. Avery and Mr. Blee). Motion passed.

**Concerning the matter of III.A.17.** A motion was made by Mr. Cunningham and second by Mr. Close to authorize an investigation against accused A, B and C. A roll call vote was taken: 5 affirmative, 3 absent (Mr. Avery, Mr. Blee and Ms. Rodriguez). Motion passed.

The Local Finance Board determined to break from the Ethics portion of the meeting and take a brief recess. A brief recess was taken. The Local Finance Board will reconvene to consider applications.

The Local Finance Board reconvened to consider applications.

Respectfully submitted,



Patricia Parkin McNamara

Executive Secretary