

**STATE AGRICULTURE DEVELOPMENT
COMMITTEE**

CODE OF ETHICS

(SUPPLEMENT TO THE STATE UNIFORM CODE OF ETHICS)

**Charles M. Kuperus, Chairperson
State Agriculture Development Committee**

Approved by SADC: 1/25/07

Approved by the State Ethics Commission: 7/18/07

STATE AGRICULTURE DEVELOPMENT COMMITTEE

CODE OF ETHICS

I. PURPOSE

This Supplemental Code of Ethics is established and adopted in accordance with the New Jersey Conflicts of Interest Law (N.J.S.A. 52:13D-12 et seq.) and specifies the general standards of conduct necessary for the proper and efficient operation of the State Agriculture Development Committee (SADC). This Supplemental Code of Ethics is adopted to maintain public trust and confidence, and to inform employees and State officers and special State officers of the SADC of the standards of conduct expected of them.

II. APPLICABILITY

This Supplemental Code supersedes all previous SADC codes of ethics, and shall apply to all State officers or employees and all special State officers or employees related to the SADC effective on the date on which it is approved by the State Ethics Commission. All State officers or employees and special State officers or employees must comply as well with the State Uniform Ethics Code, New Jersey Conflicts of Interest Law and guidelines of the State Ethics Commission.

III. DEFINITIONS

“Ethics Liaison Officer” means the Deputy Executive Director.

“Code” – means this Supplemental Code of Ethics.

“SADC” means the State Agriculture Development Committee and all programs related thereto which are under the authority of the State Agriculture Development Committee.

“State Officer or Employee” – means any person, other than a special State officer or employee employed by the SADC, whether classified or unclassified, provisional or permanent, employed in a full-time status.

“Special State Officer or Employee” – means any person holding an office or employment in the SADC for which office or employment no compensation is authorized or provided by law, or no compensation other than a sum in reimbursement of expenses, whether payable per diem or per annum, is authorized by law.

“Member of the Immediate Family” – means the employee’s spouse, child, parent, or sibling residing in the same household.

“Trade Group” – means an organization which includes interested persons as defined herein and which advocates or represents its members in addressing public issues affecting them.

“Interest” – means the ownership or control of more than 10% of the profits or assets of a firm, association, or partnership, or more than 10% of the stock in a corporation for profit other than a professional service corporation organized under the “Professional Service Corporation Act,” P.L. 1969, c. 232 (C. 14A:17-1 et seq.); or (2) the ownership or control of more than 1% of the profits of a firm, association, or partnership, or more than 1% of the stock in any corporation, which is the holder of, or an applicant for, a casino license or in any holding or intermediary company with respect thereto, as defined by the “Casino Control Act,” P.L. 1977, c. 110 (C.5:12-1 et seq.). The provisions of this act governing the conduct of individuals are applicable to shareholders, associates or professional employees of a professional service corporation regardless of the extent or amount of their shareholder interest in such a corporation.

“Interested Person” – means (1) any person who may reasonably be anticipated to be subject to the regulatory authority of the SADC; or (2) any supplier.

“Person” – means any natural person, association or corporation.

“Recusal” means the process by which a person is disqualified or disqualifies himself or herself, from a matter because of a conflict of interest.

“Supplier” – means any person that is providing or is seeking to provide or may reasonably be expected to provide goods and/or services to the SADC, including, but not limited to consultants, vendors and lessors.

IV. BASIC POLICY AND STRUCTURE OF THE CODE

A. General Rule

The SADC is established in the Executive Branch of the State Government and administers the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et. seq., the Right to Farm Act, N.J.S.A. 4:1C-1 et seq. and the Garden State Preservation Trust Act, N.J.S.A. 13:8C-1 et seq.

In addition, the SADC provides staff to the State Transfer of Development Rights Bank. All State officers or employees and special State officers or employees must therefore conduct themselves, in the course of their duties, in a manner which fosters the respect, trust and confidence of the public. Each must avoid any activity or association, which is, or appears to be, a violation of the public interest or trust.

B. Conflicting Activities

This Supplemental Code of Ethics embraces three types of activities that could potentially undermine public trust and confidence in the SADC:

1. Activities that so clearly constitute a conflict of interest or a violation of public trust by the State officer or employee or the special State officer or employee that they are expressly prohibited; for example, the solicitation or acceptance of a bribe, gift or valuable favor from any person doing business with the SADC.
2. Activities that may raise questions about the integrity of a State officer or a special State officer or employee; for example, receiving an offer or a bribe, gift, or valuable favor. Although the State officer or employee or special State officer or employee may have done no wrong, he/she is under an obligation to report such activities to the Ethics Liaison Officer.
3. Activities that may result in the appearance of a conflict of interest, such as receiving a complimentary invitation to an event from any person doing business with the SADC or engaging in any business or employment that may conflict with the duties of a State officer or employee or a special State officer or employee with the SADC. Employees are required to notify their Executive Director immediately to obtain approval before engaging in such activities.

In any instance in which a State officer or employee or special State officer or employee is not certain what the standard of conduct should be, he/she should seek the advice of the Ethics Liaison Officer.

V. CONFLICT OF INTEREST

A. Sale of Development Easements or Fee Simple Property

No State officer or employee, special State officer or employee, member of such State officer's or employee's immediate family, or member of such special State officer's or employee's immediate family, shall sell and/or apply to sell development easements on his/her property, pursuant to the Agriculture Retention and Development Act and the Garden State Preservation Trust Act. No State officer or employee, special State officer or employee, member of such State officer's or employee's immediate family, or member of such special State officer's or employee's immediate family shall sell his/her property in fee simple title to the SADC pursuant to the Agriculture Retention and Development Act and the Garden State Preservation Trust Act.

State Officer or Employee or Special State Officer or Employee
Appointed to or Employed by the SADC Prior to January 1, 2007:
In the event that any State officer or employee, special State officer or employee, member of such State officer's or employee's immediate family, or member of such special State officer's or employee's immediate family intends to sell or apply to sell a development easement on his/her property or sell or apply to sell his/her property in fee simple title pursuant to the Agriculture Retention and Development Act and the Garden State Preservation Trust Act, the individual shall resign from the SADC.

State Officer or Employee or Special State Officer or Employee
Appointed to or Employed by the SADC Subsequent to January 1, 2007:
In the event that any State officer or employee, special State officer or employee, member of such State officer's or employee's immediate family, or member of such special State officer's or employee's immediate family intends to sell or apply to sell a development easement on his/her property or sell or apply to sell his/her property in fee simple title pursuant to the Agriculture Retention and Development Act and the Garden State Preservation Trust Act, the individual shall resign from the SADC and refrain from selling or applying to sell a development easement on his/her property or from selling or applying to sell his/her property in fee simple title for a period of one year from the official date of resignation.

B. Recusal on official matters (Supplement to Section IX. Of the State Uniform Code of Ethics)

A State officer or special State officer is required to recuse him/herself on a matter before the SADC if he or she as a member of a county agriculture development board or agricultural advisory committee has discussed or acted upon that particular matter at a county agriculture development board meeting or municipal agricultural advisory committee meeting.

In the event that a State officer or special State officer shall recuse him/herself on any matter, the State official shall execute the recusal in writing, and shall have no involvement with the subject matter of the recusal. The written recusal must:

1. Specify the reason for and the date of the recusal;
2. Specify the duration of the recusal on the State official;
3. Specify the effect of the recusal on the State official and his or her State agency (for example, the State official is not to be contacted or involved or participate in any matter from which he or she has been recused);
4. Name the person who is to assume responsibility and authority for the matter from which the State official has been recused (if applicable); and
5. Be disseminated to all persons who might be affected by the State official's recusal and to the agency ethics liaison officer, who shall maintain the writing for as long as the State official serves in his or her position;

or

1. To the extent feasible, meeting materials involving a matter from which the State official must recuse himself or herself should not be distributed to the State official;
2. At the subject meeting, the State official must place his or her recusal and the reason for such recusal on the record prior to any discussion of the matter; and
3. The State official must leave the room at a non-public portion of the meeting while the matter in question is under discussion.

VI. ETHICS LIAISON OFFICER

For purposes of reporting, notification or inquiries, the Ethics Liaison Officer may be contacted by mail or telephone as follows:

Name: Brian D. Smith, Esq.
Address: State Agriculture Development Committee
200 Riverview Plaza
PO Box 330
Trenton, New Jersey 08525-0330
Phone: (609) 984-2504

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