
IN THE MATTER OF	:	STATE ETHICS COMMISSION
KEVIN LENAHAN, TRUSTEE	:	
WILLIAM PATERSON UNIVERSITY	:	Commission Case No. 12-19
	:	
	:	DECISION

BACKGROUND

William Paterson University (WPU) requests an exception to Executive Order 14 (Corzine 2006) (EO 14) on behalf of WPU Trustee Kevin Lenahan (Lenahan), who is also employed by Atlantic Health System, Inc. as a Senior Vice President.

EO 14 prohibits a member of a State college or university governing board from being employed by or deriving or receiving any compensation from a firm, association, or partnership that does business with the institution that the board member governs. The term “doing business with” is defined to mean “providing or receiving any goods or services or otherwise engaging in a transaction involving the exchange of anything of value.” Pursuant to paragraph 5 of EO 14, however, the State Ethics Commission is authorized to grant exceptions from this prohibition if “in the judgment of the Executive Director, the entity that is doing business with the institution is doing so pursuant to a contract awarded in accordance with the competitive bidding laws applicable to that institution or the public interest requires an exception to be made.”

APPLICATION

According to the information provided, the Chilton Memorial Hospital, which is operated by Atlantic Health System, Inc., is a vendor of WPU. WPU made at least one payment to the Chilton Memorial Hospital for physical exams required of WPU Police Officer trainees as a condition of employment. WPU Police Officer trainees are trained by the Passaic County Police Academy (Academy). For at least the past five years, the Academy has had a directive requiring that all trainees be examined at the Chilton Memorial Hospital.

Lenahan was appointed as a Trustee for WPU in 2016. Neither Lenahan nor WPU had any involvement in the Academy’s decision to require that trainees undergo a medical examination at the Chilton Memorial Hospital.

In this situation, an EO 14 exception is warranted because the Chilton Memorial Hospital was selected to provide physical examinations for WPU Police Officer trainees by the Academy, which for over five years has required all its trainees to undergo physical exams at the Chilton Memorial Hospital. This decision predated Lenahan’s appointment to the WPU Board of Trustees, and neither Lenahan nor any other WPU Trustee or WPU employee had any involvement in the selection of the Chilton Memorial Hospital for this purpose. Under these circumstances, an EO 14 exception serves the public interest because it allows Lenahan to serve as a WPU Trustee when

there is no risk that the selection of the Chilton Memorial Hospital was influenced by Lenahan's position on the WPU Board of Trustees.

DECISION

The Commission grants Lenahan an exception to the provisions of EO 14. In his official State capacity, however, Lenahan must recuse himself from any matters involving Atlantic Health System, Inc. and the Chilton Memorial Hospital.

DECISION RENDERED BY THE
STATE ETHICS COMMISSION ON
THE 9th DAY OF JULY 2019