
IN THE MATTER OF	:	STATE ETHICS COMMISSION
SANKET SHAH,	:	
STUDENT TRUSTEE,	:	
THOMAS EDISON STATE	:	Commission Case No. 33-20
UNIVERSITY	:	
	:	DECISION

BACKGROUND

Thomas Edison State University (TESU) requests an exception under the provisions of Executive Order No. 14 (Corzine 2006) (EO 14) on behalf of Sanket Shah (Shah), a student trustee on the TESU Board of Trustees (TESU Board).

Shah is a student at TESU. He became a non-voting student member of the TESU Board in September 2019. He is scheduled to become the voting student trustee on the TESU Board starting at its September 2020 meeting. Shah started working for TD Bank in March 2017. He is currently employed as a Senior Compliance Governance & Operations Analyst for the bank.

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.”

On October 26, 2011, TESU took out a loan from TD Bank pursuant to a twenty-year agreement, a portion of which is still outstanding. As such, TD Bank is doing business with TESU.

APPLICATION

EO 14 prohibits Shah, as a member of the TESU Board, from receiving any compensation from TD Bank while TESU is doing business with the bank. The Commission, however, may grant an exception to this prohibition if TESU is doing business with TD Bank pursuant to a contract awarded in accordance with the competitive bidding laws applicable to TESU or if the public interest requires that an exception be made.

In this situation, an EO 14 exception is warranted based on the public interest exception because TD Bank was selected to provide the loan to TESU years before Shah became employed by TD Bank and years before he was appointed to serve as a student trustee on the TESU Board. Under these circumstances, there is no risk that TD Bank’s selection was influenced in any way by Shah’s position on the TESU Board.

DECISION

The Commission grants an EO 14 exception to Sanket Shah permitting him to serve as the voting student member of the TESU Board while TESU continues to do business with TD Bank pursuant to the 2011 loan agreement between TESU and TD Bank. Shah must, however, execute a written recusal from all TESU Board matters involving or affecting TD Bank and file it with the State Ethics Commission, and must also not be involved on behalf of TD Bank in any matters involving TESU.

DECISION RENDERED BY THE
STATE ETHICS COMMISSION ON
THE 29th DAY OF SEPTEMBER 2020