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<b>IN THE MATTER OF</b>	:	<b>STATE ETHICS COMMISSION</b>
<b>RICHARD MASER,</b>	:	
<b>MEMBER, BOARD OF TRUSTEES,</b>	:	
<b>NEW JERSEY INSTITUTE OF</b>	:	<b>Commission Case No. 19-21</b>
<b>TECHNOLOGY</b>	:	
	:	<b>DECISION</b>

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## **BACKGROUND**

The New Jersey Institute of Technology (NJIT) requests an exception under the provisions of Executive Order No. 14 (Corzine, 2006) (EO 14) on behalf of Richard Maser (Maser), a member of the NJIT Board of Trustees. Maser is the owner and Executive Chairman of Colliers Engineering & Design (CED) (formerly Maser Consulting P.A.), an engineering consulting firm. On February 6, 2020, Maser was appointed to the NJIT Board of Trustees.

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 July 28, 2020, the Commission granted NJIT’s request for an EO 14 exception, permitting Maser to serve as a Member of the NJIT Board of Trustees while allowing NJIT to continue to do business with Maser Consulting pursuant to a 2018 Consulting Agreement and two amendments thereto. In its July 28 Decision, the Commission noted that all future amendments to the 2018 Consulting Agreement would require separate approval. In accordance with the July 28, 2020 decision, Maser also updated his written recusal that required him to recuse from all NJIT matters involving Maser Consulting to include recusal from all Maser Consulting matters involving NJIT.

## **APPLICATION**

NJIT now seeks approval of a proposed \$6,200.00 change order to the 2018 Consulting Agreement. The additional work incorporated in the change order is required to satisfy the supplemental recommendations of NJIT, the City of Newark, Essex County, and the Soil Conservation District and to address issues that resulted from significant delays caused by the COVID-19 pandemic.

With respect to the proposed change order, the additional work is an extension of the services outlined in the previously approved contracts. The changes are required to satisfy additional

recommendations and to address issues that resulted from significant delays caused by the COVID-19 pandemic. Thus, an EO 14 exception serves the public interest because granting the exception will allow NJIT to avoid additional cost and delay by continuing to do business with CED, a company it previously determined to be most suited to provide these services to the University.

## **DECISION**

The Commission grants an EO 14 exception to Richard Maser permitting him to serve as a Member of the NJIT Board of Trustees while NJIT continues to do business with Colliers Engineering & Design (CED) (formerly Maser Consulting P.A.). Any future amendments to the 2018 Consulting Agreement will require separate approval. Maser's fully executed, written recusal must remain in effect.

DECISION RENDERED BY THE  
STATE ETHICS COMMISSION ON  
THE 13<sup>th</sup> DAY OF JULY 2021