
IN THE MATTER OF	:	STATE ETHICS COMMISSION
ELISA CHARTERS,	:	
MEMBER, BOARD OF TRUSTEES,	:	
NEW JERSEY INSTITUTE OF	:	Commission Case No. 34-21
TECHNOLOGY	:	
	:	DECISION

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 Elisa Charters (Charters), a member of the NJIT Board of Trustees. Charters was appointed to the NJIT Board of Trustees in July 2021.

EO 14 expressly prohibits a member of a State college or university governing board and the board member's spouse, domestic partner, or child, parent, or sibling residing in the same household 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. EO 14 defines the term “do business with” as “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.”

In 2020, JPMorgan Chase Bank (JPMorgan) entered into an agreement to provide banking services to NJIT (banking services contract). The contract was awarded in accordance with the competitive bidding laws applicable to NJIT. Ms. Charters’ husband, Brian Charters, is employed by JPMorgan as a High Yield Sales Manager. However, Mr. Charters is not assigned to the JPMorgan division handling NJIT’s banking services and was not involved in the bid, award, or providing banking services to NJIT.

During Charters’ new trustee orientation, she disclosed this information to her Ethics Liaison Officer and executed a memorandum, recusing herself from official trustee matters involving JPMorgan. NJIT is seeking approval for Charters to continue serving on the NJIT Board, while JPMorgan continues to provide banking services to NJIT.

APPLICATION

The banking services contract was awarded in accordance with the bidding laws applicable to NJIT in 2020, well before Charters was appointed to the NJIT Board of Trustees. Thus, an EO 14 exception is warranted because it will allow NJIT to continue to do business with JPMorgan, a company it previously determined through the bidding process to be most suited to provide these services to the University. Moreover, given Mr. Charters’ lack of involvement in any business

dealings between JPMorgan and NJIT, and the recusal submitted by Charters, there “remains no risk that JPMorgan Chase Bank will receive any improper favorable treatment from NJIT.”

DECISION

The Commission grants an EO 14 exception to Elisa Charters permitting her to serve as a Member of the NJIT Board of Trustees while NJIT continues to do business with JPMorgan pursuant to the 2020 banking services contract. Charters’ fully executed, written recusal from all official duties involving JPMorgan must remain in effect.

DECISION RENDERED BY THE
STATE ETHICS COMMISSION ON
THE 7th DAY OF DECEMBER 2021