

STATE OF NEW JERSEY
STATE ETHICS COMMISSION
Post Office Box 082
Trenton, New Jersey 08625-0082
(609) 292-1892

STATE OF NEW JERSEY
STATE ETHICS COMMISSION
COMMISSION CASE NO. 32-18

IN THE MATTER OF
ERIC BABEK,
FACILITIES MANAGER
NEW JERSEY TURNPIKE
AUTHORITY

Administrative Action

CONSENT ORDER

WHEREAS, the State Ethics Commission ("Commission") is authorized to initiate, receive, investigate, review and hear complaints regarding violations of the New Jersey Conflicts of Interest Law, *N.J.S.A. 52:13D-12 et seq.* ("Conflicts Law"), applicable rules of the Commission, *N.J.A.C. 19:61-1.1 et seq.*, the Uniform Ethics Code, and any agency code of ethics by any State officer or employee or special State officer or employee; and

WHEREAS, the Commission became aware of circumstances constituting a potential violation of the Conflicts Law by Eric Babek ("Babek"); and

WHEREAS, the Commission conducted an investigation of all the matters and issues concerning the potential violation; and

WHEREAS, as a result of the investigation, the Commission and Babek desire to enter into a final and complete resolution of all of the matters and issues raised thereby;

IT IS THEREFORE agreed by the parties as follows:

1. Babek has been employed within the New Jersey Turnpike Authority ("NJTA") since December 9, 2002. He held the title of Project Supervisor in the Maintenance Department from 2004 until 2017. He then assumed his current position of Facilities Manager.

2. As an employee of NJTA, Babek is a State employee subject to the Conflicts Law, the Commission rules, and the Uniform Ethics Code.

3. Babek co-owned and operated an outside business, Real Clean NJ ("RCNJ"), from 2015 until 2018. During this period, he disclosed his ownership and involvement with RCNJ in an outside activity questionnaire, which was approved subject to the condition that there was no conflict with his employment at NJTA and that Babek would not perform work for RCNJ using State time or State resources.

4. Babek used Freehold Cartage, Inc. ("FCI"), an NJTA vendor, for waste transportation services at RCNJ work sites while he was interacting with FCI in his State capacity.

5. The Commission considered several allegations that warranted dismissal. There was no evidence that Babek used his State position to seek or receive favorable rates from FCI for his outside business. Other initial allegations against Babek that he failed to recuse from personnel matters or used his State position to obtain unwarranted benefits for himself related to his hiring of temporary State Workers at RCNJ were similarly dismissed for insufficient evidence.

6. It is the Commission's position that Babek violated the recusal rule, *N.J.A.C. 19:61-7.4 et seq.*, because he failed to recuse from matters involving FCI in his State position, while conducting business with FCI with his outside business, RCNJ.

7. Babek acknowledges that he should have recused from matters concerning FCI in his State capacity, while they were being used in his outside business pursuant to *N.J.A.C. 19:61-7.4 et seq.*

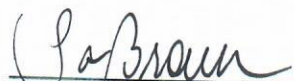
8. Pursuant to *N.J.S.A. 52:13D-21(i)*, the Commission is permitted to render fines of not less than \$500 nor more than \$10,000 per violation.

9. In consideration of the above, Babek agrees to pay a civil penalty in the amount of \$500 to resolve this matter.


10. The parties agree to enter into this Consent Order in settlement of all matters and issues that are involved herein.


Eric Babek

Dated: 11/16/22


State Ethics Commission
By: Stephanie A. Brown, Chair

Dated: November 29, 2022


State Ethics Commission
By: Joy-Michele Johnson, Executive Director

Dated: 11/29/2022