

STATE OF NEW JERSEY
STATE ETHICS COMMISSION
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STATE OF NEW JERSEY
STATE ETHICS COMMISSION
COMMISSION CASE NO. 45-17

**IN THE MATTER OF
CARL RICHKO, MEMBER,
HIGHLANDS WATER PROTECTION
AND PLANNING COUNCIL**

**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, this matter was brought before the Commission by a complaint filed with the Commission; and

WHEREAS, the Commission conducted an investigation of all the matters and issues raised by the complaint; and

WHEREAS, as a result of the investigation, the Commission and Carl Richko (“Richko”), 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. Richko was appointed to the Highlands Water Protection and Planning Council (“Highlands Council”) in 2010 and has served as an unpaid member since that time.

2. At all times relevant to this matter, Richko was a special State officer subject to the New Jersey Conflicts Law, *N.J.S.A. 52:13D-12 et seq.*

3. In approximately 1995, Richko became a member of the Pequannock River Coalition (“PRC”), a grassroots non-profit organization devoted to the preservation of the Pequannock River. Richko served as Vice President of the organization from 2007 until 2016, when the PRC ceased operations. Richko was never compensated for his role with the PRC.

4. On June 16, 2011, the Highlands Council considered a Petition for Plan Conformance from the Borough of Bloomingdale. Prior to the meeting, several environmental organizations submitted a memorandum to the Highlands Council staff supporting Bloomingdale’s petition and highlighting an error in a Highlands Council document. The meeting minutes and audio from the meeting indicate that the PRC was listed as one of the signatories to the memorandum. Richko voted in favor of the Bloomingdale petition, which was approved unanimously by the Highlands Council.

5. On February 16, 2012, the Highlands Council considered two resolutions regarding the Tennessee Gas Pipeline. During the meeting, the Executive Director of the PRC appeared before the Highlands Council on behalf of the organization and submitted comments regarding the pipeline’s environmental effects. Richko voted against the resolutions, which were ultimately approved by the Highlands Council.

6. It is the Commission’s position that Richko violated *N.J.A.C. 19:61-7.4* and/or section 23(e)(7) of the Conflicts Law by failing to recuse from Highlands Council matters in which the PRC participated.

7. With respect to the Bloomingdale matter, it is Richko's position that, at the time the Highlands Council considered the matter, he was unaware that the PRC was one of several environmental organizations listed on a memorandum submitted to the Highlands Council staff supporting Bloomingdale's petition and highlighting an error in a Highlands Council document. The meeting minutes and audio from the meeting indicate that no one from the PRC personally appeared at the meeting, and, at the time of the meeting, Richko did not believe that he had any reason to recuse himself from the matter.

8. With respect to the pipeline matter, Richko maintains that he had no advance knowledge that the Executive Director of the PRC would be presenting a short comment on behalf of the organization. Richko further contends that his vote was not influenced by the comment.

9. In hindsight, Richko acknowledges that, pursuant to *N.J.A.C. 19:61-7.4*, he should have recused from any Highlands Council matter in which the PRC was involved. Richko further acknowledges that, by participating in the pipeline votes, he could have created the reasonable appearance of a conflict of interest in violation of section 23(e)(7).

10. Pursuant to *N.J.S.A. 52:13D-21(i)*, the Commission is authorized to assess a fine not less than \$500 nor more than \$10,000. In consideration of the above, given that the violation was inadvertent, and given Richko's otherwise unblemished record of service on the Highlands Council, the Commission assesses, and Richko agrees to pay, a civil penalty in the minimum amount of \$500.

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



Carl Richko

Dated: Aug. 27, 2018

Joseph P. LaSala

State Ethics Commission
By: Joseph P. LaSala, Chair

Dated: September 11, 2018

Mark T. Holmes

State Ethics Commission
By: Mark T. Holmes, Acting Executive Director

Dated: 9/11/18