

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. 06-15

**IN THE MATTER OF
CARLTON PAYNE,
FIELD COMPLIANCE INSPECTOR,
SCHOOLS DEVELOPMENT
AUTHORITY**

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**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 matters and issues raised by the complaint; and

WHEREAS, as a result of the investigation, the Commission and Carlton Payne (“Payne”) desire to enter into a final and complete resolution of all the matters and issues raised thereby;

IT IS THEREFORE agreed by the parties as follows:

1. Payne has been employed with the Schools Development Authority (“SDA”) since 2003.

2. Payne submitted Outside Activity Questionnaires (“OAQ”) in 2003, 2006, 2009, 2011 and 2014 in which he sought approval from the SDA to engage in outside employment performing safety inspections as a Site Safety Manager for Total Safety, LLC (“Total Safety”). His outside employment with Total Safety was approved by SDA based on Payne’s representation that the job would be performed on nights and weekends and would not conflict with SDA work hours or pose a conflict with ethics requirements.

3. Between 2006 and 2014, Payne used his State email address to exchange approximately five hundred fifty (550) emails with Total Safety. Payne sent many of these emails during his workday at SDA.

4. Payne used his State laptop computer to send the emails to Total Safety.

5. Payne routinely used other State office equipment, including scanners, photocopiers, and fax machines, for Total Safety business.

6. Payne frequently used his State-issued cell phone to communicate with Total Safety employees and to conduct Total Safety business.

7. It is the Commission’s position that Payne’s use of State time and resources, including his State email, computer, cell phone and scanner/copier/fax machine for his outside employment created the impression that he engaged in conduct violative of the public trust, and constituted the misuse of his position to benefit himself and his outside employer, in violation of sections 23(e)(3) and (e)(7) of the Conflicts Law.

8. It is Payne’s position that he initially used his State computer and cell phone for his outside business activities, but he subsequently obtained a personal computer and cell phone

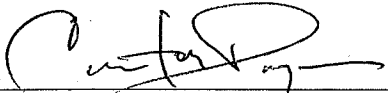
so that he could conduct his outside business activities without using State resources. He was unaware that the State printers, scanners and fax machines were exclusively for State business. Payne maintains that he did not intentionally violate his ethical obligations.

9. Payne acknowledges, however, that his use of State time and resources in connection with his outside activities violated sections 23(e)(3) and (e)(7) of the Conflicts Law.

10. In consideration of the above, Payne agrees to pay a civil penalty in the amount of \$2,500.00. Payments shall be due in accordance with the following schedule:

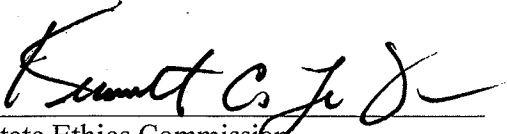
- a. \$834.00 due thirty days after the consent order is executed;
- b. \$833.00 due sixty days after the consent order is executed; and
- c. \$833.00 due ninety days after the consent order is executed.

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



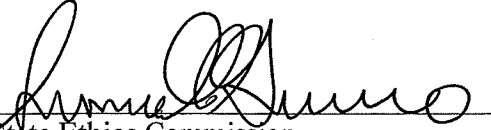
Carlton Payne

Dated: 9/8/15



State Ethics Commission
By: ~~Andrew S. Berns, Chair~~
Kenneth C. LeFevre, Vice-Chair

Dated: 9/22/15



State Ethics Commission
By: Susana E. Guerrero, Executive Director

Dated: 9/22/15

