
**IN THE MATTER OF
MICHAEL CARBONE,
TRUSTEE, ROWAN UNIVERSITY**

STATE ETHICS COMMISSION

Commission Case No. 41-18

DECISION

BACKGROUND

Rowan University ("Rowan") requests an exception to Executive Order 14 (Corzine 2006) ("EO 14") on behalf of Rowan Trustee Michael Carbone ("Carbone"), who also as a senior executive for TD Bank.

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."

APPLICATION

According to the information provided, Rowan has a longstanding business relationship with TD Bank to provide banking services to the University. Most recently, Rowan awarded a contract for banking services to TD Bank in 2016 pursuant to the public bidding laws applicable to Rowan. The decision to use TD Bank was made by Rowan before Carbone's appointment to the Rowan Board of Trustees.

In this situation, an EO 14 exception is appropriate because TD Bank was selected to provide services to Rowan pursuant to a process which met the competitive bidding requirements applicable to Rowan. Moreover, TD Bank was selected prior to Carbone's appointment to the Rowan Board of Trustees, so there is no risk that the selection of TD Bank was influenced by Carbone's position on the Rowan Board. Granting the exception also serves the public interest because it will allow Rowan to continue to do business with TD Bank under circumstances where there is no discernible risk that TD Bank received any improper favorable treatment from Rowan due to Carbone's position on the Board of Trustees.

DECISION

The Commission grants Carbone an exception to the provisions of EO 14. In his official State capacity, however, Carbone must recuse himself from any matters involving TD Bank.

DECISION RENDERED BY THE
STATE ETHICS COMMISSION ON
THE 9th DAY OF OCTOBER 2018