

**Commission Case No. 25-18**  
**DECISION**



The issue presented is whether Rose qualifies for an exception under Section 19(b) of the Conflicts Law allowing her to enter into contracts with State agencies to provide her *Consensuality* training.

## ANALYSIS

*N.J.S.A.* 52:13D-19 provides, in pertinent part:

a. No ... State officer or employee shall knowingly ...undertake or execute, in whole or in part, any contract, agreement, sale or purchase of the value of \$25.00 or more, made, entered into, awarded or granted by any State agency, except as provided in subsection b. of this section. ...

b. The provisions of subsection a. of this section shall not apply to (a) purchases, contracts, agreements or sales which (1) are made or let after public notice and competitive bidding or which (2), pursuant to section 5 of chapter 48 of the laws of 1944 (C. 52:34-10) or such other similar provisions contained in the public bidding laws or regulations applicable to other State agencies, may be made, negotiated or awarded without public advertising for bids, or (b) any contract of insurance entered into by the Director of the Division of Purchase and Property pursuant to section 10 of article 6 of chapter 112 of the laws of 1944 (C. 52:27B-62), if such purchases, contracts or agreements, including change orders and amendments thereto, shall receive prior approval of the Joint Legislative Committee on Ethical Standards if a member of the Legislature or State officer or employee or special State officer or employee in the Legislative Branch has an interest therein, or the State Ethics Commission if a State officer or employee or special State officer or employee in the Executive Branch has an interest therein.

State employees must receive the approval of the Commission prior to contracting under any of the section 19(b) exceptions. The Commission has approved many requests over the years by State employees to bid on contracts that are subject to public notice and competitive bidding. Such requests are generally approved if the contract in question is not with the State employee's own agency. The Commission has relied on section 23(e)(7), the appearance section of the statute, in disapproving a State employee's participation in the contracting process when the contract is with his/her own agency even if it is let pursuant to public notice and competitive bidding. The Commission has also granted approval for contracts that may be awarded without public advertising and competitive bidding, pursuant to *N.J.S.A.* 52:34-10, where the State employee is the sole source of supply for a particular good or service.

The proposed contract between Rose and State agencies other than Stockton to provide her *Consensuality* training meets the criteria for an exception under section 19(b) of the Conflicts Law

because her training is unique and she qualifies as the sole source for providing the training. The *Consensuality* training is Rose's propriety work, for which she received copyright protection, dated back to 2015. Although other sources may be available to provide Title IX training, Rose's program uniquely synthesizes the requirements of Title IX and other relevant laws. Based on Commission precedent, however, and the heightened risk of conflicts if she were to enter into a contract with her own agency to provide the training, this exception does not permit Rose to contract with Stockton for \$25 or more to provide her *Consensuality* training.

## DECISION

The Commission grants Rose approval, pursuant to *N.J.S.A. 52:13D-19(b)*, to contract with State agencies, except for Stockton University, to provide her *Consensuality* training.

Rose is not prohibited from providing the *Consensuality* training to Stockton's students, student athletes, employees and coaches for a fee of less than \$25, using personal time, if the Stockton Ethics Liaison Officer, in consultation with the Commission staff, finds that doing so would not create any conflicts of interest or appearances of a conflict under other applicable provisions of the Conflicts Law, Commission regulations, or the Uniform Ethics Code.

DECISION RENDERED BY THE  
STATE ETHICS COMMISSION ON  
THE 12<sup>th</sup> DAY OF JUNE, 2018