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	:	STATE OF NEW JERSEY
	:	DEPARTMENT OF LAW AND PUBLIC SAFETY
In the Matter of	:	STATE ETHICS COMMISSION
	:	
PAUL W. TYSHCHENKO, ESQ.,	:	AGENCY DOCKET NO. 16-12
Former Principal Planner,	:	OAL DOCKET NO. ETH 13716-2015S
Pinelands Commission	:	
	:	Administrative Action
	:	
	:	CONSENT ORDER

WHEREAS, the New Jersey State Ethics Commission ("Commission") is authorized to initiate, receive, investigate, review, and hear complaints regarding violations of the New Jersey Conflicts of Interest Law ("Conflicts Law"), N.J.S.A. 52:13D-12 et seq., or any code of ethics promulgated thereunder; 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 filed a Complaint against Paul Tyshchenko with the Office of Administrative Law on September 3, 2015; and

WHEREAS, the Complaint against Tyshchenko is pending in the Office of Administrative Law under Docket Number ETH 13716-2015S; and

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

IT IS THEREFORE agreed by the parties as follows:

1. Tyshchenko was an employee of the New Jersey Pinelands Commission from May 2007 until June 2015.

2. The Pinelands Commission is a State Agency within the meaning and coverage of the Conflicts Law, N.J.S.A. 52:13D-13(a).

3. At all times relevant to this matter, Tyshchenko was a State officer or employee within the meaning and coverage of the Conflicts Law, N.J.S.A. 52:13D-13(b).

4. Tyshchenko joined the Pinelands Commission as a Resource Planner and was promoted to the position of Principal Planner on December 27, 2010.

5. As a Principal Planner, it is the Commission's position that Tyshchenko supervised Michael Yaffe in certain

aspects of his employment from December 27, 2010 until March 9, 2012, when Yaffe resigned from the Pinelands Commission.

6. In December 2010, Tyshchenko and Yaffe submitted Outside Activity Questionnaires ("OAQ") to the Pinelands Commission's Ethics Liaison Officer Stacey Roth ("ELO Roth") seeking approval to engage in an outside business called the Highbridge Group, LLC ("Highbridge").

7. The Commission maintains that, in early 2011, ELO Roth reviewed the OAQs and identified a supervisory relationship between Tyshchenko and Yaffe as potentially problematic. Tyshchenko maintains that ELO Roth never informed him of the precise nature of the potential problem, either orally or in writing, and that Roth never denied Tyshchenko's or Yaffe's OAQ.

8. In June 2011, Yaffe advised the Pinelands Commission that he no longer intended to be involved in Highbridge, and Tyshchenko submitted a revised OAQ reflecting that Yaffe would not be part of Highbridge.

9. On July 14, 2011, ELO Roth approved Tyshchenko's revised OAQ authorizing him to engage in outside business with Highbridge.

10. Tyshchenko is identified as a Member of Highbridge in Highbridge's Operating Agreement, dated October 26, 2011 ("Operating Agreement").

11. In an amended Operating Agreement dated February 1, 2012, Tyshchenko and Yaffe are both identified as members of Highbridge. The amended Operating Agreement was signed by both Tyshchenko and Yaffe. At the time the amended Operating Agreement was signed, Tyshchenko supervised Yaffe at the Pinelands Commission.

12. The Commission maintains that Tyshchenko used State resources, including his State computer and State time, to engage in his outside business activities with Highbridge. These activities included: (1) sending emails related to Highbridge during his assigned work hours with the Pinelands Commission; and (2) accessing his Dropbox account for Highbridge and other non-State business during his assigned work hours.

13. It is the Commission's position that Tyshchenko violated sections 23(e)(1), (e)(3), (e)(5), and (e)(7) of the Conflicts Law, as well as N.J.A.C. 19:61-5.9, by engaging in outside business with Yaffe while he supervised Yaffe at the Pinelands Commission.

14. It is also the Commission's position that Tyshchenko violated sections 23(e)(3) and (e)(7) of the Conflicts Law by using State time and resources to engage in his outside business activities.

15. It is Tyshchenko's position that his use of State time and resources for purposes unrelated to his employment with the

Pinelands Commission was insignificant or minimal, did not involve extensive work time and materials, was in most instances conceivably limited to break times and/or occurred prior to or subsequent to work hours, and was not pervasive. Moreover, it is Tyshchenko's position that the use of State time and resources ceased immediately upon notification of the existence of an investigation by the Commission into allegations of improper use of State time and resources.

16. Tyshchenko maintains that, at all times relevant hereto, Highbridge provided professional services exclusively for non-profit entities.

17. Tyshchenko maintains that, at all times relevant hereto, Highbridge was a non-profit or not-for-profit business entity which never earned any revenue, never earned a profit, and had no clients during the time period from December 27, 2010, until March 9, 2012. As such, it is Tyshchenko's position that Highbridge was not "doing business" during the time period from December 27, 2010, until March 9, 2012.

18. Tyshchenko concedes that there may exist sufficient evidence for the Commission to find that his use of State resources to conduct outside business activities and his involvement with Yaffe in Highbridge while he supervised Yaffe at the Pinelands Commission could have created a reasonable

impression or suspicion among the public that he was engaged in conduct violative of his trust as a State employee.


19. In consideration of the above, Tyshchenko agrees to pay a civil penalty in the amount of \$1,100.00, to be paid in equal monthly installments of \$100 per month, with the first monthly payment to be made within thirty (30) days of the full execution of this Order.

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



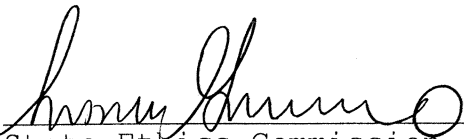
Paul Tyshchenko

Dated: 12/23/15



State Ethics Commission
By: Andrew S. Berns, Chair

Dated: 1/19/16



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

Dated: 1/19/16