

STATE OF NEW JERSEY  
STATE ETHICS COMMISSION  
P.O. Box 082  
Trenton, New Jersey 08625-0082  
(609) 292-1892

STATE OF NEW JERSEY  
STATE ETHICS COMMISSION  
COMMISSION CASE NO. 18-14

IN THE MATTER OF	)	
Philip Freeman,	)	Administrative Action
Assistant Director,	)	
Division on Civil Rights,	)	CONSENT ORDER
Department of Law & Public Safety	)	

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 Philip Freeman (“Freeman”) 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. Freeman began working with the Department of Law & Public Safety ("L&PS"), Division on Civil Rights ("DCR") in 1980. He was promoted to his current position as Assistant Director of DCR in 2001.

2. In 2009, Freeman submitted an Outside Activity Questionnaire ("OAQ") to L&PS requesting approval to engage in uncompensated activity as member and president of the Board of Directors for the Walt Whitman Cultural Arts Center ("WWAC"). In 2010, Freeman submitted an additional OAQ to L&PS requesting approval to also serve as the Program Director for the WWAC.

3. Freeman's 2009 and 2010 OAQs were each approved by L&PS and returned to him with a cover memorandum stating that the approval was subject to several conditions, including that he avoid referring to his status as an employee of L&PS while engaging in the outside activities.

4. An organization was authorized to use the WWAC for an event that was held on February 22, 2014. Following the event, a concern arose that damage to the WWAC's electrical system may have been caused by the organization during its use of the facility.

5. The following day, Freeman exchanged multiple e-mails with the founder and Chief Executive Officer ("CEO") of the organization seeking to hold the organization responsible for any damage it caused to the WWAC during the event.

6. In one of Freeman's e-mails to the CEO of the organization, he included the following statement: "as a State Official with the office of the Attorney General, I will seek whatever action is necessary."

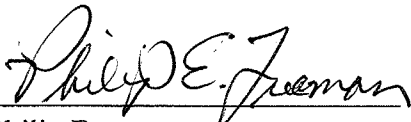
7. It is the Commission's position that Freeman's reference to his position with the office of the Attorney General in his e-mail to the CEO regarding a private dispute concerning

his outside activities for the WWAC constitutes a misuse of his official position and a violation of his public trust in violation of *N.J.S.A. 52:13D-23(e)(3)* and *(e)(7)*.

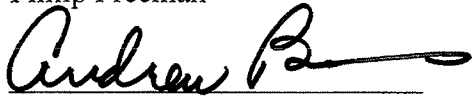
8. It is Freeman's position that he was angry at the time he sent the e-mail but he did not consider his statement to be a threat. Freeman merely wished to communicate that he would pursue whatever recourse was possible pertaining to the dispute, including seeking redress from other agencies outside of L&PS. He did not make any specific reference to the DCR or his title in the e-mail, nor did he make any representation that he was going to take action or retaliate through his agency. Freeman acknowledges that he should not have made any reference to his position as a State official with the Attorney General's Office in the e-mail he sent to the CEO and he regrets doing so. However, it is Freeman's position that he did not seek to use his State position to provide any advantage to himself in his private dealings with the CEO on behalf of the WWAC.

9. Freeman acknowledges that his reference to his position as a State official in his private activities on behalf of the WWAC could create the reasonable impression that he engaged in conduct violative of the public trust in violation of section 23(e)(7) of the Conflicts of Interest Law.

10. The parties agree to enter into this Consent Order in settlement of all matters and issues that are involved herein. In consideration thereof, Freeman agrees to pay a civil penalty of \$500.00.

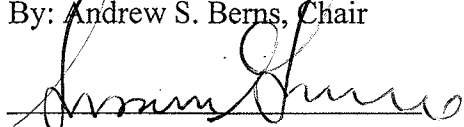
  
Philip Freeman

Dated: 8-27-13



State Ethics Commission  
By: Andrew S. Berns, Chair

Dated: 9/16/14



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

Dated: 9/16/14