

MINUTES OF THE NOVEMBER 29, 2022 MEETING
OF THE STATE ETHICS COMMISSION
225 E. STATE STREET, 5TH FLOOR EAST
11 a.m.

Present: Chair Stephanie A. Brown, Vice Chair Patricia C. Morgan, Commissioner Sarah Adelman, Commissioner Victor J. Herlinsky, Jr., Commissioner Christine Norbut Beyer, Commissioner Babatunde P. Odubekun, Executive Director Joy-Michele Johnson, Deputy Director Christina C. Fullam, Assistant Attorney General Melissa Dutton Schaffer and members of the Commission staff.

I. CALL TO ORDER BY CHAIR BROWN

The meeting was called to order at approximately 11:06 a.m. by Chair Brown. The Chair announced that adequate notice of the date, time and place of the meeting had been provided to the Office of the Secretary of State on September 27, 2022 to be posted prominently on a board reserved for such announcements. On the same date, identical notices of the meeting date were distributed to two major newspapers in New Jersey.

II. MINUTES OF THE SEPTEMBER 9, 2022 MEETING

Commission members had no changes to the September 9, 2022 Minutes.

III. RECESS OF THE OPEN MEETING

Commissioner Herlinsky moved that the open session be recessed and that, pursuant to Section 10:4-12(b) of the Open Public Meetings Act, the Commission enter into Executive Session to discuss personnel matters, matters falling within the attorney-client privilege, and investigations of possible violations of the law. Pursuant to Section 10:4-13(b) of the Act, the discussion conducted in closed session may be disclosed to the public when there is no longer a need to maintain the confidentiality of same. Commissioner Adelman seconded the motion, which was unanimously carried 6 to 0 (Adelman, Brown, Herlinsky, Morgan, Norbut Beyer and Odubekun).

IV. RECONVENING OF THE OPEN MEETING

Following the Executive Session, Chair Brown reconvened the open meeting.

V. CASES

46-17 Reconsideration of Preliminary Investigation Office of Homeland Security and Preparedness Commission Case No. 46-17

Commissioner Norbut Beyer moved that the Commission find indications that the official violated section 23(e)(3) of the Conflicts Law, by securing unwarranted privileges or advantages for the Princeton Academy of the Sacred Heart, a private school, or for his brother-in-law, who was the school's headmaster, by arranging a tour of State facilities, which tour was auctioned as a prize at a school fundraiser. Commissioner Adelman seconded the motion, which was not passed 2 to 3 (Adelman and Norbut Beyer in favor, Herlinsky, Morgan and Odubekun opposed). Chair Brown recused.

Commissioner Norbut Beyer moved that the Commission find indications that the official violated section 23(e)(7) of the Conflicts Law by knowingly acting in any way that might reasonably be expected to create an impression or suspicion among the public having knowledge of his acts that he was engaged in conduct violative of his trust as a State official. Commissioner Adelman seconded the motion, which was not passed 2 to 3 (Adelman and Norbut Beyer in favor, Herlinsky, Morgan and Odubekun opposed). Chair Brown recused.

Commissioner Herlinsky moved that the Commission find indications that the official violated the Recusal Rule, *N.J.A.C.* 19:61-7.1, et seq., by failing to recuse from involvement in the scheduling and conducting of a tour of State facilities for a donor to the Princeton Academy of the Sacred Heart, a private school, where Mr. Rodriguez' brother-in-law served as the headmaster. Commissioner Adelman seconded the motion, which was passed 5 to 0 (Adelman, Herlinsky, Morgan, Norbut Beyer and Odubekun). Chair Brown recused.

Commissioner Odubekun moved that the Commission authorize staff to engage in settlement discussions by way of Consent Order prior to the issuance of a Complaint. Commissioner Adelman seconded the motion, which was passed 5 to 0 (Adelman, Herlinsky, Morgan, Norbut Beyer and Odubekun). Chair Brown recused.

32-18 Eric Babek, Facilities Manager New Jersey Turnpike Authority Commission Case No. 32-18

Commissioner Herlinsky moved that the Commission approve the proposed Consent Order and authorize the Executive Director and Chair to sign it. Commissioner Odubekun seconded the motion, 6 to 0 (Adelman, Brown, Herlinsky, Morgan, Norbut Beyer and Odubekun).

27-20 Mary Robinson Potter, Supervisor Department of Human Services Commission Case No. 27-20

Commissioner Herlinsky moved that pursuant to *N.J.A.C.* 19:61-3.1(g), the Commission dismiss the allegations that Robinson Potter violated section 23(e)(7) of the Conflicts Law and/or the recusal rule, *N.J.A.C.* 19:61-7.4 et seq., by failing to recuse from the promotional interview of an individual with whom you had a prior romantic relationship, Miriam Rodriguez. Commissioner

Norbut Beyer seconded the motion, 4 to 1 (Brown, Herlinsky, Norbut Beyer and Odubekun, Morgan opposed). Commissioner Adelman recused.

28-20 **Kimberly Crawley, Supervisor**
Department of Human Services
Commission Case No. 28-20

Vice Chair Morgan moved that pursuant to *N.J.A.C.* 19:61-3.1(g), the Commission dismiss the allegations that Crawley violated section 23(e)(7) of the Conflicts Law and/or the recusal rule, *N.J.A.C.* 19:61-7.4 et seq., by failing to recuse from the promotional interview of an individual with whom you were alleged to be currently dating, Mary Robinson Potter. Commissioner Herlinsky seconded the motion, 5 to 0 (Brown, Herlinsky, Norbut Beyer, Morgan and Odubekun). Adelman recused.

29-20 **Sheila Hoffler, Chief Executive Officer**
Department of Human Services
Commission Case No. 29-20

Commissioner Herlinsky moved that pursuant to *N.J.A.C.* 19:61-3.1(g), the Commission dismiss the allegations that Hoffler violated section 23(e)(7) of the Conflicts Law and/or the recusal rule, *N.J.A.C.* 19:61-7.4 et seq., by failing to recuse from the promotional interviews of two personal friends, Valerie Hartsfield and Mary Robinson Potter. Commissioner Norbut Beyer seconded the motion, 5 to 0 (Brown, Herlinsky, Norbut Beyer, Morgan and Odubekun). Adelman recused.

09-21 **Wayne Jacobsen, Former Administrative Analyst**
New Jersey State Police
Commission Case No. 09-21

Commissioner Norbut Beyer moved that the Commission approve the proposed Consent Order and authorize the Executive Director and Chair to sign it. Commissioner Herlinsky seconded the motion, 6 to 0 (Adelman, Brown, Herlinsky, Morgan, Norbut Beyer and Odubekun).

31-22 **Report of Preliminary Investigation**
Motor Vehicle Commission
Commission Case No. 31-22

Vice Chair Morgan moved that the Commission authorize MVC to proceed with disciplinary action against the individual for violating section VI of the UEC as alleged in the materials submitted. Commissioner Norbut Beyer seconded the motion, which was passed 4 to 2 (Adelman, Brown, Morgan and Norbut Beyer, Herlinsky and Odubekun opposed).

32-22 **Report of Preliminary Investigation**
Department of Transportation
Commission Case No. 32-22

Vice Chair Morgan moved that the Commission authorize the Department to proceed with disciplinary action against the individual for violating section VI of the UEC as alleged in the materials submitted. Commissioner Odubekun seconded the motion, which was passed 5 to 0 (Adelman, Brown, Herlinsky, Morgan and Odubekun).

34-22 Report of Preliminary Investigation
Department of Education
Commission Case No. 34-22

Commissioner Herlinsky moved that the Commission authorize the Department to proceed with disciplinary action against the individual for violating the UEC General Standards of Conduct in section II paragraphs 4 and 5 and section VII governing the use of official stationery. Commissioner Odubekun seconded the motion, which was passed 4 to 0 (Adelman, Brown, Herlinsky and Odubekun). Commissioner Morgan recused.

35-22 Report of Preliminary Investigation
State Parole Board
Commission Case No. 35-22

Vice Chair Morgan moved that the Commission authorize the SPB to proceed with disciplinary action against the individual for violating for violating section II, paragraphs 4 and 5 of the UEC, as alleged in the materials submitted. Commissioner Adelman seconded the motion, which was passed 5 to 0 (Adelman, Brown, Herlinsky, Morgan and Odubekun).

38-22 Report of Preliminary Investigation
Department of Health
Commission Case No. 38-22

Commissioner Herlinsky moved that the Commission authorize the Department to proceed with disciplinary action against the individual for violating UEC Section II, General Standards of Conduct, paragraphs 4, 5, and 7, as alleged in the materials submitted. Vice Chair Morgan seconded the motion, which was passed 5 to 0 (Adelman, Brown, Herlinsky, Morgan and Odubekun).

39-22 Report of Preliminary Investigation
Department of Children and Families
Commission Case No. 39-22

Commissioner Adelman moved that the Commission authorize the Department to proceed with disciplinary action against the individual for violating Section II, paragraphs 4 and 5 of the UEC, as well as Section B, paragraphs 2 and 3 and Section G, paragraph 4 of the DCF Supplemental Code of Ethics, as alleged in the materials submitted. Vice Chair Morgan seconded the motion, which was passed 5 to 0 (Adelman, Brown, Herlinsky, Morgan and Odubekun).

40-22 Report of Preliminary Investigation
Department of Children and Families
Commission Case No. 40-22

Commissioner Herlinsky moved that the Commission authorize the Department to proceed with disciplinary action against the individual for violating the UEC Section II, General Standards of Conduct, paragraph 4 and DCF Supplemental Code Section H, paragraphs 1 and 2, as alleged in the materials submitted. Vice Chair Morgan seconded the motion, which was passed 5 to 0 (Adelman, Brown, Herlinsky, Morgan and Odubekun).

Commissioner Odubekun moved that the Commission authorize staff to counsel the Department of Children and Families on the proper procedure for seeking Commission approval of disciplinary action for violations of the Uniform Ethics code under Section 23(d) of the Conflicts of Interest Law. Commissioner Herlinsky seconded the motion, which was passed 5 to 0 (Adelman, Brown, Herlinsky, Morgan and Odubekun).

**41-22 Report of Preliminary Investigation
Department of Children and Families
Commission Case No. 41-22**

Commissioner Adelman moved that the Commission authorize the Department to proceed with disciplinary action against the individual for violating the UEC Section II, General Standards of Conduct, paragraphs 4 and 5 and DCF Ethics Code Section G (3), as alleged in the materials submitted. Commissioner Odubekun seconded the motion, which was passed 5 to 0 (Adelman, Brown, Herlinsky, Morgan and Odubekun).

**43-22 Dr. Pier Champagne, Professor
New Jersey Institute of Technology
Commission Case No. 43-22**

Commissioner Adelman moved that the Commission pursuant to *N.J.S.A. 52:13D-21(g)*, issue an advisory opinion granting an exception to the standard recusal guidance to allow Pier Champagne to proceed on the proposed research project with Merck with the noted safeguards put in place. Commissioner Herlinsky seconded the motion, which was passed 5 to 0 (Adelman, Brown, Herlinsky, Morgan and Odubekun).

VI. ADMINISTRATIVE

Supplemental Code of Ethics – Cannabis Regulatory Commission

Commissioner Odubekun moved that the Commission approve the supplemental code for the CRC. Vice Chair Morgan seconded the motion, which was passed 5 to 0 (Adelman, Brown, Herlinsky, Morgan and Odubekun).

Casino Waiver Consent

Commissioner Herlinsky moved that the Commission approve casino employment waivers for Stranix (SJTA), McLaughlin (DOH) and Richardson (LWD). Commissioner Adelman seconded the motion, which was passed 5 to 0 (Adelman, Brown, Herlinsky, Morgan and Odubekun).

Proposed 2023 Meeting Dates

Vice Chair Morgan moved to approve the proposed 2023 Commission meeting dates. Commissioner Herlinsky seconded the motion, which was passed 5 to 0 (Adelman, Brown, Herlinsky, Morgan and Odubekun).

VII. ADJOURNMENT

There being no further business, Vice Chair Morgan moved to adjourn the meeting. Commissioner Herlinsky seconded the motion, which was unanimously carried.

Respectfully submitted,

Shanna Cook

Shanna Cook, Administrative Assistant
State Ethics Commission
Date: January 10, 2023