

THE COMPASS

The latest News, Views, Announcements and Calendar from the
NJ State Ethics Commission

December 2022
Issue No. 1

THE NJ STATE ETHICS COMMISSION OFFERS:

01

A place to ask your question, seek guidance, or report an alleged violation

02

Quick, thorough, knowledgeable responses to calls and questions

03

Confidentiality

04

Easy Access



INSIDE

NEWS

Holiday Reminders Page 2

The 2023 rollout of a new Agency Compliance Review Questionnaire Page 3

Political Activities Page 4

VIEWS

Thoughts from the SEC Executive Director Page 5

Get to Know an ELO Page 6

About the SEC Page 7

ANNOUNCEMENTS

New SEC Commissioner Named by Governor Murphy Page 8

CALENDAR

Dates to Note Page 9

SEC Members Page 10

HOLIDAY REMINDERS

The State of New Jersey has adopted a “zero tolerance policy” when it comes to receiving gifts in your official capacity

With the winter holidays fast approaching, this is a good time to remind state employees and officials that the State of New Jersey has a “zero tolerance policy” when it comes to receiving gifts in your official capacity. You are prohibited from accepting anything of value that is related to the performance of your official State duties from any source outside of your agency, regardless of the motive of the gift giver. This includes gifts from vendors, contractors, lobbyists, advocacy groups, grantees, and grateful citizens.

Whether the gift giver is attempting to inappropriately influence you or just wants to thank you for a job well done, the motive doesn't matter. Gifts between State employees are permissible if they are not excessive or inappropriate for a workplace setting. From an appearance perspective, accepting a gift or something else of value can have the appearance of being given or offered for the purpose of influencing the person for whom the gift was intended and/or might violate the SEC gifts guidelines.

The value of the gift does not matter; there is no minimum dollar threshold for accepting gifts.

Gifts related to the performance of your official State duties are prohibited, regardless of the dollar value. Zero tolerance also applies to your family members; the gift can't be sent to a family member instead of you. Gifts can include cash gift cards, event tickets, flowers, food, loan forgiveness, reduced rent payments, or free or discounted services.

“
When it comes to gifts, recall that ethics is perception driven and zero tolerance eliminates any perception that the job performance of a state employee or official might be influenced by a gift that is offered to them.
”

There are a few exceptions to the “zero tolerance” rule for items of nominal value. Check with your ELO if you have any doubts. It is also a good idea at this time of year to check with your ELO if you have any questions about attending holiday events in your job capacity (other than those sponsored by your agency) or accepting food or alcohol items.

If a state employee or official is offered a gift, that person should make every effort to decline the gift and explain the policy regarding gifts. The incident should then be reported to their ELO, who will maintain a record of the incident to help protect the state employee or official in case someone claims they accepted the gift. The ELO is responsible for returning or disposing of any gifts that are received, including perishable gifts. Generally, perishable items will be donated to a local charity such as a soup kitchen or food pantry in the name of the gift giver along with a letter of explanation. Other types of gifts are returned to the gift giver along with a letter explaining that it is not permitted. The state employee or official will receive a copy of the letter, which serves as proof that the item was disposed of properly.



2023 SEES ROLLOUT OF NEW AGENCY COMPLIANCE REVIEW QUESTIONNAIRE

The SEC is in the process of rolling out a new Agency Compliance Review Questionnaire for 2023

Pursuant to N.J.S.A. 52:13D-21(e)(3), the SEC's Ethics Compliance Officer is required to conduct systematic reviews of State agencies in the Executive Branch for compliance with laws, regulations, codes, orders, procedures, advisory opinions, and rulings concerning the ethical standards for State officers and employees and special State officers and employees. SEC staff utilizes the compliance reviews to identify areas of common concern and provide training on these issues at the quarterly ELO meetings to ensure that all ethics requirements are being met statewide.

The current procedure for reviewing Executive Branch agencies is a two-part approach. First, the Ethics Compliance Officer provides the ELO with a preliminary checklist of sample documents that the ELO must have available for review. The requested documents represent a limited sampling of the required documents that each agency should have on file, including but not limited to Outside Activity

Questionnaires, Attendance at Events forms, receipts for applicable ethics codes, recusals, and gift receipt letters. Second, the Ethics Compliance Officer has an in-person or teleconference meeting with the agency ELO to review and discuss agency compliance with ethics requirements. The review allows SEC staff to identify any opportunities for improvement of the agency's ethics program and provides a forum for the ELO to discuss any questions or concerns.

The SEC is in the process of rolling out a new Agency Compliance Review Questionnaire for 2023. In addition to providing sample records, ELOs will be prompted to answer questions regarding how ethics-related documents are distributed, tracked, reviewed, and filed. The compliance review process will increasingly focus on evaluating policies and procedures used by agencies to ensure that employees and officers are meeting State ethics requirements.



POLITICAL ACTIVITIES

YES OR NO?

During a time of significant political activity and interest, the SEC offers a few reminders for state employees and officials. Employees at agencies that prohibit political activity are notified of the restriction when they are hired. If your state position is fully funded by federal grants or loans, your political activity is restricted by the federal Hatch Act. The SEC does not enforce the Hatch Act, but you can contact your ELO if you have questions about whether the Hatch Act applies to you. If your agency's supplemental code or other policy does not prohibit you from engaging in political activity, you must follow one simple rule – **keep all political activity out of the State workplace**. This means that **you should not use State time, materials, or resources for political activities**. If you plan to attend a political event during work hours, use personal leave time (administrative or vacation time, NOT sick time) to go to the event.

If you decide to run for political office, you must notify your ELO and agency head in writing or by email **before** running for any elected office or running for or serving as an officer in a political campaign or club. This notification allows your ELO and/or agency head to screen for any possible conflicts or activities that might be prohibited by State or federal law. Notification is confidential, and you do not have to identify a political party affiliation. If it is determined that the proposed activity does not present a conflict, you can run for office, but must comply with the prohibition against using State time, materials, or resources for political matters.

As a candidate for elected office, you can accept campaign contributions without violating the gift rules. However, you must recuse from all matters involving your campaign contributors for as long as you would have been in office, whether you win or lose.

If you win the election, you are required to disclose your elected office on your Outside Activity Questionnaire (OAQ), as well as any paid positions as a political official and your service as a poll worker.

You are not required to disclose routine political activities, such as attending campaign events, volunteering at campaign headquarters, and canvassing with, or on behalf of, a candidate.

Your agency may have more stringent requirements through its Code of Ethics or by policy, so be certain to seek the advice of your ELO or Agency Counsel if you are not sure. And know that you always have the right to vote; an ELO will never discuss the issue of voting with you.

“The time is always right to do what is right.”

–Martin Luther King, Jr.

A MESSAGE FROM ED JOY-MICHELE JOHNSON



“
*...the SEC wants
the opportunity
to engage in
discourse rather
than merely
enforcement
and
investigative
activities...*
”

Welcome to the inaugural run of The Compass, a quarterly newsletter from the State Ethics Commission. The Compass will not only deliver educational materials, but also act as a reminder that the SEC is a resource to provide guidance for State employees and Special State officers.

As I reflect on my first half year at the helm of the SEC, I am honored by the opportunity to continue to serve the State of New Jersey and I thank the Commissioners for their trust and thank Governor Murphy and his administration, who following in the footsteps of their predecessors, continue to guide New Jersey government to be ethical, fair, and open.

I am extremely proud to join the SEC team with Deputy Director Christina Fullam and thank the entire SEC team and agency Ethics Liaison Officers (“ELOs”) throughout the State for their welcoming support during a time of transition. I appreciate the knowledgeable leadership of my predecessors– Executive Director Mark Holmes, who retired after distinguished State service in June, and Deputy Director Sherry Wilson, who was appointed to the Judiciary in May, and thank them both for charting a course that fostered open communication between the SEC and the Executive Branch State offices. Together with the SEC team, I will continue to support our ELOs at the approximately 117 Departments, agencies, divisions, boards, authorities, commissions, councils, colleges, and universities, and the 100,000 Executive Branch State employees and officials who look to the SEC for advice, counsel, and guidance.

A key initiative for the SEC Commissioners and Staff for 2023 and beyond is to highlight to all State employees and officials that the State Ethics Commission and agency ELOs are their guiding compass for New Jersey ethics questions. While the SEC does have investigative and regulatory powers, we would much rather invite requests for guidance, than find fault with conduct that has already occurred.

This office fields ethics inquiries and complaints from ELOs, State employees, Special State Officers, and members of the public daily. Anyone contacting the SEC may choose to remain anonymous if they are reporting a complaint. Where we see trends in the questions we receive, we will use them to craft educational materials in subsequent quarterly issues of The Compass newsletter and in our training.

I look forward to introducing you to the SEC team and our ELOs, highlighting the work we do, and providing you with announcements and educational materials in coming issues. We welcome your ideas, your feedback, and your questions. You can reach us at 609-292-1892, toll free in NJ at 1-888-223-1355, or by email to ethics@ethics.nj.gov. All matters and inquiries are handled confidentially.

GET TO KNOW AN ELO

David's work as the agency's ELO ensures that he gets to collaborate with his DGE colleagues on a personal level to ensure that the DGE timely meets its SEC requirements

David Lolli, a Deputy Attorney General with the **Division of Gaming Enforcement (DGE)** since 2012, has served as ELO for the past eight years. He also serves as Assistant Section Chief, Employee Licensing. Dave's ELO responsibilities cover the DGE's two locations in Trenton and Atlantic City. An enthusiastic state employee, Dave especially enjoys his work in the licensing section as it allows him to meet with the licensees and interact with them as they work together to resolve issues. His work as the agency's ELO ensures that he gets to collaborate with his DGE colleagues on a personal level to ensure that the DGE timely meets its SEC requirements.

Initially Dave assisted the DGE to develop its own OEQ/OAQ database, recently integrating that system with a departmental platform to afford greater efficiency.

As with many individuals who serve as ELOs for their agencies,

Dave finds ways to successfully juggle the many duties and obligations of his ELO role with his day-to-day responsibilities at the DGE. Tracking the various information, reconciling that information in various systems, coordinating training dates, sending reminders, and facilitating the timely completion of Financial Disclosure Statements that are required annually of every DGE employee can be a daunting task.

When he is not attending to licensing and ELO matters, Dave enjoys spending time with his wife (an attorney in private practice) and 12-year-old



David M. Lolli, DAG

daughter who currently loves Nike Air Jordan "kicks," lululemon clothing and riding on roller coasters. The family dog, a Pug/Miniature Schnauzer mix, was adopted in 2018 and is happiest on days when family members are home. An avid and talented photographer, Dave enjoys cooking, travel and playing golf. Combining all those activities is an ongoing aspiration.

The SEC is grateful to Dave for the work he performs as a dedicated member of our ELO community.

"We've recently integrated the OEQ/OAQ database with a departmental platform to afford greater efficiency."



“
*Relativity
applies to
physics,
not ethics.*
”

-Albert Einstein-

ABOUT THE SEC

The Commission has the power to undertake investigations and hold hearings regarding alleged violations of the Conflicts Law. The Commission also issues advisory opinions.

The State Ethics Commission was created in 1973 to administer and enforce the New Jersey Conflicts of Interest Law, N.J.S.A. 52:13D-12 et seq. The Commission also administers and enforces several sections of the Casino Control Act, N.J.S.A. 5:12-1 et seq., and has administrative authority granted by the Governor by Executive orders 190 (Kean, 1989), 41 (Codey, 2005), 68 (Codey, 2005), 14 (Corzine, 2005), 64 (Christie, 2011) and 2 (Murphy, 2018).

The Commission consists of four public members, not more than two of whom shall be of the same political party, and three Executive Branch employees appointed by the Governor. Executive Branch members serve at the pleasure of the Governor during the term of the Governor appointing the member and until the member's successor is appointed. Public members serve for staggered terms of four years and until the appointment and qualification of their successors. The Governor designates one public member to serve as the Chair and one member to serve as Vice-Chair of the Commission.

The Commission has the power to undertake investigations and hold hearings regarding alleged violations of the Conflicts Law. The Commission also issues advisory opinions concerning whether a given set of facts and circumstances would, in the Commission's opinion, constitute possible violations of the Conflicts Law or any Code, Rules or Regulations promulgated pursuant thereto. Commission meetings are held at least six times per year.



ANNOUNCEMENTS

WELCOME COMMISSIONER ADELMAN!

***Governor Murphy has appointed
Commissioner Sarah Adelman
to the State Ethics Commission***



Governor Murphy has appointed Human Services Commissioner Sarah Adelman to the State Ethics Commission. Her appointment fills a vacancy left by former Chief Administrator of the New Jersey Motor Vehicle Commission, B. Sue Fulton, who took a position with the Biden Administration. Commissioner Adelman has led the New Jersey Department of Human Services since January 2021 and was confirmed as Commissioner in March 2022.

Under her leadership, the Department has helped residents through the pandemic by making significant investments in childcare and food assistance, improving, and expanding services for older adults and individuals with disabilities, protecting health coverage for more than 2 million residents, and continuing to enhance mental health and addiction services.

Before joining Governor Murphy's Administration in 2018, Adelman served as Vice President at the New Jersey Association of Health Plans and Chief of Staff at the New Jersey Health Care Quality Institute. She also served on the Board of Trustees for Samaritan Healthcare and Hospice and the Board of Directors for a statewide child abuse and neglect prevention program.

*WITH THE ADDITION OF COMMISSIONER ADELMAN,
THE STATE ETHICS COMMISSION
MOVES FORWARD AT FULL STRENGTH.*

CALENDAR

DATES TO NOTE 2023 CALENDAR

Commission Meeting Dates:

Tuesday, January 24

Tuesday, March 21, 2023

Tuesday, June 12

Tuesday, August 1

Tuesday, September 26

Tuesday, November 28

ELO Quarterly Meeting Dates:

Thursday, February 16

Thursday, April 27

Thursday, October 12
(non-college)

Thursday, October 19
(college)

Thursday, December 14

Elo Orientation Dates:

Thursday, February 2

Thursday, April 20

Thursday, June 22

Thursday, September 7

Thursday, November 16



ELOS PLEASE NOTE

*THE DEADLINE FOR
23d SUBMISSIONS AND
REQUESTS FOR
ADVISORY OPINIONS
FOR THE JANUARY SEC
COMMISSION
MEETING IS JANUARY
6, AND MARCH 3 FOR
THE MARCH MEETING.*

SEC MEMBERS

Commission Members

- Stephanie A. Brown, Esq., Chair
- Christine Norbut Beyer,
Commissioner, DCF
- Patricia C. Morgan, Esq., Vice Chair
- Babatunde P. Odubekun, Esq.
- Victor J. Herlinsky, Jr., Esq.
- Tahesha L., Way, Esq.,
Secretary of State, DOS
- Sarah Adelman,
Commissioner, DHS

Staff Members

- Joy-Michele Johnson, Esq., Executive Director
- Christina Fullam, Esq., Deputy Director
- Rachel L. Santitoro, Esq., Compliance Officer
- Susan J. Flynn-Hollander, Esq.,
Training Officer; Editor, *The Compass*
- Matthew Marthaler, Esq., Legal Specialist
- Mary Ann Keys, Esq., Legal Specialist
- Jessica Calella, Legal Specialist
- Shanna Cook, Administrative Assistant
- Karema Griffin, Legal Secretary
- Victor Kushnir, MIS Administrative Analyst
- Matthew LaFargue, Legal Specialist, DAG
(temporary assignment from DCJ)
- Zach Egan, Legal Specialist, Investigator 3
(temporary assignment from DCR)

TELEPHONE: 609-292-1892

EMAIL: Ethics@ethics.nj.com

WEBSITE: [https:// www.nj.gov/ethics](https://www.nj.gov/ethics)

STATE ETHICS COMMISSION

State of New Jersey

P.O. Box 802

Trenton, NJ 08625-0082