



# THE COMPASS

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

August 2023  
Issue No. 3

## HOW TO BRING AN ALLEGATION TO THE SEC

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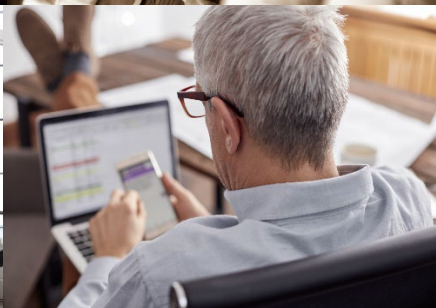
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## 4 WAYS TO BRING AN ALLEGATION TO THE SEC

***If you have information regarding what you suspect is a violation of the Conflicts Law, the UEC, SEC Rules, an Agency Code of Ethics, or any other standard within the jurisdiction of the Commission:***

- 1. You may call the State Ethics Commission's toll-free hotline at: 1-888-223-1355.***
- 2. You may send a letter addressed to the Executive Director, Joy-Michele Johnson, State Ethics Commission, P.O. Box 082, Trenton 08625-0082.***
- 3. You may contact your agency Ethics Liaison Officer (ELO). A list of agency ELOs is available on the SEC website. Your ELO will contact the SEC.***
- 4. You may also send an email to the Ethics Mailbox at [ethics@ethics.nj.gov](mailto:ethics@ethics.nj.gov) or call the SEC offices for assistance at: 609-292-1892.***

ALLEGATIONS SHOULD CONTAIN AS MUCH DETAILED INFORMATION AS POSSIBLE AND, IF THE COMPLAINANT CHOOSES TO IDENTIFY THEMSELVES, SHOULD INCLUDE CONTACT INFORMATION. A COMPLAINANT IS NOT REQUIRED TO DISCLOSE THEIR IDENTITY WHEN REPORTING AN ALLEGED ETHICS VIOLATION.



## RECENTLY ASKED QUESTIONS

### FROM THE SEC ANNALS

1. **A unit within your agency would like to hold a 50/50 raffle. Half of the proceeds would go to a single winner, and the other half of the proceeds would help to fund this year's holiday party. The employees of the unit have asked you whether this raffle would violate the Uniform Ethics Code. How do you advise them?**

**Answer:** This raffle is not explicitly prohibited by the UEC. Since the 50/50 would be a collection among co-workers, and reasonable gifts between co-workers are permissible, the winner would not be prohibited from accepting the prize. It is ultimately up to management's discretion as to whether this raffle can take place. If so, the individual contributions to the raffle would need to be voluntary and non-excessive in amount, and the solicitation of contributions must be passive.

Ethics approval is only one piece of this answer. The SEC does not have authority to approve of the 50/50 raffle occurring and employees must seek management approval and determine whether approval from the Legalized Games of Chance Commission is required.

2. **The XYZ Board falls within your agency. A member of the board has been invited to attend a groundbreaking ceremony, hosted by a non-profit, at a local park. The event relates to the XYZ Board's mission, and the board member has been invited to attend the event in his official State capacity. Should the board member, who is a special State officer, complete a Request for Approval for Attendance at Events form?**

**Answer:** Yes, a RAAE form should be completed. The groundbreaking qualifies as an "event" under

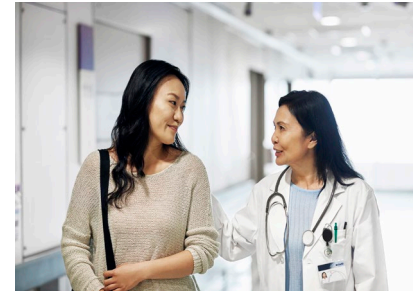
*N.J.A.C. 19:61-6.2* because it takes place away from the board member's normal State business location, it is sponsored by a non-State government source, and the board member has been invited to attend in his official capacity.

Note that the attendance at events regulations apply to "all State officials in the Executive branch of State government." This includes special State officers, as well as employees.

3. **Your department is in the process of hiring part-time seasonal employees for the summer months. Are these seasonal employees subject to the State's ethics rules? If so, what ethics requirements should they complete at onboarding?**

**Answer:** Assuming that the seasonal employees will be employed directly by your department, as opposed to a temporary employment agency, they are subject to SEC jurisdiction. Part-time seasonal employees are typically treated as special State employees (SSEs).

At onboarding, the seasonal employees should receive a copy of the Uniform Ethics Code and Plain Language Guide and acknowledge receipt of these documents. They should also complete an Outside Employment Questionnaire. At a minimum, they should receive special State officer ethics training, although some departments may choose to assign the public employee ethics training module instead.



## THE PERSONAL & BUSINESS

# RELATIONSHIPS DISCLOSURE FORM (“PBRD”)

- ❖ Certain State officials and employees are required to complete a PBRD, which will be reviewed by agency ELO and filed with the SEC. The **Purpose** of the PBRD is to assist officials involved in the procurement process and their agency to detect potential conflicts that may warrant recusal.
- ❖ **Required filers** are Commissioners and employees involved in the procurement process.
- ❖ **Procurement Process** is defined as drafting, reviewing, evaluating or making contract awards or substantively assisting in those tasks or authorizing payment under those contracts. The officer or employee need not work in a financial services role or hold a centralized procurement title.

### AGENCY (Question A on the form)

- The employee’s agency and
- Any agency for which the employee is engaged in procurement (e.g., sits on the board of an agency and approves contracts as a board member.

### DISCLOSURE PERIOD (Question B)

- Disclose business, professional, and personal relationships for **five years** prior to the date of the statement.

### PROFESSIONAL RELATIONSHIPS (B<sub>2</sub>)

- Disclose relationships with professionals who are current vendors of the agency, or currently seeking to become a vendor of the agency.
- Do not disclose professional relationships that exist only as a result of your official State duties.

### PERSONAL RELATIONSHIPS (B<sub>3</sub>)

- Disclose personal relationships with any principal officer or director of any firm, association, partnership or corporation or any other business entity who is a current vendor of the agency or is currently seeking to become a vendor of the agency.

## PBRD FORM CONTINUED

### ❖ PERSONAL RELATIONSHIPS INCLUDE:

- RELATIONSHIPS WITH RELATIVES
- CURRENT WORK COLLEAGUES OUTSIDE OF STATE SERVICE
- MEMBERS OF PROFESSIONAL AND TRADE ORGANIZATIONS IN WHICH YOU ARE ACTIVE
- CLOSE PERSONAL FRIENDS AND INTIMATE PARTNERS

### ❖ FREQUENCY OF DISCLOSURE

- FILE THE PBRD FORM INITIALLY UPON APPOINTMENT
- REVIEW THE FORM ANNUALLY
- UPDATE WHEN SUBSTANTIVE CHANGES OCCUR

*IF YOU HAVE QUESTIONS ABOUT WHETHER YOU SHOULD BE FILING A **PBRD FORM** OR REQUIRE ASSISTANCE, ASK YOUR ELO, OR CALL THE SEC AT*  
**609-292-1892**



**CLOSE PERSONAL RELATIONSHIPS & OUTSIDE BUSINESS COLLEAGUES  
REQUIRE DISCLOSURE!**

# JOINT VENTURES FROM AN ETHICS PERSPECTIVE



## ❖ WHAT IS A JOINT VENTURE?

A Joint Venture has 3 components:

1. It is a Public-Private partnership between a State agency and an outside entity;
2. It can be a one-time event or ongoing activity; and
3. Its funding comes in full or in part from an outside source.

## ❖ WHEN AND FROM WHOM IS APPROVAL REQUIRED?

Prior to entering a Joint Venture, approval is required from both the agency Ethics Liaison Officer (“ELO”) as STEP 1 and the State Ethics Commission (“SEC”) as STEP 2.

## ❖ AT THE AGENCY/DEPARTMENT LEVEL, WHO IS RESPONSIBLE FOR REVIEWING A JOINT VENTURE REQUEST?

The ELO is responsible for making the determination as to whether the Joint Venture or Private Financing Arrangements would be problematic under several different legal authorities, including:

1. Executive Order No. 189 (Kean);
2. Department/Agency supplemental Code of Ethics;
3. Conflicts of Interest Law;
4. Any statutory provisions dealing with financing of an agency’s activities and/or dealing with charitable activities;

5. The Commission’s Guidelines including, but not limited to:
  - a. The Guidelines on the Receipt of Gifts;
  - b. The Guidelines on Attendance at Events and Functions; and
  - c. The Guidelines Governing the Use of Official Stationery.

## ❖ REVIEW AND APPROVAL AT THE SEC LEVEL

Once the ELO has completed their review and has determined the proposed Joint Venture is approvable, the ELO will submit a detailed application memo to the SEC for second-level review and approval.

1. The ELO may use the Joint Venture form on the SEC website or submit the required information in another format.
2. Email submission is the preferred method regardless of whether the form or a memo is used.
3. SEC may accept, modify, or reject the determination made at the Department/Agency level.
4. Approval is usually done by email to the ELO granting the approval and noting any modifications or restrictions.

## ❖ FOR WEBINAR BASED JOINT VENTURES

Consider whether the proposed co-host is a private entity; an interested party to the State agency; and whether any benefits will be offered (reduced or no fees/software). If no benefits are being offered, it is **NOT** a joint venture, and there is **no need to submit to SEC for approval**.

*If you have questions about Joint Ventures or Private Financing Arrangements - ask your ELO or call 609-292-1892 and speak with someone at the SEC who will gladly assist you.*



JOY-MICHELE JOHNSON

THANK YOU ELOS  
AND  
EXECUTIVE LEADERSHIP

“

... *ELOs play an important role in complying with the Conflicts Law, which helps create strong and fair government practices.*

”

## A MESSAGE FROM THE EXECUTIVE DIRECTOR

*A year at the helm of the State Ethics Commission has only reinforced my perception that the success of the State ethics program that the SEC team implements is heavily reliant on the work and collaboration of the over 100 agency Ethics Liaison Officers (ELOs) throughout the executive branch, and so I say, THANK YOU. As an ELO, you may often find yourself in the position to say, “No” or to impose restrictions on your colleagues, whether it be for an outside activity, or attendance at an event, or whether employees can receive a proffered benefit. And while in those moments, you may not feel appreciated, I also know, that you all work very hard to get to “yes” where the request can be granted and maintain the integrity and transparency of the agency’s operations. Your thoughtful and careful application of the Conflicts Law and the Uniform Ethics Code has not gone unnoticed and your partnership in ensuring the near perfect compliance with the Financial Disclosure Statement filings this year is invaluable. The SEC is a staff of 11, including myself, and our success in implementing and enforcing the ethics rules only happens through the agency partnership of our ELOs. To our ELOs, for your efforts to implement the State’s ethics program you have the SEC team’s appreciation and I know you have the support and appreciation of your agency leadership.*

*Since we are just past the mid-year, it is a good time to review your agency’s rate of compliance with yearly Ethics training or briefings. If you’ve assigned training, please follow up with those who have not completed it. If you need support in these efforts or would like to schedule live training with the SEC, please do not hesitate to reach out. To our State employees and officials who have been assigned training, please complete your training as assigned. Pre-recorded training modules are available on the SEC website along with useful information.*

*I look forward to seeing each of our ELOs at the SEC quarterly meetings and I encourage all ELOs or Executive branch employees and officials to reach out to the SEC whenever we can be helpful to provide ethics guidance.*

# GET TO KNOW AN ELO



*Nick serves as Executive Secretary, Local Finance Board for the New Jersey Department of Community Affairs, Division of Local Government Services.*

**ELO Nick Bennett, Esq.**

Meet Nick Bennett - the Executive Secretary to the Local Finance Board (“Board”), which is in, but not of, the Division of Local Government in the Department of Community Affairs. Nick previously served the Board in different capacities for about thirteen years prior to assuming the roles of Executive Secretary and Ethics Liaison Officer (“ELO”) in 2021. Nick’s ELO duties primarily flow out of the responsibilities as Executive Secretary. The Board consists of 7 special state officers (“SSOs”) who are appointed with advice and consent; the 8<sup>th</sup> member is the Division Director. The ELO duties are with respect to the 7 appointed members and Nick’s responsibility is to ensure that the Board acts in compliance with the whole host of OPMA/OPRA requirements, as well as ensuring that the Board members have sufficient information to act on the applications and Local Government Ethics Law (“LGEL”) matters that come before them.

ELOs are regularly presented with some interesting, even fun challenges in their roles, and Nick can certainly attest to that fact. The Local Finance Board regulates municipalities, counties, drawn from those ranks. The Board serves as both a regulator of financial practices of the local units and as the entity enforcing the LGEL. There are members who are elected officials or

administrators, or other local government adjacent positions. Hence an issue can arise when these individuals may have run for office with or against persons who may later be the subject of an ethics complaint. This situation calls for a careful interplay of the State Conflicts of Interest Law (“COIL”) and the LGEL.

Nick’s years of experience with the Board help him assess each situation as it arises. He notes that some conflicts are quite clear for the members. By way of example, if a member is an elected official or employee of an applicant before the Board, the staff must take care to screen that member off from any non-public information. Part of Nick’s job is to stay current on what local units each member may represent, either as an employee, appointee, or elected official. When potential conflicts become more personal, such as those that might exist for members who consult for local units, that can be more difficult to track. A database is maintained to record notifications from a member of a conflict, to minimize the member being put in a compromised position.

Nick is grateful that the division of Local Government Services and the Department take the obligations of its employees and officers very seriously, and the administration supports the ELOs as they work to ensure that the members conduct themselves appropriately.

On a personal note, Nick and his wife Kristen have two daughters, aged 7 and 6, as well as a 2-year-old son. The family loves to get out and explore the world – the summer to-do list includes learning to ride bikes without training wheels, seeing a meteor shower, riding roller coasters, body surfing, and baseball games. With what time is left from those adventurous goals, Nick and a friend pursue travel that incorporates climbing all 46 Adirondack Peaks over 4,000 feet, before they celebrate 50<sup>th</sup> birthdays! While seeing new places is always key for Nick, he and



Kristen recognize that their kids' world is still a blank canvas, so taking them to places they have already been is still meaningful, even if that means pressing pause on his goal of visiting all 50 states.

If you want to find Nick, just look to one of the beaches in Monmouth County or Atlantic City, where he might be found body surfing with his kids, or reading all the books that were never quite finished in high school – including Moby Dick - which Nick finds no easier to get through now, than it was at age 18. But at least now, there are no required essays to submit! Nick is proud (and unashamed) to share that he got his first “real job” at 15 when he made the Atlantic City Beach Patrol and with apologies to all the different positions he’s held since, none, since leaving the beach after 15 summers of lifeguarding, has been quite as much fun.

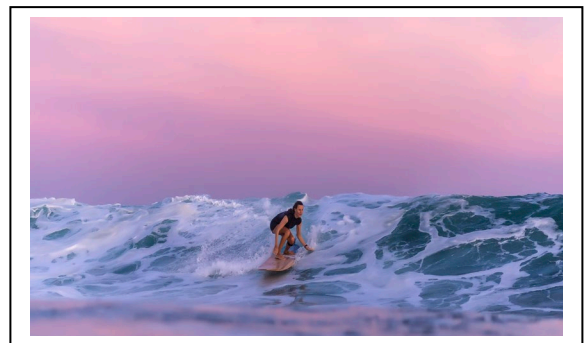
A thoughtful person, great Dad, accomplished attorney, and diligent ELO, Nick is a true Jersey Guy who grew up in Northfield, Atlantic County, did his undergraduate study at Brown, and came home to get his law degree at Rutgers-Camden. Who inspires Nick? Anyone who consistently puts their head down and focuses on completing the task at hand. In the words of Nick’s former rowing coach – “there’s no magic to it” – results reflect the effort that is put forth. Nick seeks to find the motivation to put in the very best work at every opportunity and looks to see how others can demonstrate the deepest wells of motivation – so he can emulate them. The State Ethics Commission is pleased to have Nick Bennett on its ELO Team as he inspires excellence in others every day. If you run into Nick at Starbucks, ask to see how many badges he has already received from the Adirondack 46ers Club – awarded for each peak hiked and bagged! Sound easy? About half of them don’t even have marked trails to the summit! Not to mention the 230 hours, 295 miles of trails and total elevation of 70,000 feet required to complete the challenge! Go Nick – from the highest peaks to the NJ beaches - go!



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*“...there’s no magic to it...results reflect the effort that is put forth.”*

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## ANNOUNCEMENTS

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*“I hear and I forget. I see  
and I remember. I do  
and I understand.”*

*Confucius*

*What Confucius said is certainly applicable to NJ State Ethics Training. It is vital that all employees and State officials take initial Ethics Training as early as possible in their State service to the Executive Branch, and yearly thereafter. The State Ethics Commission is charged with the task of ensuring that training is accessible and understandable. While Confucius lived and philosophized in the Fifth Century, his words still have meaning today in the Twenty-First Century. Understanding and applying the ethics rules is important to ensuring the integrity and fairness of government operations. Thank you for ensuring that you are up to date with your Ethics Training. Check with your ELO if you are unsure of your training status.*

## ETHICS TRAINING

*The Conflicts Law requires mandatory ethics training and a mandatory ethics briefing. N.J.S.A. 52:13D-21.1.*

- ✓ Full ethics training must be completed by all State officials in the Executive Branch of Government every three years.
- ✓ In the two intervening years, employees and officers and Special State Officers (SSOs) must at least complete the ethics briefing.
- ✓ Special State Officers from agencies and authorities under the supervision of the Governor’s Authorities Unit are required to receive full training yearly as set forth in Executive Order 41 (Codey).
- ✓ Your agency may require more frequent full training.
- ✓ *There are several options available to State officials to comply with the ethics training requirements:*
  - *If your agency partners with the CSC LMS program or has its own LMS system with the SEC modules, the online training modules are available through such LMS.*
  - *The SEC website offers updated, online, full Ethics Training and Ethics Briefing modules. State College and University Faculty will find their ethics training modules here as well.*
  - *The SEC Training Officer and/or your ELO is available to lead virtual or in-person training sessions upon request.*

# SPOTLIGHT ON SEC VICE CHAIR

*Patricia C. Morgan, Esq.*

*Patricia C. Morgan has served as the Vice Chair of the State Ethics Commission since appointed to the role in April 2021 by Governor Phil Murphy*



Ms. Morgan recently joined the Porzio, Bromberg & Newman law firm as Of Counsel, Member of the firm's Education Team, and Director of Porzio Governmental Affairs. With more than a decade of education policy experience, she previously served as Assistant Commissioner and Chief Legal & External Affairs Officer at the New Jersey Department of Education. Prior to holding those positions, Ms. Morgan served as Assistant Counsel in the Office of the Governor of New Jersey, advising on education issues regarding K-12 education, higher education, and children and families.

Vice Chair Morgan works with traditional public-school districts, charter schools, private schools for students with disabilities, and higher education institutions. She brings her in depth legal and policy expertise in special education, school ethics, school funding, and student discipline, including matters of harassment, intimidation, and bullying to her new role at Porzio.

Our Vice Chair also served as Executive Director of JerseyCAN, an education nonprofit that advocates for all students across the state to have access to excellent schools. Admitted to the Bars of New Jersey and New York, Ms. Morgan clerked for the Honorable Stuart J. Rabner, Chief Justice of the Supreme Court of New Jersey, and the Honorable Peter G. Sheridan, United States District Court of New Jersey.

A proud graduate of the Seton Hall University School of Law and Drew University, Vice Chair Morgan currently serves as a Member, Board of Trustees for Autism New Jersey, and the Museum of Early Trades & Crafts, in addition to serving as Vice Chair and Commissioner for the NJ State Ethics Commission.



"Everyone can be great, because everyone can serve."

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*Martin Luther King, Jr.*

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## CALENDAR

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### DATES TO NOTE

#### 2023 CALENDAR

##### Commission Meeting Dates:

Tuesday, January 24 ✓

Tuesday, March 21 ✓

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



## NOTE

**THE DEADLINE FOR  
23d SUBMISSIONS AND  
REQUESTS FOR ADVI-  
SORY OPINIONS IS  
SEPTEMBER 1 FOR  
THE SEPTEMBER 2023  
MEETING.**

## RESOURCES

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# SEC MEMBERS

### Commission Members

Stephanie A. Brown, Esq., Chair  
(Public Member)

Patricia C. Morgan, Esq., Vice Chair  
(Public Member)

Christine Norbut Beyer, Commissioner  
N.J. Department of Children and Families

Babatunde P. Odubekun, Esq.  
(Public Member)

Victor J. Herlinsky, Jr., Esq.  
(Public Member)

Tahesha L. Way, Esq.  
New Jersey Secretary of State

Sarah Adelman, Commissioner  
N.J. Department of Human Services

### Staff Members

Joy-Michele Johnson, Esq., Executive Director

Christina C. Fullam, Esq., Deputy Director

Rachel L. Eger, Esq., Compliance Officer

Susan J. Flynn-Hollander, Esq.,

Training Officer; Editor, *The Compass*

Mary Ann Keys, Esq., Legal Specialist

Jessica Calella, Esq., Legal Specialist

Zachary Egan, Esq., Legal Specialist

Shanna Cook, Executive Assistant

Karema Griffin, Legal Secretary

Victor Kushnir, MIS Administrative Analyst

**TELEPHONE:** 609-292-1892

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

**STATE ETHICS COMMISSION**

State of New Jersey

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