

Municipal Prosecutor Disclosure Statement and Separation Statement Instructions and Definitions

A. INSTRUCTIONS

Pursuant to Attorney General Law Enforcement Directive No. 2019-7, every Municipal Prosecutor must register with the Division of Criminal Justice (“DCJ”) on an annual basis. Each prosecutor in municipalities with multiple persons authorized to act as Municipal Prosecutors must register separately. Municipal Prosecutors serving in multiple municipalities must file separate Municipal Prosecutor Disclosure Statements (“Disclosure Statements”) for each position they hold. The Municipal Prosecutor is “registered” with DCJ upon filing the required Disclosure Statement. The Municipal Prosecutor will remain “registered” until he/she either (1) files a Municipal Prosecutor Separation Statement (“Separation Statement”), or (2) fails to timely file a required Disclosure Statement as set forth in these “Municipal Prosecutor Disclosure Statement Instructions and Definitions” (“Instructions and Definitions”).

All sections of the Disclosure Statement marked by an asterisk (*) are required and must be completed. Please note that if you file your Disclosure Statement containing optional information, you will not be able to remove the optional information after submission of your Disclosure Statement.

Every Municipal Prosecutor must file a Separation Statement with DCJ within 30 days after the last day of service as a Municipal Prosecutor. Failure to file the required Separation Statement could result in notification to any current and/or future governing bodies of that Municipal Prosecutor’s failure to comply with Attorney General Law Enforcement Directive No. 2019-7.

The information contained in the forms is served across a protected 256 bit SSL (Secure Socket Layer) connection that uses a SHA256 Certificate. This is the same level of protection used by online banking or e-commerce providers.

B. MUNICIPAL PROSECUTOR DISCLOSURE STATEMENT

- **Section I. Personal Information**

“Business Address” refers to the name and address of the law firm in which the Municipal Prosecutor is employed if the filer is a part-time Municipal Prosecutor. If the filer is a full-time Municipal Prosecutor, or if the filer’s law firm address is the same as the filer’s home address, the filer shall provide the address affiliated with the Municipal Prosecutor’s official office.

“Bus. Phone No.:" refers to the phone number of the law firm in which the Municipal Prosecutor is employed if the filer is a part-time Municipal Prosecutor. If the filer is a full-time Municipal Prosecutor, or if the filer does not have a business phone number, the filer

shall provide the phone number affiliated with the Municipal Prosecutor's official phone number.

"Email address" refers to the filer's email address where he/she can be contacted by the County Prosecutor's Office ("CPO"), the DCJ, and/or the Office of the Attorney General ("OAG"). This email address should be one frequently monitored by the filer and one in which the filer will receive all communications from the CPO, DCJ, and/or OAG.

You must include your spouse's name if you have a spouse to report. If you do not have a spouse to report, you should enter "N/A" into the first and last name fields.

- **Section II. Municipal Prosecutor Information**

The "Appointing Governing Body" may be different for every Municipal Prosecutor. For purposes of this Disclosure Statement, the filer shall provide the name of the municipality if appointed to a regular Municipal Court; the name of every municipality if the filer is appointed to a Joint Municipal Court; and the name of the county if the filer is appointed to a Central Municipal Court.

"Term of Current Appointment" refers to the one-year period of the filer's appointment. The "Begin Date" shall be the date of the filer's appointment unless otherwise determined by the governing body of a county or city, as specified in N.J.S.A. 2B:25-4(b).

The "First Date of First Term of Service" refers to the "Begin Date" of the filer's first term of appointment as Municipal Prosecutor for the municipality/municipalities/county that is the subject of the Disclosure Statement. This date might not be the "Begin Date" for the term of the current appointment.

"List All Terms of Service" refers to the term(s) in which the filer served as Municipal Prosecutor in the Municipal Court, Joint Municipal Court, or Central Municipal Court, that is the subject of this Disclosure Statement.

"Address of Municipal Prosecutor's Office" refers to the address affiliated with the filer's official office as Municipal Prosecutor. For example, this address might be the number listed on the Municipal Court's website and/or might be the address assigned to the Municipal Prosecutor by the Appointing Governing Body.

"Municipal Prosecutor's Phone No." refers to the filer's official phone number as Municipal Prosecutor. For example, this phone number might be the number listed on the Municipal Court's website and/or might be the phone number assigned to the Municipal Prosecutor by the Appointing Governing Body.

"Municipal Prosecutor's email address" refers to the filer's official email address as Municipal Prosecutor. For example, this phone number might be the email address listed on the Municipal Court's website and/or might be the email address assigned to the Municipal Prosecutor by the Appointing Governing Body.

“Acting, temporary, or substitute” Municipal Prosecutor: If the filer is serving as a Municipal Prosecutor on an acting, temporary, or substitute basis, the filer must fill out a separate Disclosure Statement for each acting, temporary, or substitute Municipal Prosecutor position held. If the filer serves as a Municipal Prosecutor on an acting, temporary, or substitute basis in a municipality different from the one subject of the Disclosure Statement, please indicate that when answering the question, “Are you a Municipal Prosecutor in other municipalities? If yes, list all municipalities in which you prosecute.” For example, if the filer is a substitute Municipal Prosecutor in “Anytown, NJ,” the filer should answer this question as follows: Anytown (substitute).

- **Section III. Employment Information**

This section of the Disclosure Statement is intended to obtain information regarding any other government positions held by the filer, whether for a local or state government. Most of the information the filer is required to provide in the Local Government Officer Information section is also provided by the filer in Section 1 of the “Local Government Ethics Law Financial Disclosure Statement” filed annually by every Municipal Prosecutor. If you hold more than one position within the same local government entity, you should enter a separate row for each position. You do not have to list all other municipalities in which you prosecute in this section of the Disclosure Statement; that information is to be provided in Section II of the Disclosure Statement. The required State Government Officer Information is self-explanatory.

- **Section IV. Financial Information**

The information the filer is required to provide in this section is also provided by the filer in Section II of the “Local Government Ethics Law Financial Disclosure Statement” filed annually by every Municipal Prosecutor. As with the “Local Government Ethics Law Financial Disclosure Statement,” complete this section based on information for the prior calendar year. For example, Section IV should be completed using 2019 financial information (i.e., financial information pertinent to the period January 1, 2019, through December 31, 2019) for Disclosure Statements that are filed in calendar year 2020.

Information must be provided for the Municipal Prosecutor and members of the Municipal Prosecutor’s immediate family based on the definition set forth in Section D of these “Instructions and Directions.” If a dependent’s information is included in this section, please enter the dependent’s name in the field provided.

If it is necessary to make multiple entries, use the “+” button after completing each entry.

If a financial information section does not apply to you or your immediate family, type “N/A” in the “Name” space and proceed to the next section.

Sources of Income:

Report all earned and unearned income for yourself, your spouse and any dependents. Earned income is income received for one’s labor or services such as salaries and wages.

Unearned income is monetary compensation received where no labor or services are exchanged, such as social security, pension, interest income or rental property income. The threshold applies to each source of income exceeding \$2,000 (gross). If you own a business, please identify only the name of your business and not the names of individual clients. Do not state self or spouse as a source of income; you must state where (i.e. the name of the company) the income is derived from.

Fees and Honorariums:

Report each source of fees and honorariums. This includes fees and honorariums received as a result of both public office and in private life.

Sources of Gifts, Reimbursements, or Prepaid Expenses:

Report each source of gifts, reimbursements, or prepaid expenses having an aggregate value exceeding \$400 from any single source, excluding relatives. Examples include, but are not limited to, automobile mileage reimbursement, hotel and meal expenses, travel expenses, vacations, etc. This includes gifts, reimbursements, or prepaid expenses received as a result of both public office and in private life.

Business Organizations:

If your spouse or dependent(s) own or control an interest in a business organization in which you also own or control an interest, you must separately identify the interest owned or controlled by your spouse and/or dependent(s).

Real Property:

Identify all “real property” that is located in the State of New Jersey in which you or your immediate family hold an interest. Real property could potentially include your personal residence(s); your personal residence(s) do not have to be reported on the Disclosure Statement.

C. DEFINITIONS:

“Municipal Prosecutor” means an attorney-at-law of the State of New Jersey appointed by the appropriate governing body to act as a Municipal Prosecutor for the municipality, municipalities, or county covered by that governing body. Attorneys-at-law who are appointed to act as a municipal prosecutor on an acting, temporary, substitute, or other similar basis during the year are also included in this definition. The name of a law firm shall not be a “Municipal Prosecutor” for purposes of this Directive.

“Municipal Prosecutor of a Joint Municipal Court” means a municipal prosecutor appointed upon the concurrence of the governing bodies of each of the municipalities. Attorneys-at-law who are appointed to act as a municipal prosecutor on an acting, temporary, substitute, or other similar basis during the year are also included in this definition.

“Municipal Prosecutor of a Central Municipal Court” means a municipal prosecutor appointed by the governing body of the county. Attorneys-at-law who are appointed to act as a municipal

prosecutor on an acting, temporary, substitute, or other similar basis during the year are also included in this definition.

“Initial Disclosure Statement” means the first Municipal Prosecutor Disclosure Statement filed by a municipal prosecutor for each appointment as a municipal prosecutor to satisfy the requirements of Attorney General Law Enforcement Directive 2019-7.

“Annual Disclosure Statement” means a Municipal Prosecutor Disclosure Statement filed by a municipal prosecutor after filing the Initial Disclosure Statement for each appointment as a municipal prosecutor.

“Chief Municipal Prosecutor” means the Municipal Prosecutor so designated pursuant to N.J.S.A. 2B:25-4(f).

“Business organization” means any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union, or other legal entity.

“Governing body of appointing municipality or appointing county” means the officer or body that is the appropriate appointing authority, as defined in N.J.S.A. 2B:25-2(b).

“Interest” means the ownership or control of more than 10% of the profits, assets or stock of a business organization but shall not include the control of assets in a nonprofit entity or labor union.

“Local government agency” means any agency, board, governing body, including the chief executive officer, bureau, division, office, commission or other instrumentality within a county or municipality, and any independent local authority, including any entity created by more than one county or municipality, which performs functions other than of a purely advisory nature, but shall not include a school board.

“Local government employee” means any person whether compensated or not, whether part-time or full-time employed by or serving on a local government agency who is not a local government officer, but shall not mean any employee of a school district.

“Local government officer” means any person whether compensated or not, whether part-time or full-time: (1) elected to any office of a local government agency; (2) serving on a local government agency which has the authority to enact ordinances, approve development applications or grant zoning variances; (3) who is a member of an independent municipal, county, or regional authority; or (4) who is a managerial executive or confidential employee of a local government agency, as defined in section 3 of the “New Jersey Employer-Employee Relations Act,” P.L., 1941, c. 100 (C. 34:13A-3).

“Local government officer or employee” means a local government officer or a local government employee.

“Member of immediate family” means the spouse or dependent child of a local government officer or employee residing in the same household.

D. FILING DEADLINES:

- **Initial Disclosure Statements Must Be Filed:**
 - No later than May 1, 2020 for:
 - Any person serving as a municipal prosecutor as of January 1, 2020.
 - Any person beginning service as a municipal prosecutor between January 1, 2020, and April 1, 2020.
 - Within 30 days of taking office for:
 - Any person beginning service as a municipal prosecutor after April 1, 2020.

- **Annual Disclosure Statements Must Be Filed:**
 - By May 1 of each year after filing the Initial Disclosure Statement. A new Disclosure Statement shall be filed annually.

- **Municipal Prosecutor Separation Statements Must Be Filed:**
 - Within 30 days of the last day of service as a Municipal Prosecutor for a municipality, for municipalities, or for a county, in either a Municipal Court, a Joint Municipal Court, or a Central Municipal Court.