

APPENDIX

N.J.S.A. 52:9M-12.2, effective June 28, 1996, provides that

[w]henEVER a proposed State Commission of Investigation report is critical of a person's conduct, a copy of the relevant portions of the proposed report thereof shall be sent to that person prior to the release of the report. Upon receipt, the person criticized shall have 15 days to submit a written response of a reasonable length which the commission shall include in the report together with any relevant evidence submitted by that person.

The following materials are the responses submitted pursuant to that statute.

When the Commission sends a portion of a proposed report to a person, it is accompanied by a letter advising the recipient that disclosure of the report, except as necessary to facilitate the preparation of a response, could be a violation of N.J.S.A. 52:9M-15a, punishable as a crime of the third degree. When the Commission receives evidence that an unauthorized disclosure has occurred, the matter is referred to the Attorney General as required by N.J.S.A. 52:9M-8.

In considering the responses that follow, the reader should note that they are not in all cases under oath and, in some cases, may not even be a statement by the affected individual himself.

RECEIVED

96 AUG 16 AM 10:37

To whom it may concern;

Matthew Brooks is writing you to give any information I can truthfully give to help an on going investigation I received this document from you on Thursday August 8, 1996.

I have not discussed this matter to anyone but a close co-worker name Jamie Anderson. He told me "Matt you have nothing to lose now the former Mayor Brown can't touch any of us now" He's right! I did in fact run envelopes back and forth to the former Mayor's law Office and deposited money to the bank like I was told to do. I didn't ask any questions I was just doing what I was told to do. Stephanie Casey and Karen Lang would call upstairs to Public Works and have me to come to the former Mayor's Office. They would give me papers to take over to the former Mayor's law Office for his signature. I'd walk to the law Office and get

the papers signed by the former Mayor Brown and bring the papers back to Stephanie Cosey or Karen Lang at City Hall. Sometimes a lot of times there would be tickets for the former Mayor's Ball and other events. A lot of people would not have money to buy these tickets at \$25000 dollars a ticket but were informed to give a donation but, if you didn't do so you would get a waste job to do or something. I once had no money to purchase a ticket but, was told that if I have money for music equipment, I have money for a ticket to the former Mayor's Events. He's the one who signs your check and don't you forget it. So I just did what I was told to do from then on.

There were tickets many times that had to go back and forth to the former Mayor's Office in City Hall. If you didn't do what these people told

you to, you wouldn't have a job.

I have a wife and four (4) children to feed and raise I can't afford to lose my job. I told Jamie this he told to hang in there it will be okay. So, I am giving you this information as stated from Karen Lang that the information and these papers is true and I was only doing what I was told from Stephanie Casey. When the time came to vote there was a lot of pressure on everyone at City Hall if you didn't do what the former Mayor Brown, Stephanie Casey and Karen Lang you would get in trouble.

I once could not make it to the Election Headquarter's help and was told from Stephanie Casey "Matthew you're a married man that's what you have a wife for

I got very upset with myself because for the past 7 years I've worked at City Hall I didn't really see what was going

on with these people at City
Hall till now. If I can be of
any more help to the investigation
feel free to call me at 673-7696
or write to 325 Mechanic St ^{apt} 410
Orange N. J. 07050

Sincer
Matthew Brooks

April 29, 1998

Leslie Z. Celentano
Chair
Commission of Investigation
State of New Jersey
CN 045
Trenton, NJ 08625-0045

Re: Notice of Proposed Report

Dear Ms. Celentano:

Reference is made to material supplied on April 18, 1998. Initially, it must be emphasized that the attempt of the SCI to include me in allegations of "political pressure" and "creating the pressure" is both false and absurd.

I am, of course, limited in my response to the dissected parts of the material upon which you have permitted me to comment.

You allege that certain members of Orange government "became instruments of compulsion." You gratuitously add as a last sentence, with no foundation, "Even the Mayor's wife Donna Brown was involved." **The conclusion is unwarranted and false.** In the eight years of my husband's tenure as Mayor, I visited City Hall approximately three to four times. I rarely went to political functions/events and never socialized with anyone. I disliked being the spouse of a politician and all that came with it, while others like Karen Lang resented me for it and went to great lengths to destroy me.

You indicate on page 2 that "Lang testified that assignments were usually made by Gamba and Mrs. Brown." **At no time did I make the so called assignments as set out in your report.** Your footnote while purposely obtuse, struggles to reach the appropriate conclusion. **Namely, at no time during my presence at meetings did I make "assignments."** My response to Karen Lang's testimony that "assignments were made by Gamba and Mrs. Brown" is as follows -- Karen Lang is a woman that will do and say anything to be perceived as "important" to get attention. Lang's vindictiveness is the motivation for her to make false statements about me. Lang's covert activity through the years was made painfully clearer to me when I found photos of her performing oral sex on a Black man I believed to be my husband. The recorded event took place November of 1993 in a hotel room at the League of Municipalities Convention in Atlantic City. I found these pictures the same day they returned and devastated, I called her at her home very late that evening to confront her. Caught by surprise, our conversation was brief. However, a week later she told me that the person was not my husband but "some Black guy she met in Atlantic City from East Orange Recreation." Lang further stated "we're like family" as we had known each other many years. Lang also said my husband had "saved her ass" many times before and she was happy he was able to "get the

pictures from the guy" and save her again. Lang would later "brag" to a friend that she had done something with someone "big." Lang had a need to compete with me as well as compete with others for the attention of my husband. She has lied to him about others as well as lied to him about me. Lang controlled quite a bit and made many decisions on her own. Lang was the person that made the so called "assignments" as well as gave directives. Lang was also the person that notified everyone (including me) when a meeting was scheduled. Lang took great pride in these pedestrian tasks. Lang also had keys to my husband's law office in order to let everyone in for meetings. Lang would be there when I got there -- I did not have keys.

In conclusion, I cannot let Karen Lang continue to malign my reputation with false testimony without this very painful, truthful response. It is abusive what you attempt to achieve by including me in this report.

Sincerely,

A handwritten signature in cursive script, appearing to read "Donna Brown".

Donna Brown

McDONALD, ROGERS & RIZZOLO

**COUNSELLORS AT LAW
181 WEST HIGH STREET
SOMERVILLE, NEW JERSEY 08876**

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April 30, 1998

**Ms. Ileana N. Saros
State Commission of Investigation
State of New Jersey
28 West State Street
CN 045
Trenton, N J 08625-0045**

RECEIVED
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Re: Robert L. Brown

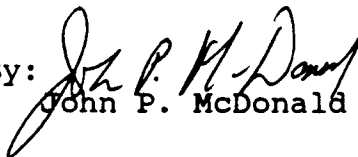
Dear Ms. Saros:

Enclosed you will find former Mayor Brown's written response to the second SCI report which Mr. Brown has asked me to forward to you.

Thank you for your kind attention to this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

McDONALD, ROGERS & RIZZOLO

By: 
John P. McDonald

JPM/jj
cc: Robert L. Brown, Esq.

**FORMER MAYOR ROBERT L. BROWN'S RESPONSE
TO THE SECOND DRAFT SCI REPORT**

I. EXECUTIVE SUMMARY

This is the second proposed report by the SCI. The first report contained names of numerous witnesses who made allegations. Most of their names disappeared from the second report while the SCI maintains some, but not all, of their naked accusations unsupported by any proof.

Brown's proposed response to the first report showed these people as completely political liars, vengeance bound and poor city employees. The SCI knew they could not fool the public and justify probably millions spent on an investigation like this - a total waste of taxpayers' money.

To save themselves, we now have a second proposed report with most of the political rats, malcontents and lousy city employees in hiding. As the old adage goes, "Let me just say it enough times without proof and maybe someone will believe it".

By the way, the SCI just writes reports to justify their existence and they never have had anything good to say about anybody they investigated.

The investigation by the SCI was a political and racial one which distorted or ignored critical facts. The conclusions were reached before the evidence was complete.

There is no greater prospect for real corruption than to be investigated by a group which thinks it might be out of business

unless it can point to evildoers as a result of their work. Anyone could predict the results of their investigation after the SCI spent hundreds of thousands of the public's dollars on the words of Orange's worst employees and known liars. To suggest Mayor Brown ever pressured anyone to support his campaign is an outrageous, bold-faced lie.

In short, the SCI was fed a host of lies by past and present employees who had multiple personal reasons to slander this administration including getting their old positions back at higher salaries. The present administration has hired campaign workers at higher salaries and twice the number. Many of these are the SCI witnesses who have been repaid for their part in the new mayor's campaign and for their misrepresentations to the SCI. This administration did no more than exercise its Constitutional right to seek office and raise funds therefor.

Political Considerations

During the course of the interview of Councilwoman Marion Silvestri, the SCI investigator told her that Mayor Brown had made a large mistake by running against Senator Richard Codey. Silvestri demanded to know what that had to do with this investigation. The SCI investigator gave no specific response, but the clear intent of his statement was that this was, in part, a pay back for running against Codey.

Racial Considerations

On two separate occasions, the SCI questioned white individuals about their motivation for being aligned with a black

mayor in a black town. When the SCI interviewed Jack Kelly, the investigator questioned why a white man like Kelly would be working for a black mayor in a black town, suggesting that this was unacceptable behavior for a white person. Mr. Kelly felt that this was a clear racist message. During an interview with Councilwoman Silvestri, this same investigator, during his comments about the Mayor's senate campaign, also asked why a nice Italian woman like herself would associate with a black guy like Brown. She took it to be a completely racist comment. The SCI report fails to disclose any of these disturbing comments.

Disgruntled Employees

Perhaps the best example of the political nature of this investigation is the hiring of Mr. Roger Monel. The Mayor is severely criticized for hiring Mr. Monel as a confidential aide at the salary of \$34,500.00. The SCI fails to report that Mr. Monel had a falling out with Mayor Brown's administration and then supported Mims Hackett when he ran for mayor against Brown. Hackett's administration rehired Mr. Monel at a salary in excess of \$40,000.00, about 20% more than Brown paid him, to perform essentially the same duties as he performed for Mayor Brown.

Gross Distortion of Spending Practices

The SCI report is replete with criticism of the administration's spending practices without any comparison whatsoever to other municipalities. The report throws out figures in an irresponsible manner. An example of this distortion is the spending for flowers.

The SCI refers to \$19,344.00 spent on flowers, but does not clearly point out this was an expenditure over an eight-year period as opposed to the suggested one year. It should be noted that approximately 50% of that total was spent on laying wreaths on the grave sites of Orange's war dead on Memorial Day. This expenditure was a long-standing tradition as a form of respect to Orange's veterans and war dead. The Council approved this expenditure for eight years and they commonly visited the grave sites and participated in the wreath laying ceremony on Memorial Day with the Mayor. Some council members are veterans themselves. Mayor Brown, like virtually all of the mayors before him, was more than happy and grateful to participate in this way. The other 50% was spent for occasions where flowers were used to decorate the halls and event sites for a multitude of programs and events, many involving senior citizens. There were some isolated instances where the death of an individual would result in flowers being sent to the deceased's wake site.

The SCI goes through great pains to attempt to embarrass Brown about some flowers sent to his deceased aunt, but never tells the public that he had two flower accounts at the same florist - one personal account and one city account. The SCI looked at both accounts. Brown sent flowers at his own expense with respect to his personal affairs. For official matters, the city account was used. It appears that in countless transactions conducted by his office over an eight-year period, one mistake was made in charging the wrong account - probably a \$20.00 error.

The public can rest assured that if there was even one other mistake of this nature, the SCI would have highlighted it.

Reporting Discrepancies

The SCI report criticized the financial reporting practices of Mayor Brown's mayoral campaign. It failed, however, to state that the vast majority of the few innocent mistakes on these numerous reports (which contained thousands of data entries) were cleared up with the filing of amended ELEC reports.

Political Cash Contributions

The SCI report reveals that Mayor Brown's election committees reported cash contributions on a regular and continuing basis. The report hints that the campaigns may have collected additional cash contributions but there is absolutely no credible evidence to support that suggestion. Indeed, the SCI report does not even attempt to suggest a total amount for these supposed unaccounted cash contributions.

II. PRESSURE TO RAISE POLITICAL FUNDS

The SCI report constantly distorts the atmosphere of fundraising in Orange. The fact is that a fundraiser was given on an average of once a year. Volunteers worked on a fundraiser for two to four weeks out of a year. The biggest task was the mailings which were all done at night. The second largest task was arranging for seating, food, entertainment, flowers and deciding on a program. This was usually done at the Mayor's home at night. The remaining task was receiving contributions. The

majority were received by mail. They would then be deposited in the bank. This was done at the law firm office or on people's personal time whenever that might be. Bank hours are from 9:00 a.m. to 4:00 p.m., therefore, deposits were consistent with that schedule. No one spent hours on end to perform that task.

For each event, the campaign might receive anywhere from 250 to 350 deposit items. Any suggestion that the work involving fundraising deposit was a hellish, all-day affair is a completely false. All available lunch or personal time easily allowed these tasks to be accomplished by numerous volunteers.

Fire Department

The SCI's allegations about taking unfair advantage of firefighters for fundraising purposes is patently false. The SCI's willingness to entertain wild tales by people at least one of whom was fully discredited in a related civil lawsuit is simply astonishing. Firefighters and police officers are entrusted with the lives of the residents of the town and it is the mayor's duty to personally meet with those who were given this responsibility. People were hired from an employment list usually in order unless an unusual reason existed to do otherwise. Any interview would have been short (5 minutes or less) and general in nature. It seems clear that of the large numbers of people hired in the police and fire department, we only have a disgruntled handful with these tales of pressure unsupported by anything other than hearsay.

Most people hired did not work on Mayor Brown's campaigns

nor did any personal favors for the organization. Those who did, did so for their own individual reasons and goals and not because they were compelled. The only favor Mayor Brown asked of all employees was not to embarrass the city by doing a poor job and set a good public image. None of the people cited by the SCI were ever a factor in Brown's political affairs. For the most part, the mayor did not even know them other than to see them around. Only a few employees were involved in any of these campaigns.

In a pending lawsuit, to which the SCI staff had full and complete access, there were 52 sworn statements by firefighters denying these types of allegations. Thirteen of those firefighters were recently hired. The SCI chose to ignore this favorable information and only report the allegations of wrongdoing made by a handful of disgruntled firefighters. Every firefighter that made these charges had an ax to grind and personal problems (i.e., not promoted, fired, retired reluctantly, drug or alcohol abuse, etc.).

Police Department

For eight years, all promotions were done in order without anyone ever being passed over. The Mayor promoted when he felt the need to do so. He promoted those he knew, those he did not know, those who supported me and those who were known enemies of mine. It did not make any difference. The record bears that out although the SCI makes certain not to mention that. Whether one contributed or not, they were promoted if qualified.

The Mayor's Office

The secretary to the Mayor's office made these unsubstantiated charges. She was excessively absent and not very competent with her clerical and computer skills. She felt doing her fingernails, talking on the telephone and looking for a husband were her job requirements. She had an assistant and still could not perform adequately. The Mayor fired her, hired her assistant and never had a problem after that. Her replacement did not ask for or require an assistant. The truth is that her assistant was doing all of the work in the office in the first place. Fired employees often make "sour grapes" charges and allegations.

Planning and Development

The SCI makes bare accusations in that there is no credible proof or basis for their allegations.

The Finance Department

There were specific allegations about someone coming to the Mayor about an incident regarding tickets is a complete lie. This complainer was a personnel problem during Brown's administration and was eventually laid off. Her ire is the reason for her misstatements about the matter.

Another complainer was the most political woman who worked in City Hall. She was continually communicating her ties to a large Hispanic voting block in town and she was their leader. This rhetoric got her a job in the Monacelli administration and a seat on the Board of Elections. She was demoted from her

accountant title because she failed the civil service exam. The Mayor refused to give her a title that she did not deserve - political or not. She ultimately received an accounting assistant title for which she was qualified.

The new administration has rehired her and given her the title of accountant even with her record of failing the exam. This is pay back for her work on the present mayor's election campaign and her testimony before the SCI. She operated completely for her own interests and had been doing so long before Brown became Mayor. No larger political animal existed in City Hall.

Attempts to Influence Testimony

At no time did Mayor Brown attempt to influence the testimony of anyone. Of course, there were countless conversations about the SCI subpoenas and rumors around City Hall as to what was being said and the anxiety of the city employees being put through this ordeal (i.e., being followed and generally harassed, cars blocked). For a period, there was daily talk around City Hall about the SCI, people testifying, the rumors resulting therefrom and the various newspaper articles.

The only attempts to improperly influence anyone's testimony were by the SCI. Two (2) witnesses interviewed by the SCI were solicited to give false testimony to help the investigation. Robert Jandoli was told by the SCI investigator that they were out to get his boss "Gamba" and they wanted his testimony to get him. Even after countless statements to the SCI that he knew

nothing Gamba did wrong, the SCI investigator offered to get Jandoli relief from a lawsuit he was in if he would give some testimony against Gamba. This same investigator also interviewed firefighter James Burke and suggested certain wrongdoings. Burke unequivocally denied the allegation stating it was false. Burke gave testimony consistent with his recollection of the facts and was threatened by the SCI that if he did not testify to what they thought was the truth, they might take some actions to cause him to lose his job. The investigator claimed his boss (Saros) was mad and demanding action be taken because the testimony was not what she wanted. All Burke did was tell the truth. He was told essentially that they did not want to hear the truth, but rather their theory of the facts.

Tax Avoidance/Robert L. Brown Civic

Brown testified about two recipients of money from his allocation, however, there were countless recipients of all different ages and sexes over the years. To understand the mean-spirited objectives of the SCI in doing this work, a college student recipient called me and said an SCI investigator asked him if he had been given a monetary scholarship and did he give any of the money back to Brown. He wanted to know who were these people and where was their problem with making a baseless, false and defaming statement like that.

It should be noted that the SCI made numerous and baseless charges about the my civic association in their first proposed report and had the same investigated by another agency. An

investigation was conducted by an independent agency at presumably the SCI's insistence and the same were dropped by that state agency.

III. CAMPAIGN FINANCE & REPORTING IRREGULARITIES

The SCI report notes that Mayor Brown raised over \$1,200,000.00 for numerous elections during an eight-year period. The report correctly notes that he personally loaned his campaign money on many occasions, but incorrectly concludes that he paid himself back \$18,500.00 more than he loaned the elections committees.

The SCI ignore the fact that it was presented with compelling documentary evidence showing that the difference was, at best, \$3,500.00 and not \$18,500.00. The SCI report also ignored legitimate and documented expenditures for the campaigns borne by Brown personally. The logical conclusion from all of the evidence is that Brown loaned the campaigns and civic activities more than he received back. The SCI report also fails to mention that Brown continues to personally pay campaign and civic activity expenses even though he is no longer holding political office.

There were some accounting errors that required reports to be amended. At least Mayor Brown always attempted to correct, clarify and provide the information sought. The SCI made errors all the time in this investigation and could care less about changing same.

Brown Law Office Rent

Brown paid for the office space for his law office and the political entities also paid rent for the least in their name (FRLB) of an additional space.

Brown used the conference room once or twice, but the committee incurred expenses for the telephone, supplies and clerical support the political entities never paid for. The costs to Brown for the expenses were much more costly than any occasional sitting down at their table.

Misrepresentation of Fundraisers

The SCI criticizes Mayor Brown's fundraisers for "misrepresenting" their true purpose. The report states that "numerous individuals" supplied information to this effect.

The SCI fails to mention just how many people were interviewed regarding their understanding of the purpose of fundraisers. It is submitted that only a handful, out of hundreds of donors questioned, ever mentioned any misunderstanding of the purpose of their donations. In fact, the purposes of each particular fundraiser was clearly conveyed both in print and orally.

The SCI refuses to release the names of any of these "numerous individuals" and refuses to disclose how many people gave favorable information regarding the fundraisers. The SCI criticizes the fact that substantial amounts of money were used for an art gallery in Orange open to the public on an invitation basis. In fact, the SCI refused the Mayor's invitation to visit the gallery and observe its activities.

Lies About Brown's Wife

The SCI, in its cowardly way in order to bring one down, drags your family into the matter. The SCI lied and misrepresented the truth as Brown knows it. His wife's chief involvement was taking citizen complaints at home and following up for a solution when Mr. Brown could not. Mrs. Brown did not orchestrate or run her husband's campaign. Of all the lies told by the racist and fascist organization, this angered Brown most. When the lynch mob feels they have to stir up your family in order to be happy, it is time for a review of The Constitution for relief against these racist zealots.

Unaccounted For Cash Withdrawals

The SCI report clearly disfavors the use of "street money" during elections. Until very recently, it was perfectly legal to use "street money" to pay campaign workers. There is no suggestion that any law was violated. The SCI does not dispute that hundreds of election workers were paid in cash. The SCI fails to mention that thousands of election day workers statewide were paid in cash; the practice was not unique to the City of Orange. Mayor Brown gave an accounting of the money spent using whatever records were made available to him, bearing in mind that there was no longer any requirement to keep detailed records.

Brown nor anyone else is familiar with the cash collection scenario outlined by the SCI witnesses and deny the same. All cash was deposited although there were instances when cash of a certain amount was given to a committee person and that person

tendered a different amount according to some contributors. Who is telling the truth? We may never know.

IV. ABUSE OF OFFICE

The SCI report alleges that the Brown Administration was abusive in exercising its discretion in hiring and firing certain individuals. The allegations are without merit and unsupported generally. Indeed, these criticisms are "Monday morning quarter backing" by the SCI staff who had absolutely no day to day contact with any of the individuals mentioned. The SCI is attempting to substitute its judgment for that of the elected officials in the City of Orange.

The Mayor's Consultant

The SCI suggest that Mr. Bridges improperly reduced a bill for private services performed for Mr. Brown . Much is made of the fact that the Mayor agreed to pay Bridges \$4,500.00, but only paid \$1,500.00, for private work preformed at 425 Main Street in Orange. The SCI concludes that the reduced amount was a payback for his receiving city work or that it was in lieu of political contributions. The real reason for the reduced bill was simple: Bridges did not do the work originally agreed to. Originally Bridges was to give Brown a design and help oversee the construction project for him. Brown later ran the project himself and acted as general contractor using some of the designs prepared by Bridges.

Brown also used and paid for other architects for the design

of the art gallery who received payment and did no city work. The SCI has those records as well, but of course there is no mention of that work in the SCI report.

Mr. Bridges received work lawfully, performed the services and was a competent professional. This suggestion of wrongdoing with respect to Mr. Bridges is simply false and outright lie.

The Chauffeur

Mr. Monel did not carry the title of chauffeur, rather he was a confidential aide who accompanied the Mayor and sometimes stood in for him. He made \$34,500.00 in the Brown administration and has since been rehired in the Mayor Hackett's office at a salary in excess of \$50,000.00. Mr. Monel did resident complaint follow up.

This chauffeur now makes about \$50,000.00 as head of older Adult Services. Another SCI witness paid for his services to get rid of Brown. To be clear, he still has a City job and makes more than he ever did for his back-stabbing efforts. Remember the SCI criticized Brown for giving him any kind of job. Monel is back and doing better.

The Mayor's Law Assistant

There was no agreement to place Ms. Carpenter on the city payroll for personal gain. Ms. Carpenter did work for the city and was paid by the city for that work. She did work for Robert L. Brown, Esq. and received office space, a secretary, a paralegal, a computer, typewrite, photocopier, supplies and telephone in lieu of payment. She had her own private practice

as well.

To say Ms. Carpenter's deal was bad or good is ridiculous. The report suggests that she did all of the Mayor's legal work in exchange for a rent abatement of \$300.00 per week. The report ignores the fact that she had her own viable law practice which she spent a considerable time on. The report also fails to note that Ms. Carpenter received free secretarial support and other office services in addition to the rent abatement. She was earning her own living lawfully through her private practice and working for me to offset the payment of office expenses. The SCI's suggestion that her termination from the city payroll was improper is also not true.

V. MISUSE OF CITY PROPERTY

The SCI report severely criticizes the Brown Administration for permitting Councilman Rudy Thomas to live in a home owned by the City of Orange at the Orange reservoir. Councilman Thomas is an elderly gentleman who was an employee of the State of New Jersey for many years. Having lived in Orange for about 70 years, he ran for, and was elected to, the Orange City Council.

When Mayor Brown was elected in 1988, on his first day in office, he was presented with a report by Killiam Associates which detailed a hazard at the Reservoir because it was completely unsupervised and not secured. The report pointed out that children and others frequently used the property for swimming, fishing and other activities. The report also

indicated that if someone drowned or was injured, the City would be liable for maintaining the property in this unsecured fashion with a reservoir and grounds being used in this way.

Councilman Thomas was asked by the Mayor as a friend to occasionally maintain a residence there to provide the presence at the reservoir which the report suggested. His services were at no cost to the City. It was understood that he would maintain his Canfield Street residence in Orange, but would serve in this volunteer capacity by providing occasional security for the reservoir. Being an elderly gentleman, assistance was needed from time to time. I asked Al Winston to help at no cost to the City, and he did.

The house had been unoccupied for years and was completely uninhabitable. Some minor repairs were made to accommodate Thomas and to provide any authorized public visitor with a toilet, running water, etc.

The house's condition was improved somewhat, but nowhere near the acceptable standard of most people. However, Councilman Thomas did have his residence in Orange as well. The SCI complains that no dual residency was filed by Thomas yet they cite no law, statute or guideline requiring such a filing. Thousands, if not millions, of people have more than one residence contrary to the SCI's suggestion that Councilman Thomas' situation was unique.

The SCI spent our taxpayer dollars following Councilman Thomas to breakfast, lunch, the bathroom and his ex-wife's house

on a petty mission to prove a meaningless point.

This may be too logical, but if the City built a resident house decades ago, it would seem the plan was for someone to occupy it. By the way, the new mayor did the same thing. Nothing has changed.

IV. THE CITY'S SPENDING HABITS

The SCI's report is most inappropriate when it discusses the spending habits of elected officials in an urban municipality miles away from the SCI's Trenton Headquarters. Who are they to say that the City of Orange should not have sent officials to the conference of the League of Municipalities? Who are they to second guess whether or not a plaque should have presented to a special citizen? What proper investigative mandate is fulfilled by their relentless criticism of the amount of money spent on floral arrangements to honor Orange's war heroes? This air of superiority exhibited by the SCI is both offensive and demeaning. The report states that the City's spending habits were "imprudent" and suggest that the Mayor, the Administrator and the City Council should have found other uses for some of these expenditures.

National Secretary's Day

The city's secretaries were honored on national secretary's day, on three or four occasions over eight years, by a luncheon held in their honor at a local restaurant. Brown felt they should be recognized like the other secretaries around the state and country on a day specifically set and dedicated to them. Mr.

Brown did not invent this idea and other public entities have done the same thing. The total expense for these events over an eight-year period was \$2,661.00.

Frames for Honorariums

There is also an expenditure noted as photo frames for \$4,553.00 over an eight-year period. This was simply the cost of framing and matting proclamations and citations Mayor Brown gave people over the years for significant contributions to the city and its people through their individual efforts. The city incurred expenses for matting and framing in connection with significant nationally recognized days for display in City Hall such as Black History Month, Women in History Month, Columbus Day, St. Patrick's Day, Adoption Month, CDBG Month, Arbor Day, Martin Luther King's Birthday, National Night Out, Fire Prevention week, National Housing Day, and the like. The Mayor tried to conduct the city's business with some sense of taste and style and that approach somehow offends the SCI. Brown believed that if one's efforts warranted recognition by the mayor, a framed and matted document was in keeping with the spirit of the city's extension of gratitude to you.

Coffee

The SCI also talks about \$17,1019.00 being expended on coffee during an eight-year period. First, Mayor Brown does not and never did drink coffee. It appears that city officials established a plan for employees to get coffee for their departments at city expense prior to his taking office. Once in

office, his senior level staff discovered the practice and eliminated it. Their action even caused the city to get sued for refusing to pay some of these coffee bills after the practice was discovered. The city lost the case and had to pay a final bill. Brown believes that this action was taken two or three years into his first term. The remaining 70% of the coffee bill complained of was generated by coffee being served over an eight-year period to thousands of citizens and taxpayers who attended the countless programs over the years. In short, the Orange citizens and taxpayers drank the overwhelming share of the coffee and no objections were expressed by the public.

Senior and Children Holiday Events

As part of the programs that Mayor Brown promised as a candidate for office, annual Christmas events were provided for senior citizens and children. The SCI claims the costs over an eight-year period was \$36,576.00. At the last Christmas party, the SCI sent an investigator to survey the party to see who attended, who worked, which policemen and firemen attended, what the people had to eat, and what types of gifts (donated by vendors) seniors received. Clearly, the SCI is of the opinion that city government should not be spending money on events for seniors and young people. The SCI has no business having such an opinion. For some seniors and children, this was the only holiday and family occasion they would attend. For many, the city family was all that they had and Mayor Brown was honored to provide that link between residents, young and old.

An expenditure of \$28,571.00 is also singled out over an eight-year period as some form of mismanagement for other holiday events. For the record, those other events over the last eight years were the senior Halloween parties, the children's Halloween parties, receptions for Columbus Day, Black History Month, St. Patrick's Day and other activities.

Nothing has Changed

For the record, the same activities and expenditures have been made by the present administration. It was only wrong when Brown did it (their target). Frankly, these expenditures are proper now and were when Brown made the same ones, but Brown was a target.

Employee Summer Picnics

The SCI also attacks the expenditure of \$3,494.00 for employee picnics during Brown's eight-year tenure. The report does not disclose that many of these events were for the kids who worked in the city's summer job program. It was a way of saying thank you letting the kids know how much their work was appreciated. It was also an opportunity to wish those going to college well and to inspire those returning to high school to never give up or think negatively about themselves. There were at least one or two employee picnics to promote morale and good feelings amongst employees.

Car Phone

The SCI claims that \$48,000.00 was spent on car phone bills. Brown did a great deal of city business on his car phone. He was

in constant contact with City Hall whenever he was not there. Over eight years, accepting their numbers, it comes out to about a \$115.00 per week bill which is reasonable. There is no guideline to the contrary.

Plaques and Awards

The SCI talks of a figure of over \$100,000.00 related to plaques given out over eight years. Brown believes that the SCI combined several different categories and thus misrepresents what they did to produce this inflated number. However, even the false number proposed is defensible. The SCI has all the records and they believe that they can get away with these distortions.

The items being complained about are plaques given to police, fire and non-union personnel after 25 years of service to the City of Orange. These people risked their lives to protect and preserve life in the city and were deserving of a decent plaque, despite any suggestion by the SCI. There were also plaques given to citizens in recognition of their service to the community (Martin Luther King Human Rights Award). All of the recipients of these recognitions were presented with a respectable and proper symbol of the city's appreciation of their contributions to the citizens. Mayor Brown could have given these people a letter, but he believed that they deserved more and an appropriate plaque was chosen.

Photo and Media Expenses

The SCI claims some \$70,839.00 was spent on publicity photographs for various city departments during Brown's eight

years in office. It should be noted that of the multitude of city events, the newspapers would generally not appear and when they did, there would usually be no photographer. The mayor was left to record the official events around the city and disperse same to the various news agencies. There was a multitude of events, projects and milestones achieved to be reported. Brown believed in the expression "a picture is worth a 1000 words" and made many pictorial presentations with the appropriate press release about the capital projects, senior events, youth activities, Taste of Orange Street Festival, public safety programs, cultural affairs, housing programs, anti graffiti programs, street facade programs, football stadium, the police station, the water filtration plants.

There were numerous activities for the youth which were captured in pictures, such as; football, baseball, drill teams, parades, Black History Monty, Irish Person of the Year, Italian-American of the Year, Martin Luther King Awards, the Halloween parade, Santa Clause at City Hall program and numerous other events. Generally, if the city did not provide the stories and the photos to the media, the story would not get out. Brown provided the information link to the public. The media generally covered negative stories, and the city wanted to report on the positive events.

It should be noted that the City Council approved the payments for these photos throughout Brown's eight years in office, but now some of these same council members claim that

they were opposed to the photos or did not know about them. However, these same council critics can be found prominently displayed in many of these pictures with broad and shameless grins. The complaints of these people are legendary when a photo shoot was held and they missed it. Many of these photos were displayed in City Hall for the benefit of its visitors.

Opposition Expenditures

Mayor Brown appreciates his opponents, Councilmen Lewis and Page, taking every shot they can at him. But why hasn't the SCI put forward their horrendous spending record for travel? Over an eight-year period, the SCI says some \$190,000.00 was spent on travel, entertainment and seminars, but what they conveniently don't report is that their City Council informants set records for spending money on travel and food. Councilmen Page and Lewis were the largest offenders, but they were cooperating with the SCI so their expenses were hidden. The records and history, however, remain. During the eight-year period of Brown's stewardship, the council and clerk spent approximately \$100,000.00 for eight people to travel while Brown's administration spent less for over 400 people to travel. Councilman Page hit his high point when he attended a \$500.00 per plate dinner in Washington, D.C. paid for by the Orange taxpayers. Such conduct had never been committed by anyone in the history of the town. This incident was known about and approved by his City Council allies.

Aside from crisscrossing the country, Councilmen Page and

Lewis had a fixation for renting hotel suites and staying over for several days at a convention in Secaucus, New Jersey. This convention was 20 minutes from Orange. This was forgotten or overlooked by the SCI. Lewis and Page averaged \$5,000.00 in one year. Brown's travel for the most part was to Washington to lobby successfully for more federal funding (\$2.5 million for more street cops in the last two years).

MICHAEL CRITCHLEY
ATTORNEY AT LAW
354 MAIN STREET
WEST ORANGE, NEW JERSEY 07052

RECEIVED
98 MAY -1 PM 2:47

MICHAEL CRITCHLEY

May 1, 1998

(973) 731-9831

JOHN E. TIFFANY, JR.
MICHAEL CRITCHLEY, JR.
STEPHEN TURANO
JOHN MICHAEL VAZQUEZ

FAX: (973) 731-7801

Via Telefax (609) 633-7366
and Hand Delivered

Ileana Saros, Esq.
New Jersey State Commission of Investigation
28 W. State Street
10th Floor
CN-045
Trenton, New Jersey 08625

Dear Ms. Saros:

Once again, you have supplied and I have reviewed excerpts of a revised report, which I assume the Commission will publish sometime in the near future.

The excerpts from your latest revised report suggest that a loan to my friend of more than twenty years constitutes a loan irregularity. I must reiterate, for the third time, that the objective, uncontroverted facts as a matter of record establish the following:

- (1) There is a note evidencing a personal loan from me to Robert L. Brown;
- (2) Pertinent and relevant ELEC reports reflect a \$10,000.00 loan from Robert L. Brown to the Campaign Committee;
- (3) Records document that the campaign repaid the \$10,000.00 loan from Robert L. Brown;
- (4) Records document that Robert L. Brown repaid the \$10,000.00 loan to me; and

- (5) Finally, Robert L. Brown was my personal friend years before he became an elected official.

There is nothing "irregular" about my loan to my friend, Robert L. Brown. Nevertheless, your report gives short shrift to these uncontroverted facts, and attempts to do indirectly what you are unable to do directly – that is, present a conclusion that fits the pre-conceived theme of the rest of your report. Your unsupported conclusions recklessly disregard the truth. As such, I demand the reference to me be removed from your report.

I also object to footnote no. 1 that states "[t]his loan is the subject of a complaint filed by ELEC, which alleges that it constituted a contribution by Critchley in excess of the \$1,500 allowed by law." Once again, this is nothing more than an attempt to do indirectly what you cannot do directly. I need not reiterate the uncontroverted facts relative to my personal loan to Mr. Brown. The facts, contrary to what you want to believe, speak for themselves. Nevertheless, you fail to acknowledge that I have denied and am vigorously contesting any such allegation. Your election not to incorporate my denials bolsters my belief that you have done so for no other purpose but to unfairly insinuate that my personal loan was improper. Your attempt to do so flies in the face of all reasonable and fair investigatory practices.

Of equal concern, however, is the fact that the genesis of the ELEC complaint referenced in footnote no. 1 emanates from the SCI in violation of N.J.S.A. 52:9M-15(a). More specifically, the June 27, 1996 certification of Irene A. Szedlmayer, assistant legal director of ELEC, expressly states that Ms. Szedlmayer reviewed ". . . bank records in the possession of the State Commission of Investigation" (A copy of Ms. Szedlmayer's certification is enclosed).

I direct your attention to the opinion in the Matter of State Commission of Investigation, 108 N.J. 35 (1997). The opinion refers directly to N.J.S.A. 52:9M-15(a):

As explained above, N.J.S.A. 52:9M-15(a) provides that any one conducting or participating in an SCI investigation who wrongfully discloses information obtained and in the course of that investigation is guilty of a crime. It also provides that any member or employee of the Commission who violates his duty of confidentiality "shall be dismissed from his office or discharged from his employment." Id. at 40. (emphasis added)

Ileana Saros, Esq.
May 1, 1998
Page 3

In light of Ms. Szedlmayer's certification and the import of N.J.S.A. 52: 9M-15(a), I demand you commence an investigation into the illegal disclosure of information to ELEC during the course of this SCI Investigation. This startling discovery of a clear violation of the SCI's mandate of "confidentiality" and the express language of N.J.S.A. 52:9M-15(a), warrants immediate redress and raises serious questions about the integrity of this SCI investigation.

I also object to the incorporation of footnote no. 2, in part for the very reasons I expressed relative to footnote no. 1. At the very least, footnote no. 2 is incomplete and misleading. Your report fails to state that the basis of the ELEC complaints were technical, late filing violations for which the respective committees settled for a nominal sum. I can only conclude that your failure to completely and accurately explain the nature and disposition of the ELEC complaints is an intentional attempt to mislead. As such, I demand that footnote no. 2 be stricken from the report.

In sum, your report seeks to paint my benevolence toward a lifelong friend as something sinister. I take great exception to this and demand that this insinuation be excised from your report. Any suggestion of impropriety published in your final report is made in reckless disregard of its truth. See New York Times v. Sullivan, 376 U.S. 254 (1964); Garrison v. Louisiana, 379 U.S. 64 (1964); St. Amant v. Thompson, 390 U.S. 727 (1968); Lawrence v. Bauer Pub. Co., 89 N.J. 451 (1982); Marchiano v. Sandman, 178 N.J. Super. 171 (App. Div. 1981); and Binkewitz v. Allstate Ins. Co., 222 N.J. Super. 501 (App. Div. 1988). Be guided accordingly.

Very truly yours,


MICHAEL CRITCHLEY

MC:sm

cc: Leslie Z. Celentano, Chairperson
M. Karen Thompson, Commissioner
W. Cary Edwards, Commissioner

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION
CN-185
Trenton, New Jersey 08625-0185
(609) 292-8700

NEW JERSEY ELECTION LAW
ENFORCEMENT COMMISSION,

Complainant,

v.

FRIENDS OF ROBERT L. BROWN,
a.k.a. BROWN PAC

a continuing political committee,

and,

MICHAEL CRITCHLEY, organizational treasurer,

Respondents.

OFFICE OF ADMINISTRATIVE LAW

OAL Dkt. No. ELE 04655-95N

ELEC Dkt. No.

C-W 0027 0004 11-91(Q)-93(Q)

CERTIFICATION IN SUPPORT
OF MOTION TO AMEND THE
COMPLAINT

TO: John E. Tiffany, Esq.
Michael Critchley & Asso
354 Main Street
West Orange, NJ 07052

Angelo J. Genova, Esq.
Eisenhower Plaza II
354 Eisenhower Parkway
Livingston, NJ 07039

*Szedlmayer
Cert.*

I, Irene A. Szedlmayer, attorney for the Petitioner in this matter, the New Jersey Election Law Enforcement Commission, hereby certify as follows:

1. On or about March 3, 1995 the Commission brought a Complaint against the Respondent Committee and Respondent Treasurer for late filing of quarterly reports, late filing of quarterly report information, failure to file quarterly report information and failure to file a designation of depository and treasurer in 1991, 1992 and 1993.

2. On April 17, 1995 the Respondents filed an Answer in which they denied all of the Commission's allegations except that they admitted their identities and admitted having filed with the Commission on September 30, 1992 a Designation of Treasurer and Depository (Form D-3). The Respondents requested an administrative hearing.

3. On May 8, 1995 the case was filed with the Office of Administrative Law.
4. On September 22, 1995 the Respondent Committee and Respondent Treasurer filed with the Commission further amended quarterly reports, certified as correct by the Respondent Treasurer, for the first through fourth quarters of 1991.
5. On or about October 10, 1995, the parties were notified that the plenary hearing in this case was scheduled for January 17, 1996.
6. In a letter dated November 20, 1995, accompanied by a certification, proposed order and notice of motion, I notified the Respondents that I intended to move before the Honorable Arnold Samuels, ALJ, for an Order compelling discovery.
8. On November 27, 1995 the Respondent Committee and Respondent Treasurer filed with the Commission further amended quarterly reports, certified as correct by the Respondent Treasurer, for the first through fourth quarters of 1992 and the first and second quarters of 1993.
9. On December 19, 1995, pursuant to my motion, Judge Samuels ordered that the Respondents were barred from producing at the hearing in this case any information or documents not provided in discovery to me by December 29, 1995. Judge Samuels amended his Order on December 22, 1995, with the consent of the parties given during a telephone conference, to require that Respondents provide discovery to me no later than January 22, 1996 or be barred from producing such information or records at the hearing.
10. On December 22, 1995, based on representations by the parties that a settlement appeared to be near, Judge Samuels agreed to adjourn the hearing until February 1, 1996.
11. Pursuant to receipt on January 31, 1996 of a copy of the Respondent Treasurer's Affidavit and Waiver of Hearing and the proposed Consent Order signed by John E. Tiffany, Jr., Esq., and Angelo J. Genova, Esq., on behalf of the Respondents, Judge Samuels adjourned the February 1, 1996 hearing.
12. At its meeting of February 27, 1996, in Executive Session, the Commission deferred action on the proposed Consent Order due to concerns that the Commission staff had not reviewed bank records or any other independent documentation to verify the accuracy of the amended reports upon which the Consent Order was based.
13. By way of a letter dated February 29, 1996 to Messrs. Genova and Tiffany, sent by fax and by first class mail, I requested that bank records and any other documentation needed to verify the accuracy of the information disclosed in the quarterly reports certified and filed by the Respondents for the first through fourth quarters of 1991, the first through fourth quarters of 1992, and

the first and second quarter of 1993" be provided by March 11, 1996 in order for the proposed Consent Order to be considered by the Commission at its meeting of March 26, 1996. (Copy of this letter attached as Exhibit A)

14. In a telephone conversation with me on March 11, 1996, Mr. Genova indicated that the Respondents would supply what was requested but not in time for the March Commission meeting.

15. During March, April and May of this year, while waiting for the Respondents to provide the requested bank records, I reviewed the reporting of loan transactions on quarterly reports certified and filed by the Respondents and campaign reports filed by the the candidate committees of Robert L. Brown in the 1988 municipal election, the 1991 primary and general elections, the 1992 municipal election, and the 1993 primary election. The specific areas examined were the reported receipt of personal loans from Donna Brown and Robert Brown, the reporting by the Respondent Committee of outstanding balances relevant to those loans, the reporting of the making of loans by the Respondent Committee to Mr. Brown's candidate committees, the reporting by Mr. Brown's candidate committees of the receipt of funds from the Respondent Committee, the reporting by Mr. Brown's candidate committee of the repayment to the Respondent Committee of funds received, and the reporting by the Respondent Committee of accounts receivable from Mr. Brown's candidate committees.

16. My examination revealed inconsistencies and inaccuracies in the reporting of these loan transactions.

17. On May 1, 1996 Frederick M. Herrmann, the Executive Director of the Election Law Enforcement Commission, received a letter from James J. Morley, Executive Director of the State Commission of Investigation. Mr. Morley wrote that in the course of its investigation of the City of Orange, the Commission uncovered information that bears upon the issue of whether the Respondent Committee complied with the New Jersey Campaign Contributions and Expenditures Reporting Act. Mr. Morley invited ELEC to review that information.

18. My review of bank records in the possession of the State Commission of Investigation relevant to the two bank accounts maintained by the Respondent Committee supported my conclusion that the Respondents have not correctly reported some loan transactions in the quarterly reports for 1991, 1992 and 1993.

19. The erroneous or inaccurate reporting of loan transactions by the Respondents in the quarterly reports for 1991, 1992 and 1993 was not expressly alleged by the Commission's Complaint dated March 3, 1995, but such reporting implicates the correctness of those quarterly reports, which amended quarterly reports were the basis of settlement negotiations with the Respondents.

20. On May 16, 1996 Mr. Genova telephoned me to schedule a meeting to deliver

the bank records and to explain what the Respondents were providing. He indicated that some of the photo copies were not very legible and that he was bringing a complete set of originals and a complete set of copies.

21. In correspondence to Mr. Genova dated May 23, 1996, confirming our May 30, 1996 appointment, I reiterated that the records which had been requested included all documentation "necessary to verify the information contained in the quarterly reports filed by the Respondent Committee and Respondent Treasurer for the first through fourth quarters of 1991 and 1992 and the first and second quarter[s] of 1993." Copy of letter attached as Exhibit B.

22. On May 30, 1996 Mr. Genova and Juana Farley, Farley & Co., Inc., who apparently prepared the quarterly reports filed by the Respondents subsequent to the issuance of the Commission's March 3, 1995 Complaint, came to the Commission's office in Trenton, purportedly with the bank records and documentation requested. Ms. Farley indicated that Hudson City Savings Bank, one of the two banks which served as an organizational depository for the Respondent Committee, had provided copies for only about 60 percent of the checks which the Respondent Committee had deposited into its account. Ms. Farley explained that to complete the reports she utilized quarterly reports previously certified and filed by the Respondents to supplement the information available from the bank. After Ms. Farley explained how to use the records to verify the accuracy of the information contained in the quarterly reports, I requested to apply the methodology to sample contributors to ensure I understood. The first contributor listed on the first page of Schedule A of the first quarterly report for 1991 could not be verified with the records being provided by the Respondents. The second contributor from the same page and same report could not be verified in the materials being provided by the respondents. No further contributors were examined in this manner.

23. When I asked to be directed to the documentation relevant to outstanding balances or accounts receivable reported in the the quarterly reports, Mr. Genova objected that such inquiry was outside the parameters of the Complaint and refused to leave any of the bank or other records. Commission staff has been provided no bank records from the Respondents.

24. At its meeting of June 11, 1996, the Commission directed staff to seek to amend its Complaint to allege incorrect reporting of personal loans from Donna and Robert Brown and loans from the Respondent Committee to Mr. Brown's candidate committees.

25. The allegations of the Amended Complaint concern the contents of the quarterly reports which are the subject of the Commission's March 3, 1995 Complaint. The Amended Complaint modifies the allegations of the March 3, 1995 Complaint to account for the additional quarterly report information that was filed by the Respondents subsequent to the issuance of the Complaint. The allegations of the Seventeenth Count and the Twentieth through Twenty-second

Counts concern the failure to certify and file correct quarterly reports by failing to delete outstandings balances to Robert L. Brown and Donna Brown and failure to report accounts receivable from two of Mr. Brown's candidate committees.

26. In a letter dated June 14, 1996, I informed the Respondents that I intended to move for leave to amend the Complaint and I refunded to Mr. Genova the penalty payment in the amount of \$3,300.00 which had been submitted by the Respondents in anticipation of settlement.

27. I submit that it is more efficient and expedient for the Respondents and the Office of Administrative Law, as well as the Commission, for the Commission to amend its pleadings to encompass the alleged reporting errors related to loan transactions than for the Commission to commence a separate action concerning those transactions.

28. I believe the Respondents would not be prejudiced by the Court's granting of leave to amend the complaint.

29. A copy of the Amended Complaint is attached.

I hereby certify that the above statements made by me are true and accurate to the best of my knowledge. I am aware that if any of these statements are willfully false, I am subject to punishment.

6/27/96

Date



Irene A. Szedlmayer
Assistant Legal Director
Attorney for Petitioner

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98 MAY -4 AM 10:23

April 17, 1998


Ileana N. Saros
Counsel
Commission of Investigation
28 West State Street
CN 045
Trenton, NJ 08625-0045

Dear Ms. Saros:

Below is the response to the Commission report portions that refer to me and my husband, Emile Dillon, Jr. under Political Pressure.

As I stated during repeated questioning in the past any contributions given to any candidates I have supported have been by choice not by force. As to the amount indicated in the report I can neither agree or disagree until I review the documents requested by your office which have not been returned as of yet. Though I am not sure about the amount attributed to me and my husband in the report, I am clear as to the reason for our contributions. Any pressure and harassment to me and my family was through this investigation. All we did were the requirements of the job we were paid to do.

Sincerely,



Geraldine Dillon

CHAPMAN, HENKOFF, KESSLER, PEDUTO & SAFFER

ATTORNEYS AT LAW
425 EAGLE ROCK AVENUE

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ROSELAND, NEW JERSEY 07068

(973) 403-8800
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MICHAEL A. SAFFER

NJ AND NY BARS

82 WALL STREET
SUITE 1105
NEW YORK, N.Y. 10005
(212) 509-2612

FILE NO.

32301

April 22, 1998

VIA FACSIMILE AND REGULAR MAIL

Ileana N. Saros, Esquire
State of New Jersey
Commission of Investigation
28 West State Street
Post Office Box 045
Trenton, New Jersey 08625-0045

RE: Joseph Fonzino

Dear Ms. Saros:

As you are aware, we represent Mr. Joseph Fonzino, the Director of Community Services and the Health Officer of the City of Orange, New Jersey.

We received a copy of your April 15, 1998 letter to Mr. Fonzino and he provided to us the proposed portion of the Report that relates to him. For the reasons set forth below, we respectfully request that you include this letter as a response to that portion of the Report relating to Mr. Fonzino.

The solitary reference in the Report to Mr. Fonzino concerns his contribution of \$5,085 to Mayor Brown's fundraisers between October 1988 and April 1995. In **none** of those years did any of Mr. Fonzino's contributions exceed the maximum, legal contribution. Consequently, Mr. Fonzino sole inclusion in the Report concerns conduct by him that is perfectly **legal**.

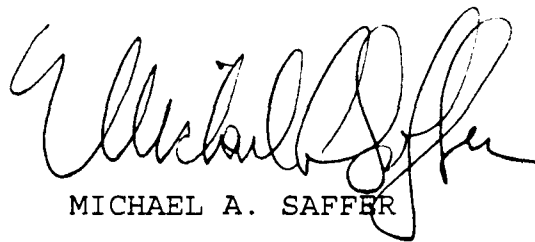
The Commission is no doubt aware that any reference to an individual in an SCI Report creates a certain stigma and raises suspicion in the public eye and among employers. In light of the fact that the conduct of Mr. Fonzino is plainly not violative of any statute or regulation and the attendant stigma he will endure by his inclusion in the Report, the reference to Mr. Fonzino should

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Ileana N. Saros, Esquire
State of New Jersey
Commission of Investigation
April 22, 1998
Page Two

not be included in the Report. Accordingly, we respectfully request that that portion of the Report referencing Mr. Fonzino be deleted in its entirety.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael A. Saffer", written in a cursive style.

MICHAEL A. SAFFER

MAS/dm

SCI Executive Summary, Release No. 9604006
John Gamba
Page 1

Page 1, SCI Release 9804006 - "Political Pressure"

I state for the record that I have never, at any time, exerted any pressure on anyone, employee or otherwise, for any reason whatsoever, including the purchase of tickets I object to this allegation on the basis of it's anonymity.

Page 2, SCI Release 9804006 - "Financial Burden"

I believe it is my constitutional right to contribute to the political candidate of my choice. Further, had it been financially possible for me I would have contributed more. Even the local newspaper Orange Transcript endorsed Mayor Brown over Hackett.

Contrary to the report, I did not bear a heavy burden to contribute to Mayor Brown's campaigns. The amount of \$4,690.00 in contributions over six years comes to \$781.00 per year. This amount represents about 1% of my annual salary, hardly a heavy burden.

The fact is my contributions are no different from those of my predecessor or those of the current Fire Director's contributions to current Mayor Hackett.

Page 2, SCI Release 9804006 - "Computerized Contributor Lists"

There were two repositories for these lists: ...and a laptop computer used by Fire Director Gamba."

The laptop was never a repository for any fundraising lists. An objection is hereby made to this allegation on the grounds that there has never been, not at hearing, nor to this day, a "reconstructed list" or any other type list presented to me to respond to.

Karen Lang has admitted to storing fundraising databases from 1991, 1992 and others (up to 13 or 14 databases) on her hard drive at her workplace. I did not direct her nor was I aware that she was doing so. Further, there was no reason for her to store that type information at her workplace, other than her nature to be in control. She was extremely possessive and seemed to try to impress her superiors.

Karen Lang had already had a database in 1991 when I worked with her as a volunteer on the fundraiser. Karen Lang had served two years on the "Ball Committee" prior to my becoming involved on the committee. She had access to

SCI Executive Summary, Release No. 9604006
John Gamba
Page 2

almost every City of Orange employee's personal information, including name, address, phone, birthdate, SS#, etc.

Page 3-4, SCI Release 9804006 - "Concealment"

"...an attempt had been made to remove the windows operating system and its related files..." This probably occurred on every computer every time windows came out with a new version.

The report states that "...files were found to contain information regarding...BALL ADS 1991".

First, I have not been allowed to review what is allegedly part of a repository for fundraising. If such an outdated list (a 1991 list allegedly discovered in 1995) was discovered on the laptop computer, I have no knowledge of how, when or by whom it was inserted onto the hard drive. A list of any nature could be inserted quickly and easily by anyone having limited knowledge within minutes.

Secondly, it is true that in my position as Fire Director/Fire Chief I am in control of all equipment, personnel, records of the Department to a degree. The finding of any foreign information on the laptop is analogous to the findings by the SCI on the other Fire Department computers such as the Income Tax Software Program, the Recipe Program, the Travel Program, defunct files and the games that employees play on the computer.

At any given time files are discovered that do not belong on the hard drive on each and every computer in the Fire Department. On more than one occasion viruses have been discovered that can only be transferred into a computer by a foreign floppy disk since there is no internet connection. Every computer in the Fire Department has had a virus and every computer has been outfitted with virus protection. The fact that every computer has had a virus coupled with the foreign software confirms the fact that extraneous and unauthorized floppy disks have been inserted into the computers at the Fire Department on numerous occasions.

The laptop computer was, as were all the fire department computers, at times, accessible to more than eighty other employees, one of whom has testified to seeing things on the screen but not remembering exactly what he saw.

There are a small number of disgruntled employees who carry a vendetta against me and have lied to the SCI. Most all of them are computer literate and any one of them

SCI Executive Summary, Release No. 9604006
John Gamba
Page 3

could have had access to the laptop computer.

I unequivocally state that the laptop was never at any time, with my knowledge, used as a repository for fundraising information. In addition, the suggestion of any attempt to destroy evidence is outlandish and maligning without basis in fact.

To my recollection, the laptop was not purchased until late 1991 or sometime in 1992, but after the 1991 Ball. For an investigator to find remnants of a 1991 database in 1994 does not support the allegation that the computer was used for a repository, again, it never was.

Page 4, SCI Release 9804006 - "Creating the Pressure"

I did not see any pressure involved with mailing out invitations to a fundraiser. The work was done by volunteers and is part of every campaign in the country. To my knowledge the mailings were sent to the people that attended the previous function.

Page 5, SCI Release 9804006

Lang was never instructed by me to store anything in her computer. Cosey and Lang were not directed by me to call the mayor's law office. If I needed information from the law office I was capable of making a phone call.

Karen Lang was more computer literate than most secretaries. She was also very protective of her PC, partially attributed to the fact that she did not want her boss to find her playing games on her computer during the work day. She was the type of employee who passed rumors, complained about her bosses personal habits and generally liked to gossip.

Karen Lang not only made her own password, she told me that she regularly installed, designed and removed her software, databases, information and changed her passwords. She further stated that after her computer "crashed" in 1991 she kept everything on a floppy. This was not the first time or the last time that she advised me that she had "lost everything" on her computer. I had no knowledge of what she kept on her hard drive other than her employee database and her dental database.

During the years 1990 to the present, Karen Lang had also purchased two or three different computers at work and at least one or two at home.

I did not direct Karen Lang to call the law office to inquire whether payments had

SCI Executive Summary, Release No. 9604006

John Gamba

Page 4

been received. Karen Lang describes events that occurred the last few days before a fundraiser. At that point in time it was important to monitor returns in order to arrange seating and to notify the caterer of the number of people to be served.

It was my understanding that Karen Lang, and others who were given the responsibility, were keeping track of fundraising on a computer on her off duty time, at the Mayor's law office on Main Street and on her computer at home. I have seen Karen Lang, on numerous occasions, walking to the law office on Main Street around the lunch hour and after work hours to undertake this volunteer work. Any list that Karen Lang may have given me were printed at the law office, according to her.

Page 6, SCI Release 9804006 -

Karen Lang is a confused liar. Karen Lang has lied under oath and retracted her statements regarding other individuals in this report.

Lang was not assigned by me, she had worked in the position at the front desk prior to me becoming a volunteer in the fundraiser.

A thorough investigation would have revealed that there were no amounts of cash as reported by Lang. The majority of tickets were paid for prior to the event. The main responsibility for anyone at the front desk was to ensure that the ticket was paid for and to advise the guest of his table number. After speaking to other volunteers who worked side by side with Karen Lang, it was verified that no such cash volume existed, there may have been one, maybe two tickets during the event. By and large everyone who paid at the door paid with a check. None of the other volunteers have seen the amounts of cash Lang alleges and none of the other volunteers have seen her "cash box".

Lang has not mentioned nor produced any cash receipts. Lang claims between eight and ten thousand dollars was collected at the door, half of which was cash. Any reasonable investigator would conclude that out of that substantial amount someone would have asked for a receipt.

Karen Lang had been on the committee, with her name appearing printed in the ad journal as a not only as a committee member, but in a separate personal ad. She also worked on the front door years before I became a volunteer. When I became a volunteer, it was Karen Lang who showed me what to do because "she had done it last year."

Karen Lang did not receive any instructions from me, on the contrary had advised me

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John Gamba
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of what was needed to be accomplished.

Karen Lang was involved with the campaign two years before I was. She projected herself as a take charge individual who had volunteered to assist with the Mayor's fundraising. I never gave her directive and I never saw her take direction from anyone other than the Business Administrator.

The only competition that existed was in Karen Lang's mind, she was married to a police officer and it is possible that it was important to her that the police participate at the same level as the fire department.

The only competitions that I advocated between the Police and Fire Departments were the volley ball games at the senior Picnics which the Fire department won and the softball game at Central Playground which the Police won.

I recall Karen Lang working on the front door. I also recall Karen Lang consuming numerous alcoholic beverages to the point where she was so intoxicated that she slurred her words. When this occurred it was determined that she should be relieved of her responsibilities at the front door.

My responsibilities at the front door included greeting the guests and making sure that the affair ran smoothly. I did not collect money nor was I a witness to any sums of cash as Karen Lang has testified to. Further, after speaking to other individuals that also worked at the front desk, no other volunteer worker recalls seeing amounts of cash that lang falsely testified to, nor any "cash box." Since lang is the only one with knowledge of four to five thousand dollars in cash, it is possible that she may have used the cash to finance her home addition, new four wheel vehicle or the two computers she purchased.

I have never seen or handled a cash box used in conjunction with a fundraiser.

Page 7, SCI Release 9604006

Thomas Henderson was given the opportunity to resign to avoid discipline for various acts of misconduct.

Henderson claims he paid cash for the tickets to the Mayfair Farms and handed the cash to one of three people, one of whom was Lang. Henderson never handed me any cash.

Henderson claims regarding questioning progress of ticket sales that "90% of it

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occurred during office hours" I have seen Henderson at the building department 3 or 4 times in two or three years. The time that I spent at city hall was negligible.

Page 8, SCI Release 9804006 Henderson

Henderson's claim data was maintained on Lang's computer at my direction is a blatant lie. It has been reported to me that Henderson was asked to resign for committing some act of wrongdoing. He had been rehired by Hackett.

Thomas Henderson was a large part of the 1988 election campaign. Thomas Henderson told me nothing about any merchants purchasing tickets nor did I ask him to sell tickets to anyone.

Henderson has never handed any cash to me. I have never given Henderson an order nor asked him to contact anyone. I have never asked him to push tickets. He was not my subordinate, he had worked in the Mayor's campaign for years prior to my becoming a volunteer. I have never attended a director's meeting where tickets were the subject matter.

It is telling that the only Directors that have lodged complaints and fabricated malicious stories are Arlene Kemp and Thomas Henderson. Both were allowed to resign subsequent to wrongdoing or poor performance during the Brown administration and both were subsequently rehired by Hackett.

Thomas Henderson has seen me helping many secretaries on their computers at City Hall, including his own secretary. Henderson also witnessed me helping two secretaries in the building department, where I designed a database to keep track of their information for city licenses. I had also helped Henderson's secretary with her computer to a small degree. Henderson had asked me computer questions and spoke to me about "prodigy" on more than one occasion. He had it, I was not familiar with it. Most secretaries had limited computer skills. In the City Clerk's office, the hard drive "crashed" on more than one occasion and I was called to assist.

In the public works department, the computer would not print and there was a need for new software to be installed. In the finance department I assisted with a database to track and collect unpaid taxes. To this day there are some secretaries at city hall who will call the fire department for assistance when they need advice or help with a computer.

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Page 8, SCI Release 9604006 - "Pressure on the Business Community"

"The commission found questionable tactics in connection with the levying of penalties by the fire prevention bureau."

There are no questionable tactics in connection with the levying of fines.

The SCI has demonstrated an inability to understand the Fire Code in the State of New Jersey.

The Fire Prevention Bureau in the Orange Fire Department is the local enforcing agency for the NJ State Uniform Fire Code, N.J.A.C. 5:18 1-1 et seq. and inspects more than 800 commercial and residential properties annually. With other inspections bringing the total to over 1,000 inspections. To find one contractor and one building owner out of 1,000 and allege that they represent any part of doing business in Orange is unconscionable.

It is unfair to judge the workings of a Fire Prevention Bureau on any false reports from business owners who attempted to avoid paying a fine.

There have been other complaints, not mentioned in this report, and probably investigated by the SCI to no avail. The vast majority of appeals to any actions of the Fire Prevention Bureau result in both the Fire Prevention Bureau and Fire Director Gamba, acting in his capacity as Fire official and Fire Subcode Official, prevailing.

There are more than 25 licensed fire inspectors that levy fines. Each and every fine has been levied properly, legally and within the scope and requirement of the N.J.A.C. 5:18-1 et seq., known as the NJ State Uniform Fire Code.

At the onset of the investigation, the SCI was given a computer printout of every violation and fine issued by the Fire Prevention Bureau more than 800 transactions and collection of more than \$150,000.00 in registration fees and penalties.

The SCI was also given an accounting of all monies collected from fines and all monies expended. The SCI also delved through the Smoke Detector Grant Program monies. There is nothing missing, nothing unaccounted for and no evidence of any wrongdoing in the Fire Prevention Bureau.

No business owners who complained are credible.

First and foremost all fines issued were the appropriate penalty for the violation of the

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NJ Uniform Fire Code. Complaints of fines were inaccurately testified to.

The inability of the investigator to understand the requirements of the NJ State Uniform Fire Code prior to making an accusation of wrongdoing on the part of a licensed Fire Official is unconscionable. By law, fines cannot be reduced or removed until the violation was removed. One business owner never removed the violation, then lost ownership of the building.

The same business owner stated that he thought buying tickets would help to eliminate the fine, nothing could be further from the truth.

There are probably more than 100 other fines that have not been paid for different reasons. One business owner walked away from the violation and walked away from the building. The subsequent owner removed the violations and paid a fine.

There are a substantial number of outstanding violations and fines. The SCI was informed at hearing that there was a project named "Project Follow Up 94" in which every outstanding Notice to Terminate and Notice to Pay Penalty was followed up by different superior officers of the Orange Fire Department. Numerous settlements and collections were made during the term of this project. Violators who refused to cooperate or who could not be contacted were sent to the City Law Department for collection. These records were never reviewed by the SCI and should have been investigated prior to reaching the false conclusions that are reported.

Pursuant to N.J.A.C. 5:18-1 et seq., a fine issued for violation of the Uniform Fire Code may not be reduced or removed until the violation is removed.

The report is silent on a \$350,000 fine which was reduced, in court by a judge, to \$25,000 and still outstanding. In addition, the latter violation continues to exist.

The report is also silent on outstanding fines in excess of \$135,000 issued to the same person operating two illegal junkyards in the City of Orange. Is the silence due to the fact that the violator supported Mayor Brown's opponents who are also my detractors?

Since the investigation of an individual is sometimes furthered when "their name keeps coming up", why has the investigation chosen to ignore another name that keeps coming up, Mr. Joseph Spezio? Is he allowed to misuse federal and county public funds, ignore the NJ State Uniform Construction Code, the NJ State Uniform Fire Code, the municipal judge, his debts to contractors and suppliers and his outstanding fire code fines because he supports Mayor Brown's opponents who are also my adversaries?

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Page 9, SCI Release 9804006 Kemp

Arlene Kemp, who was the Director of Public Works was allowed to resign due to poor performance. Arlene Kemp was also rehired by Hackett.

Arlene Kemp, regarding tickets and ads, "testified that she did so only when telephoned and urged to do so by Fire Director." Kemp's statement is a blatant lie.

Arlene Kemp was hired by the administration prior to me. She had purchased tickets and ads before I ever met her.

I have never telephoned her to urge her to do anything other than her job. This includes but is not limited to repairing the Fire Department Building's exterior and interior and the plumbing and heating systems. Also removing the leaves causing fires from the streets and the snow so that Fire Department vehicles had access to the buildings in town. Her laxness in these areas would prompt a call from me. It is difficult to accept that she was always away getting her hair done in the middle of each blizzard. She was indifferent and antagonistic to some of the goals of the Brown administration.

The records will show that Arlene Kemp viewed the Fire Department Building and the employee's with disdain. There are memo's from Arlene Kemp refusing to maintain the plumbing system due to a report of coffee grinds in the system.

Arlene Kemp initiated a telephone call to me in regard to her ad for "what would be a nice thing to say?" in the ad. In addition she sought other advice such as what to buy the Mayor for his birthday, what to buy for Christmas. She stated to me that "You always have good ideas." She had gone as far as finding out my pager number and paged me to ask personal questions regarding a gift for the mayor.

While at the law office on Main Street, after work hours, Kemp asked for a list of what she termed as "her people" who had responded. These seemed to be people that she had a working relationship with and felt comfortable in contacting. She was asked to identify who "her people" are, she did so by putting the little x's near their name and was advised of which had responded.

Page 10, SCI Release 9804006 - "Wielding Pressure in City Government"

There was never a competition fostered by me in the Orange Fire Department. I believe that the men who supported the mayor did so of their own volition and had no

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idea, nor cared how many police were supporting the mayor.

Probationary firefighters were the target of intense training, were never pressured by me nor did I suggest that they be pressured.

Prior to my appointment as Fire Director there had been no rapport between the Orange Fire Department employees and the Brown administration. My predecessor Fire Director Gallagher had poorly represented the firemen to the mayor. He had threatened to sue the mayor and lied during contract negotiations. Mayor Brown was the City's first black mayor. Many fire employees resented that fact. Initially he was verbally attacked by members of the Fire union.

From the onset of my appointment as Fire Director there came a mutual respect between the firemen and the administration. The atmosphere was one of understanding and cooperation. I asked the men for a day's work for a day's pay and received it willingly from most firefighters. There was a small amount of resentment because firefighters were asked to perform functions within their job title they never before were asked to perform. For instance, inspection of the schools, obtaining fire inspector licenses, attending training certifications, following the rules and regulations, constant learning about their jobs.

Since the SCI has concluded that more contributions came from the fire department than the police department, could the reason be that the employees wanted to continue being acknowledged by the Mayor? Did the raises the men received without arbitration, increased manpower, increased longevity, the new equipment, promotions, stipends, cleaner working conditions, vehicles, new fire trucks, uniforms and respect from the administration have any bearing on the support the mayor received? I believe this to be the case.

Page 11, SCI Release 9604006 - Dozen Firefighters

There have been more than 50 signed statements submitted by my attorney to the SCI attesting to the absence of any pressure in the Fire Department.

I am not aware of a restriction for an employee to support the Mayor of the city in which he works. Previous Mayor's and the present Mayor have been supported to different degrees. It is possible that there were employees in the fire department looking to achieve their goals through Mayor Brown.

Previous Mayor's would allow years to pass without promotions, years to pass without new fire engines and trucks. Numerous individuals have "died" on their promotional

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lists under previous mayors, including myself.

No employee in the fire department nor on any hiring list was ever promised anything or threatened in any way. Again, there are more than 50 signed statements, which have been submitted to the SCI, from employees of the Fire Department stating that they were never pressured.

The credibility and the motive of the few fire department employees who complain of pressure must be considered.

The report alleges an "unspoken competition". It is suggested that the reason it was unspoken is because it was not real, did not exist or only existed in a few small minds.

I object to the anonymity of the allegations. I believe the allegations are baseless and were initiated by disgruntled employees guilty of insubordination, admitted drinking on duty, firearms arrest, drug possession, drug use while on duty, misconduct, surreptitious tape recording, racism and assault.

It is a travesty for the SCI to become involved in the intricacies of discipline in the Orange Fire Department. It is also unbelievable that they consider the testimony of the above mentioned individuals.

All employees have the right to the grievance procedure in the event that a contract disciplinary violation occurs between the employee and the City.

Page 11, SCI Release 9604006

Fire department employees were hired and promoted without regard for their political affiliation. All personnel actions regarding hiring, promotion and discipline were taken according to NJ Department of Personnel guidelines and upheld at the state level.

There were absolutely no "trumped up" disciplinary charges that occurred in the Orange Fire Department, during the time period 1991 to 1996.

These allegations of "trumped up charges" and "harassment" were made by disgruntled fire department employees guilty of insubordination, misconduct, admitted drinking on duty, firearms arrest, lying on reports, lying under oath, drug arrests, drug abuse and thievery, drug possession, drug use while on duty, misconduct, surreptitious tape recording, racism and assault.

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I continue to stand behind each and every hiring, promotion and disciplinary charge issued during my tenure as Fire Director. The citizens of Orange did not deserve to be duped by those employees unwilling to perform to the standards set.

There have been thirty four probationary firefighters hired under Mayor Brown. Probationary firefighters attended and probationary firefighters did not attend at their own discretion and free choice. There is absolutely no correlation between a Probationary firefighter who did not attend and any loss of privileges, suspension, dismissal, fine or other disciplinary action.

There is no correlation between a any firefighter who did not attend and any firefighter's "passover" for promotion.

In addition, sworn statements have been submitted to the SCI signed by probationary firefighters attesting to the fact that they were never pressured. No probationary firefighter was ever taken advantage of.

The fire department employee that alleged he was called to "lend assistance" at Brown's campaign headquarters was recently arrested for possession of firearms and drugs and is no longer an employee of the Orange Fire Department.

If anyone is guilty of a trumped up disciplinary charge, consider Hackett's appointed Fire Director, Frank Gallagher, firing a twenty four year employee in good standing "on a technicality."

Page 12, SCI Release 9804006 - "Assignment of City Vehicles"

I did not use the city vehicle assigned to me for personal reasons and always had a personal vehicle of my own.

Mayor Hackett's purchase of a vehicle from the funds of the emergency management account when the emergency management coordinator never had a vehicle before is worthy of investigation. As is present Fire Director Gallagher illegally driving a vehicle purchased with fire prevention funds designated for use by the local enforcing agency, the Orange Fire Prevention Bureau.

SCI should further investigate Hackett illegally stopping the pay on July 1, 1996 of an employee without notice, which is a crime under N.J.A.C. 4A:1-1 et seq.

RECEIVED
98 MAY -8 AM 10:20

May 6, 1998

Ileana Saros, Esq.
State of New Jersey
Commission of Investigation
P.O. Box 045
Trenton, New Jersey 08625-0045

Dear Ms. Saros:

In response to your letter dated April 15, 1998, please find my response.

Sincerely,


Thomas Morrison

POLITICAL CONTRIBUTIONS

As an official supporting Mayor Brown's team, I was happy to support his political campaigns. We believed in good government and were willing to support his campaigns which included campaigns for Assemblyman for State Senator and multiple Mayoral Elections. I did willingly contribute the \$19,600.00 mentioned in the SCI report. To my knowledge, no one was threatened with termination or other consequence if they did not contribute.

Certainly, enlightened self interest was also at work. Many people contributed in 1992 because Mayor Brown stood for reelection and if his opponent was elected we would be removed from our jobs. It is not unusual for untenured members of any administration to contribute to reelection campaigns. It is not illegal, or unethical.

As other people have been linked to my role in Orange, I offer the following;

Karen Long

As is the habit of a prosecutorial group, the SCI staff has purposely distorted and twisted situations that exist. Karen Long not as my secretary, but as an interested participant helped with the political fundraisers that were held; there was a clear line of demarcation. Karen did often come to Mayor Brown's law offices at night to help with general mailings of tickets. She did so willingly.

To my knowledge, it is a complete misrepresentation that directors were expected to buy ten (10) tickets and employees one (1) ticket. There was no requirement for directors to buy ten (10)

tickets to any affair and no requirement for any employee to buy a ticket. Many directors did not buy ten (10) tickets (or sometimes any tickets) to a particular affair. Most employees did not buy tickets to Mayor Brown's political functions, and there were no consequences. If someone was interested in buying tickets to any function, it was not because of any requirement or expectation related to threat or pressure. It is often the political opposition that would state these types of accusations.

Attempts to influence testimony

In the SCI's wild fashion of accusation, statements that anyone attempted to influence Karen Long's testimony or anyone else are absurd bordering on fabrication. In an environment where the SCI regularly followed innocent citizens and vendors at night without cause to intimidate them, pulled people over while driving home and invading their privacy in matters unrelated to Orange City business, it was natural for me, to calm my nervous secretary and say "don't worry, you haven't done anything wrong". For someone I talked to daily for years about the SCI, this does not constitute tampering with testimony. The alleged conversation related by the SCI is not confirmed by Stephanie Casey, is ambiguous and did not occur except for me stepping out of my office (which I did frequently each day). It is a fact that most of the political work for the fundraiser I did was in Mayor Brown's law office at night.

Thomas Henderson

It should be noted that Tom Henderson left the employ of the City more than five years ago. Almost nine years ago, Tom Henderson was a close friend of Mayor Brown and served as President

of the Civic Association. He was happy to assist in fundraisers the Mayor had and ask people he knew in the business community for support personally. Then there was nothing wrong with his involvement. His secretary also was an active participant.

As a result of his own actions, Mr. Henderson parted company with Mayor Brown, resigned from a tenured position, later joined the political opposition, made political contributions to Mayor Brown's opponents and actively campaigned against Mayor Brown. Any statement from Mr. Henderson that anyone was pressured 6-9 years ago comes strictly from an active political opponent of the Mayor and should be treated as such.

Arlene Kemp

Ms. Kemp was Director of Public Works for 5-6 years under Mayor Brown. Most directors were with Mayor Brown for all eight years. Ms. Kemp resigned during his second term, and was embittered over a number of topics such as vacation time paid at the end of her employment. I did give her recommendations for employment then. Afterwards, she worked openly for the opposition, contributed to Mayor Brown's opponent in the 1996 Mayoral campaign and became Director of Public Works again for the latest Orange Mayor. She is a political opponent of Mayor Brown. Particularly in 1992, she contributed heavily to Mayor Brown. She did not receive any threats of termination by the Mayor and she did not contribute. Any suggestion that she was inappropriately treated should be viewed for what it is; both vengeance and the common accusation of wrongdoing eminently from a political world.

The Mayor's Car

The SCI acknowledges that the transaction that occurred five years ago did not require public bid. Omitted was that, I had the authority through the Orange City Code to enter into this transaction without City Council approval because it was under the public bid threshold of \$11,100.00. The SCI also has omitted sworn testimony that the transaction was discussed with four councilmembers before the transaction occurred, a fifth being out of state on an extended vacation. I also presented the signatures of three councilmembers on a hand check bill list submitted afterwards (the fourth council member declined to sign). Hand checks in Orange and many municipalities are accepted practice and standard procedure are in place. To segregate this item is a political act on the part of the SCI. The fact that the Mayor had access to a vehicle to drive is not unusual for many municipalities. The charge to administrative services was not inappropriate since equipment was regularly purchased through that account.

Overall, for the SCI to suggest deception from the City Council purposely ignores the discussion that took place.

Clerk's Computer System

More than five years ago, the Clerk of Orange wished to purchase a computer system. In Orange and many cities in New Jersey, the Clerk's office is independent of the Mayor's Administration and answers to the City Council. To suggest that I, as Business Administrator, was responsible for a computer system

not working in the Clerk's office is completely in conflict with Orange government and false.

The Clerk personally decided what system to acquire. At the insistence of several council members and the Clerk, I did give Administrative approval for a ^{purchase} list below the public bid limit that did not require City Council approval. When problems developed between the Clerk and the vendor, assistance was offered by the Administration. Instead of being fixed, the computers became "guaranteed" ^{Med} as evidence of wrongdoing and a subject of an SCI investigation. Since it was two years ago that I was in Orange, should the general public really believe with today's current inventions that for five years these computers are still unfixable? I had no knowledge of secret software arrangements made between a former councilmember, new clerk and a software provider. The answer is that the SCI does not criticize its own allies, even if they are at fault.

Conferences, Seminars

The SCI, of course, has been notified that a very substantial portion of the conference budget was due to the City Council. The year cited in particular 1993 saw seven (7) council members average \$4,000-\$5,000 a piece in trips to conferences in California, the league of Municipalities in Atlantic City as well as the National League of Cities Convention. The City Council and the City Clerk, not under the governance of the Mayor or the Business Administrator accounted for half of the travel conference budget in 1993. In many other years a similar pattern exists. It is deceptive to

associate Mayor Brown and his staff with this statistic when he had no control over the City Council or Clerk. Is it also the case that the SCI feels the state league of Municipalities convention on inappropriate place for local officials and employees to attend to find out about the latest State and Municipal pronouncements? How about the tens of thousands of other officials who attend? Are their actions statewide inappropriate to the SCI?

Flowers

The SCI leaves out entirely that a very substantial percentage of flowers (30%-40%) was on the purchase annually of wreaths for the graves of veterans on Veterans Day and Flag Day, an action consented to by Council members and the general public. Should the SCI be a higher authority than the local elected officials who as a group decided to do honor to Veterans. Also annually flowers were purchased to support large events for senior citizens who comprise 15% - 20% of Orange's population.

There certainly were flowers purchased to support funerals and other events. However, the majority of the dollars spent where to honor Veterans and seniors which was widely agreed to by the greater Orange community.

Summary Five years ago, the SCI began an investigation that lasted three years. As Business Administrator, I instructed my staff, including the Directors, to cooperate fully in all ways possible. The SCI examined thousands of documents, including vouchers, payroll registers, financial reports, and internal communications in a highly charged political environment. The SCI investigated

every rumor that the political opposition put forth. The SCI followed employees and vendors at night, pulled people over with their cars and invaded the privacy of common innocent citizens. The SCI made many bold and wrong accusations, most of which, are not in this report. The SCI sifted through tons of information and diverted tremendous amounts of employee time and effort.

What is now revealing, is the absence of information in the report. In a highly charged political environment, the SCI accuses Mayor Brown's Administration of pressuring people. However, there are no employees or vendors indicating they were forced to buy tickets at the threat of loss of job or loss of contract or business by me or anyone else. The SCI feels pressure was used but is created merely by mailing tickets or asking people for support. That activity is neither unlawful or immoral.

Also, after years of providing assistance to the SCI and answering accusations, it is absurd to suggest any interference or tampering with the SCI investigation. The greater question is, after the manpower hours put in by everyone, why does the SCI insist on twisting conversations, ignoring the real facts to justify issuing any report filled with their own level of conjecture.

The SCI also, in a vacuum, makes commentary of expenditures made over 6-9 years for different items in the city. The SCI ignores also that there is a will of the citizens in any city that is important. Citizen groups want wreaths for graves on Veteran's Day, coffee for senior citizens meetings, even senior citizens

functions, for a substantial population service. The City of Orange provided these services as many cities do and these amounts were not material to the overall city budget. The State of New Jersey Government provides the same services. Commentary from the SCI on these issues, is self serving, inflammatory and made to appear significant, when in fact, they were immaterial.



CITY COUNCIL
CITY OF ORANGE TOWNSHIP

JEFFREY P. MONACELLI
PRESIDENT
COUNCILMAN-AT-LARGE

29 NORTH DAY STREET
ORANGE, NEW JERSEY 07050
(201) 256-4025
FAX: (201) 672-6643

MEMORANDUM

TO : THOMAS J. MORRISON, BUS. ADM.
FROM : JEFFREY MONACELLI, COUNCIL PRESIDENT. *JPM*
SUBJECT : HAND ISSUED CHECKS
DATE : JANUARY 10, 1995

As per request by Council Member Lewis, memo attached, I am requesting a copy of the document in question signed by the three Council Members approving the Mayor's Car.

Your anticipated cooperation in this matter will be greatly appreciated.

Thank you.

JPM/mm
enc.

NA TO ISSUED CHECK REGISTER
 AS OF 8/17/93

CHECK NO	VENDOR NO	VENDOR NAME	VOUCHER NO	P.O. NO	DATE	VOUCHER AMOUNT	REMITTANCE AMOUNT	CHECK TOTAL
01200	002254	CONFIDENTIAL LOSS	1000	00000	8/01/93	27.00-	27.00-	27.00-
01204	000572	PASSAIC VALLEY SEW COM	27163	00000	8/03/93	372,439.07	372,439.07	372,439.07
01205	001293	LOOK NO FURTHER	27269	00000	8/03/93	5,704.00	5,704.00	5,704.00
01206	000971	AMALCO CONSTRUCTION CO.	25894	00000	8/03/93	3,695.00	3,695.00	3,695.00
01207	001293	LOOK NO FURTHER	27277	00000	8/05/93	193.00	193.00	193.00
01209	002212	VILLAGE TRAVEL AGENCY	27279	00000	8/06/93	1,000.00	1,000.00	1,000.00
01209	002212	VILLAGE TRAVEL AGENCY	25164	00000	8/05/93	1,000.00	1,000.00	1,000.00
01210	006363	ACCOMMODATION, SANDRA	27279	00000	8/03/93	500.00	500.00	500.00
01211	006364	THOMAS, RUDOLPH	27279	00000	8/05/93	500.00	500.00	500.00
01212	000206	SILVESTRI MATRON J	27279	00000	8/04/93	500.00	500.00	500.00
01213	001823	LUXURY TOURS	27974	00000	8/03/93	6,500.00	6,500.00	6,500.00
01214	000367	COMPASS RIDGE	24589	00000	8/09/93	9,700.00	9,700.00	9,700.00
01216	000134	LEVENS JOHN	030493	00000	8/10/93	400.70	400.70	400.70
01218	002730	PRUD ASSOCIATES, INC.	33741	33741	8/12/93	5,000.00	5,000.00	5,000.00
01219	001032	CITY OF ORANGE-REFUND		00000	8/13/93	23,352.35	23,352.35	23,352.35
01220	001032	CITY OF ORANGE-REFUND		00000	8/13/93	1,160.99	1,160.99	1,160.99
01221	002461	PETERSON EUNICE	27986	00000	8/13/93	900.00	900.00	900.00
01222	005378	NATIONWIDE CELLULAR SERV.	70132	00000	8/13/93	2,815.03	2,815.03	2,815.03
01223	006201	ALL AMERICAN WELDING CORP	27727	00000	8/14/93	100.00	100.00	100.00
02369	000398	CITY OF ORANGE CURRENT	27164	00000	8/10/93	1,200,000.00	1,200,000.00	1,200,000.00
02449	007720	TOWNSHIP OF MAPLEWOOD	27722	00000	8/04/93	2,550.60	2,550.60	2,550.60
02450	000569	ORANGE MOTOR SERVICE	27277	00000	8/09/93	2,840.06	2,840.06	2,840.06
02452	001974	CUNNELLY SERVICE INC.	27895	00000	8/10/93	3,600.00	3,600.00	3,600.00
02455	002233	TREASURY, STATE OF NJ	77199	00000	8/16/93	70,638.30	70,638.30	70,638.30
02459	002540	GREEN JOE	27982	00000	8/09/93	4,375.50	4,375.50	4,375.50
03691	000649	DE CAMP TOURS	27967	00000	8/10/93	550.00	550.00	550.00

A-67

Approved by the Mayor
 Mayor J. S. S. S. S. S.

Sandra C. C. C. C.

NOT ISSUED UNDER REGISTRATION
AS OF 9/19/93

CHECK NO	VENDOR NO	VENDOR NAME	VOUCHER NO	P.O. NO	DATE	VOUCHER AMOUNT	REMITTABLE AMOUNT	CHECK TOTAL
01200	002254	CONFIDENTIAL LOSS	1000	00000	8/01/93	27.00-	27.00-	27.00-
01204	000577	PASSAIC VALLEY SER CORP	27163	00000	8/03/93	372,439.07	372,439.07	372,439.07
01205	001293	LOOK NO FURTHER	27269	00000	8/03/93	5,704.00	5,704.00	5,704.00
01206	000971	ARALEY CONSTRUCTION CO.	25894	00000	8/03/93	3,695.00	3,695.00	3,695.00
01207	001293	LOOK NO FURTHER	27277	00000	8/05/93	193.00	193.00	193.00
01208	002212	VILLAGE TRAVEL AGENCY	27278	00000	8/06/93	1,000.00	1,000.00	1,000.00
01209	002212	VILLAGE TRAVEL AGENCY	25164	00000	8/05/93	1,000.00	1,000.00	1,000.00
01210	006063	ACCOMMODATION, SANDRA	27279	00000	8/03/93	500.00	500.00	500.00
01211	006064	THOMAS, RUDOLPH	27279	00000	8/06/93	500.00	500.00	500.00
01212	000206	SILVESTRE MARIAN J	27279	00000	8/06/93	500.00	500.00	500.00
01213	001823	LUXURY TOURS	27974	00000	8/03/93	6,500.00	6,500.00	6,500.00
01214	000367	COMPASS RIDGE	24587	00000	8/09/93	9,700.00	9,700.00	9,700.00
01216	000134	LEWIS JOHN	030473	00000	8/10/93	400.70	400.70	400.70
01218	002730	PRYD ASSOCIATES, INC.	33741	33741	8/12/93	5,000.00	5,000.00	5,000.00
01219	001032	CITY OF ORANGE-REFUND		00000	8/13/93	23,352.35	23,352.35	23,352.35
01220	001032	CITY OF ORANGE-REFUND		00000	8/13/93	1,160.99	1,160.99	1,160.99
01221	002461	PETERSON EUNICE	27986	00000	8/13/93	900.00	900.00	900.00
01222	005378	NATIONWIDE CELLULAR SERV.	30132	00000	8/13/93	2,815.03	2,815.03	2,815.03
01223	006201	ALL AMERICAN WELDING CORP	27727	00000	8/14/93	100.00	100.00	100.00
02369	000898	CITY OF ORANGE CURRENT	27164	00000	8/10/93	1,200,000.00	1,200,000.00	1,200,000.00
02449	007720	TOWNSHIP OF MAPLEWOOD	27722	00000	8/04/93	2,550.60	2,550.60	2,550.60
02450	000569	ORANGE MOTOR SERVICE	29297	00000	8/09/93	2,840.06	2,840.06	2,840.06
02452	001974	CONNELLY SERVICE INC.	27095	00000	8/10/93	3,600.00	3,600.00	3,600.00
02455	002233	TREASURER, STATE OF NJ	27168	00000	8/16/93	70,638.30	70,638.30	70,638.30
03639	002540	GREEN JOE	27962	00000	8/07/93	4,375.50	4,375.50	4,375.50
03691	000649	DE CAMP TOURS	27961	00000	8/10/93	550.00	550.00	550.00

A-68

I approve of this bill

Rudolph Thomas V.P.

Revised Paper Printed in USA

THOMAS P. KELLY

ATTORNEY AT LAW

100 EXECUTIVE DRIVE, SUITE 330

WEST ORANGE, NJ 07052

TEL: (973) 736-3969 FAX: (973) 669-9525

98 MAY - 6 11 PM '98

May 4, 1998

VIA TELECOPIER

Ileana N. Saros, Esq.
State of New Jersey
Commission of Investigation
P.O. Box 045
Trenton, N.J. 08625-0045

Re: Rudolph E. Thomas

Dear Ms. Saros:

This office represents Councilperson Rudolph Thomas of the City of Orange. This letter is in response to your letter to Mr. Thomas dated April 16, 1998. The facts are as follows:

The house in question in West Orange has been used, historically, by the caretaker-maintenance person to secure the Orange Reservoir for many, many years. I know from personal knowledge as City Attorney for the City of Orange in the 1970's that the house was so occupied at that time.

When Mayor Brown took office, there was no one in the house for security. There were problems at the Orange Reservoir involving people attempting to sneak in to fish, camp out and trespass in the reservoir. In fact, at several places, the fence surrounding the reservoir had been knocked down and destroyed and people were using it as a method of ingress and egress.


Mayor Brown and Councilperson Thomas discussed this matter. The mayor indicated there was no money in the budget to pay a watchman covering the reservoir. Councilperson Thomas volunteered to take over the position on a part-time basis without pay. This he did for several years. He acted as caretaker and looked after the property and cleaned up after people who would trespass in the reservoir area. He would also chase people away who violated the reservoir area.

Ileana N. Saros, Esq.
May 4, 1998
Page 2.

At all times, he kept his residence on Canfield Street in Orange. He has lived on Canfield Street at the same address since the 1960's. That has always been his residence. He never changed his residence or domicile to West Orange. Allegations to the contrary are false.

With the new mayor, Mims Hackett, it is interesting to note that there is still a caretaker at the house. He or she is probably being paid directly by the City of Orange, whereas Councilperson Thomas received nothing of value for his important services.

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas P. Kelly". The signature is written in a cursive, flowing style.

Thomas P. Kelly

TPK:cm

cc: Mr. Rudolph E. Thomas

RECEIVED

98 APR 30 AM 10:17

Alphonse Winston
P.O.Box 671
Orange, New Jersey 07050

TO: COMMISSIONER
OF INVESTIGATION
TRENTON, NEW JERSEY

April 16, 1998

Commission of Investigation
Ms. Ileana N. Saros
P.O. Box 045
Trenton, NJ 08625-0045

Re: Notice of Proposed Report

Dear Ms. Saros:

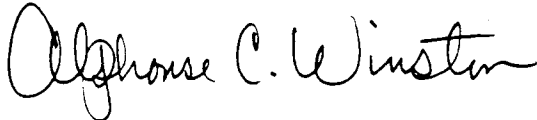
In response to your letter of April 15, 1998 the following is my response:

I have been friends with Mayor Brown for a long period of time and was more than happy to contribute to his fund raisers. I wish I could have given more he was in fact the best Mayor I knew of since I lived in Orange. He continued to serve the people even though people and agency's like yours did nothing but lie and defame the man for nothing. It was clear the Sci's motivation was racial and political, and their witnesses simply did not like the Mayor and wanted him out. To lie on him or about him was a small task for them. When these people broke the doors down to get in his fundraisers with all smiles. After they were disciplined, laid off or fired by the Mayor the Sci was glad to listen to their new lies and vendor. Sour grapes was the motivation for their lies but it was a happy marriage with the Sci whose objective was both racial and political-get the talented black man out of office.

As far as the Reservoir House is concerned the Mayor told me he was advised by the City Engineer Consultants that it was a health and safety hazard to leave the grounds and water unprotected and

unsecure. He asked me if I would give him a hand and stay there from time to time. I would like to note for all the criticism the Sci leveled on me, the Mayor, and Councilman Thomas when a new administrator is they did exactly the same thing. They too recognized the obvious potential of tiability for the City that the Sci just can not see with their political eyes. If. someone drowns and the grounds wee unprotected or unsecured there goes the City treasury and all our tax dollars, but the Sci does not care because they are not progressing.

Very truly yours,

A handwritten signature in cursive script that reads "Alphonse C. Winston". The signature is written in dark ink and is positioned above the printed name.

Alphonse Winston