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**IN THE MATTER OF  
TARAUN TICE,  
LEGAL SPECIALIST,  
DEPARTMENT OF  
HUMAN SERVICES**

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**STATE ETHICS COMMISSION**

**Commission Case No. 17-15  
DECISION**

## **BACKGROUND**

Taraun Tice (“Tice”) seeks approval under section 19 of the Conflicts of Interest Law (“Conflicts Law”) to contract with Stockton University (“Stockton”) to provide training as a Subject Matter Expert Training Consultant through the New Jersey Child Welfare Training Partnership (“NJCWTP”).

Section 19(a) of the Conflict Law prohibits a State employee from entering into a contract valued at \$25.00 or more with any State agency, except as provided in section 19(b). Pursuant to section 19(b) of the Conflicts Law, the State Ethics Commission (“Commission”) is authorized to grant an exception to the prohibition in section 19(a) when the contract meets certain exceptions.

## **APPLICATION**

According to the information provided to the Commission, Tice is a full-time Legal Specialist with the Department of Human Services. Tice seeks to enter into a per diem consulting contract with Stockton, a State university, to provide training through the NJCWTP<sup>1</sup> on the topic of “What Every Caseworker Needs to Know About Education and Special Education.” Tice is an attorney with a background in education law who previously worked at the Department of Children and Families (“DCF”). The proposed training will be offered to DCF and local government caseworkers through the NJCWTP and Stockton at DCF’s Camden area office. The subject of the course is unrelated to Tice’s current responsibilities at DHS.

Section 19 of the Conflicts Law generally prohibits a State employee from contracting with another State agency unless the contract is won in a competitive bidding process or meets certain exceptions. One of the Section 19(b) exceptions is for contracts that are not required to be publicly bid pursuant to the public bidding laws followed by the contracting agency. This exception to the contracting restriction, however, requires approval by the State Ethics Commission. Tice maintains that she meets the criteria for this exception because Stockton is not

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<sup>1</sup> NJCWTP provides in-service training to workers throughout the State’s public child welfare system. The NJWTP-Southern Region is responsible for coordinating and developing training for DCF employees working in local and area offices throughout the southern region of the State.

required to competitively bid the contract since it is for professional consulting services and the contract will not exceed \$26,200.

The State College Contracts Law, *N.J.S.A. 18A:64-52, et seq.*, contains a provision which permits Stockton to enter into contracts which are “made, negotiated or awarded by the State college by resolution at a public meeting of its board of trustees without public advertising for bids or bidding” if the subject matter of the contract consists of one of twenty-seven listed categories. *N.J.S.A. 18A:64-56(a)*. One of the enumerated categories of exceptions is for professional services contracts. *N.J.S.A. 18A:64-56(a)(15)*. Tice’s proposed contract with Stockton is for professional consulting services which would, therefore, not require public advertising for bids and can be awarded by resolution of its board of trustees. Similarly, Stockton is permitted to award contracts valued up to \$26,200.00 without public notice or bidding if approved by a resolution of the board of trustees. *N.J.S.A. 18A:64-54(a)*. Tice’s proposed contract does not require a competitive bidding process because it is valued under this threshold amount. The requirement that these contracts must be approved by the university’s board provides protection against any favoritism of State employees in the award of the contracts.

It is also noteworthy that the proposed contract between Tice and Stockton is for her to teach classes based at least in part on her prior experience and expertise as a former employee of DCF. Under Attorney General Opinion 18, which permits State employees to engage in dual employment for personal services, and Commission precedent which permits State employees to contract with the Department of Personnel (now the Civil Service Commission) to provide training to State employees through the Human Resources Development Institute (“HRDI”), it is clear that Tice could have provided this training to DCF/Stockton if it were being provided through the HRDI. There is no substantive distinction between the provision of training services to DCF employees through the NJCWTP and the provision of such services through HRDI.

**DECISION**

The Commission grants Tice an exception pursuant to section 19(b) of the Conflicts Law permitting Tice to enter into a per diem contract with Stockton University as a Subject Matter Expert Training Consultant through the New Jersey Child Welfare Training Partnership.

DECISION RENDERED BY THE  
STATE ETHICS COMMISSION ON  
THE 19<sup>th</sup> DAY OF MAY, 2015