



State of New Jersey
STATE ETHICS COMMISSION

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THROUGH: Christina C. Fullam, Executive Director *CCF*
State Ethics Commission

FROM: Rachel L. Eger, Ethics Compliance Officer *RLE*
State Ethics Commission

DATE: June 5, 2025

SUBJECT: Ethics Compliance Review – Office of the Secretary of Higher Education

The State Ethics Commission (“SEC”) has completed its review of the ethics program at the Office of the Secretary of Higher Education (“OSHE”). The ethics review was undertaken pursuant to *N.J.S.A. 52:13D-21(e)(3)* and as part of the SEC’s Compliance Plan, which requires systematic reviews of State agencies in the Executive Branch for compliance with applicable ethical standards. On March 27, 2025, SEC Ethics Compliance Officer Rachel Eger and Assistant Ethics Compliance Officer Jessica Calella met with OSHE Ethics Liaison Officer Patricia Lee (“ELO Lee”) to discuss the particulars of OSHE’s ethics program. Prior to this meeting, SEC staff reviewed OSHE’s completed Compliance Questionnaire and exemplars.

Based upon this meeting and a review of the Compliance Questionnaire and accompanying documents, the SEC concludes that OSHE is in substantial compliance with reporting, documentation, and other requirements of the New Jersey Conflicts of Interest Law, regulations issued thereunder, and applicable Executive Orders.

During the review process, three opportunities for improvement were identified. All have since been addressed as described below:

1. Special State Officer Requirements – In addition to having jurisdiction over Executive Branch State government employees, the SEC also oversees ethics requirements for special State officers (“SSOs”), including unpaid members of State boards. Like State employees, SSOs are subject to the Conflicts of Interest Law and Uniform Ethics Code (“UEC”) and must fulfill various obligations to ensure adherence to the State’s ethics laws.

Two active OSHE-affiliated boards were identified: the Educational Opportunity Fund Board of Directors and the Campus Sexual Assault Commission. The review showed that members of these boards, who qualify as SSOs, have not consistently acknowledged receipt of the UEC and Plain Language Guide, completed ethics training, or submitted Outside Employment Questionnaires. ELO Lee has advised that she is in the process of collecting outstanding forms and receipts from current board members. Moving forward, new board members will be advised of ethics requirements upon appointment.

2. Personal and Business Relationships Disclosure Forms – Pursuant to *N.J.S.A. 52:34-10.9*, employees and special State officers who are involved in the procurement process must complete a Personal and Business Relationships Disclosure (“PBRD”) form. Completed PBRDs are to be reviewed by the agency’s ELO and any designated members of executive leadership for conflicts of interest, and the ELO must ensure that any necessary recusals are put in place. The PBRDs must also be filed with the SEC.

The review showed that appropriate OSHE employees have completed a PBRD form. However, the forms have not consistently been filed with the SEC. As part of the review process, ELO Lee provided the SEC with PBRDs for all officials involved in procurement. OSHE will forward any new forms to the SEC as they are received.

3. Post-Employment Restriction Letters – Pursuant to *N.J.S.A. 52:13D-17* and -17.2, and Section VIII of the UEC, State officials are permanently barred from working on matters for subsequent employers on which they were substantially and directly involved on behalf of their State employer. Certain high-level State officials have additional limited duration restrictions when they leave State service, including restrictions relating to the casino and cannabis industries. The SEC requires that State agencies provide a notification to all separating employees to advise them of the applicable post-employment rules.

The review demonstrated that OSHE consistently provides post-employment letters to separating employees and maintains a signed receipt of these notifications. At the time of the review meeting, the letter did not include recently enacted cannabis industry prohibitions. In response, ELO Lee provided a revised version of the letter, which now comprehensively addresses all restrictions to which separating employees are subject.

The compliance review also revealed that OSHE has successfully implemented many ethics requirements. In particular, the following areas have been handled extremely well:

- ELO Lee has established a standardized ethics training schedule for all employees. Pursuant to this schedule, 100% of OSHE employees completed full ethics training in 2024.
- ELO Lee effectively manages the documentation and disposition of gifts and provides employees with an annual reminder about the State’s zero-tolerance gift policy.
- ELO Lee has implemented a new process for distributing the Supervisory Conflicts of Interest Certification to proactively detect and prevent nepotism-related concerns.

On behalf of the New Jersey State Ethics Commission, we would like to thank you for your assistance and cooperation with this review process. Under the guidance of ELO Lee, OSHE's ethics program is in substantial compliance with the State's ethics requirements and thereby works to ensure the integrity of its operations.

Please feel free to contact the SEC if you have any questions or concerns regarding the findings in this report or if we can be of any assistance to OSHE.

cc: Patricia Lee, Ethics Liaison Officer, OSHE (*via email only*)
Jessica Calella, Assistant Ethics Compliance Officer, SEC (*via email only*)