

RESOLUTION NO. 88:007
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Date: June 24, 1988
Patron: Leonard Lieberman
Chair, Operations Committee

RESOLUTION
Adoption of the State Planning Commission Code of Ethics

WHEREAS, in order to provide guidance on various issues regarding the appropriate ethical conduct by members of the State Planning Commission, the State Planning Commission finds it desirable to adopt rules to guide the conduct of its members,
and,

WHEREAS, a draft of the proposed Code of Ethics has been prepared by D.A.G. Daniel P. Reynolds containing the following sections: 1. Section One-Definitions; 2. Section Two-Ethical Standards Governing Commission Members; 3. Section Three-Ethical Standards Governing State Government Commission Members; 4. Section Four-Voting Requirements;
and,

WHEREAS, the Operations Committee of the Commission has reviewed the proposed Code of Ethics and recommends its adoption; and,

Date: June 24, 1988

WHEREAS, upon adoption of a proposed Code of Ethics, the State Planning Commission is required under the New Jersey Conflicts of Interest Law to transmit such a Code to the Executive Commission on Ethical Standards for approval pursuant to that Law; and,

NOW, THEREFORE, BE IT RESOLVED, that the State Planning Commission adopt the proposed Code of Ethics, as stated above, and as specified in the attached copy of the Code of Ethics and authorize transmission of said Code to the Executive Commission on Ethical Standards in accordance with the requirements of the New Jersey Conflicts of Interest Law.

Certification

This Resolution was adopted as amended by the New Jersey State Planning Commission at its meeting of June 24, 1988. Ayes: (12) Candace Ashmun, Samuel Garrison, Chuck Richman, Arthur Kondrup, Julie Gandy, James Crawford, John Kitchen, Leonard Lieberman, Bill Mathesius, Feather O'Connor, Eugene Oross, Fred Vereen; Nays: (0) None.

John W. Epling, Secretary
State Planning Commission

Dated: June 24, 1988

STATE PLANNING COMMISSION
CODE OF ETHICS

Public officials, including the members of the State Planning Commission, must avoid conduct which is in violation of the public trust or which creates a justifiable impression among the public that such trust is being violated. In order to earn and maintain the trust and confidence of the people, the State Planning Commission finds it desirable to adopt rules to guide the conduct of its members.

Therefore, to ensure propriety, to preserve the respect and confidence of the people in the work of the State Planning Commission and to guard against conduct violative of the public trust, the following code of ethics is adopted pursuant to the New Jersey Conflicts of Interest Law, N.J.S.A. 52:18A-196 et seq.

SECTION ONE - DEFINITIONS

101. As used in this code of ethics, the following terms shall have the following meaning:

- (a) "Commission member" shall include all members of the State Planning Commission appointed pursuant to N.J.S.A. 52:18A-197(c) and (d), i.e. the four municipal and county government representatives appointed pursuant to N.J.S.A. 52:18A-197(c) and the six public members appointed pursuant to N.J.S.A. 52:18A-197(d). The term shall not include the State Government Commission members appointed pursuant to N.J.S.A. 52:28A-197(a) and (b).
- (b) "State Government Commission" member shall include the seven members of the State Planning Commission appointed pursuant to N.J.S.A. 52:18A-197(s) and (b).
- (c) "Commission" shall mean the State Planning Commission created pursuant to the State Planning Act, N.J.S.A. 52:18A-196 et seq.
- (d) "Interest" shall mean the ownership or control of more than 10% of the profits or assets of a firm, association, or partnership, or more than 10 per cent of the stock of a corporation for profit other than a professional service corporation organized under the "Professional Services Corporation Act," N.J.S.A. 14A:17-1 et seq. The provisions of this code of ethics shall apply to shareholders, associates or professional employees of a professional service corporation regardless of the extent or amount of their shareholder interest in such a corporation.

- (e) "Interest in Real Property" shall mean any right therein enforceable at law or in equity including but without limitation, fee simple ownership, tenancy, remainder interest, a contingent interest, a right of reversion, easement, contract right, future interest, or any other interest direct or indirect in such real property.
- (f) "Interest in any matter related to any person's office or employment" shall mean any matter in which any person has reason to believe he or a member of his immediate family will derive a direct monetary gain or suffer a direct monetary loss as a member of any firm, occupation or group, to any greater extent than any such benefit or detriment could reasonably be expected to accrue to any other member of such firm, occupation or group;
- (g) "Control" shall mean stock owned, or proxy using rights in any stock owned by any person or known to be owned by his spouse, child, parent or sibling residing in the same household.
- (h) "Member of the immediate family" of any person means the person's spouse, child, parent or sibling residing in the same household.
- (i) "Relative" shall mean a son, a daughter, grandson, granddaughter, father, mother, grandfather, grandmother, great-grandfather, great-grandmother, brother, sister, nephew, niece, uncle, or aunt. Relatives by adoption, half-blood, marriage or re-marriage shall be treated as relatives of the whole kinship.

SECTION TWO - ETHICAL STANDARDS GOVERNING COMMISSION MEMBERS

201. No Commission member shall accept from any person, whether directly or indirectly and whether by himself or through his spouse or any member of his family or through any partner or associate, any gift, favor, service, employment or offer of employment or any other thing of value which he knows or has reason to believe is offered to him with intent to influence him in the performance of his public duties and responsibilities. This section shall not apply to the acceptance of contributions to the campaign of an announced candidate for elective public office.

202. In the event that any Commission member shall represent, appear for, or negotiate on behalf of, or shall agree to represent, appear for, or negotiate on behalf of whether, by himself or by or through any partnership, firm or corporation in which he has an interest or by any partner, officer or employee of any such partnership, firm or corporation any person or party other than the State in any negotiations for the acquisition or sale by the State or a State agency of any interest in real or tangible or intangible personal property, or in any proceedings relative to such acquisition or sale before a condemnation commission or court, the Commission member shall disclose to the State agency the fact that he is a member of the State Planning Commission. Additionally, the Commission member shall advise the Commission of any such circumstances by providing written notice of such circumstances to the secretary of the Commission.

203.(a) No Commission member nor any partnership, firm or corporation in which he has an interest, nor any partner, officer or employee of any such partnership, firm or corporation, shall represent, appear for, or negotiate on behalf of, or agree to represent, appear for or negotiate on behalf of, any person or party other than the Commission in connection with any cause, proceeding, application or other matter pending before the Commission.

(b) In the event that any Commission member or any partnership, firm or corporation in which he has an interest, or any partner, officer or employee of any such partnership, firm or corporation, shall represent, appear for or negotiate on behalf of, or shall agree to represent, appear for, or negotiate on behalf of, any person or party other than the State in connection with any cause, proceeding, application or other matter pending before any State agency other than the Commission, the Commission member shall disclose to the State agency the fact that he is a member of the State Planning Commission. Additionally, the Commission member shall advise the Commission of any such circumstances by providing written notice of such circumstances to the Secretary of the Commission.

Nothing contained in this section shall require any Commission member to make such disclosure or provide such notice in any event in which the Commission member or any partnership, firm or corporation in which he has an interest, or any partner, officer or employee of any such partnership, firm or corporation represents, appears for, or negotiates on behalf of, or agrees to represent, appear for, or negotiate on behalf of, any person or party other than the State in connection with any proceeding:

(1) Pending before any court of record of this State,

(2) In regard to a claim for compensation arising under charter 15 of Title 34 of the Revised Statutes (Workers' Compensation),

(3) In connection with the determination or review of transfer inheritance or estate taxes,

(4) In connection with the filing of corporate or other documents in the office of the Secretary of State,

(5) Before the division on Civil Rights or any successor thereof,

(6) Before the New Jersey State Board of Mediation or any successor thereof,

(7) Before the New Jersey Public Employment Relations Commission or any successor thereof,

(8) Before the Unsatisfied Claim and Judgment Fund Board or any successor thereof solely for the purpose of filing a notice of intention pursuant to P.L. 10952, c. 174, {5 (C. 39:6-65), or

(9) Before any State agency on behalf of a county, municipality or school district, or any authority, agency or commission of any thereof except where the State is an adverse party in the proceeding and provided he is not holding any office or employment in the State agency in which any such proceeding is pending.

204. No Commission member, subsequent to the termination of his appointment to the State Planning Commission, shall represent, appear for, negotiate on behalf of, or provide information not generally available to members of the public or services to, or agree to represent, appear for, negotiate on behalf of, or provide information not generally available to members of the public or services to, whether by himself or through any partnership, firm or corporation in which he has an interest or through any partner, officer or employee thereof, any person or party other than the State in connection with any cause, proceeding, application or other matters with respect to which such Commission member shall have made any investigation, rendered any ruling, given any opinion, or been otherwise substantially and directly involved at any time during the course of his office or employment.

205.(a) No Commission member shall knowingly himself, by his partners or through any corporation which he controls or in which he owns or controls more than 1% of the stock, or by any other person for his use or benefit or on his account, undertake or execute, in whole or in part, any contract, agreement, sale or purchase of the value of \$25.00 or more, made, entered into, awarded or granted by the State Planning Commission except as provided in subsection b. of this section. Further, in the event that any Commission member shall knowingly himself, or by his partners or through any corporation which he controls or in which he owns or controls more than 1% of the stock, or by any other person for his use or benefit or on his account, undertake or execute, in whole or in part, any contract agreement, sale or purchase of the value of 825.00 or more, made, entered into, awarded or granted by any State agency other than the Commission, the Commission member shall disclose to the State agency the fact that he is a member of the State Planning Commission. Additionally, the Commission member shall advise the Commission of any such circumstances by providing written notice of such circumstances to the Secretary of the Commission.

(b) The provisions of subsections a. of this section shall not apply to (a) purchases, contracts, agreements or sales which (1) are made or let after public notice and competitive bidding or which (2), pursuant to section 5 of chapter 48 of the laws of 1944 (C. 52:34-10) or such other similar provisions contained in the public bidding laws or regulations applicable to other State agencies, may be made, negotiated or awarded without public advertising or bids, or (b) any contract of insurance entered into by the Director of the Division of Purchase and Property pursuant to section 10 of article 6 of chapter 112 of the laws of 1944 (C.52:27B-62), if such purchases, contracts or agreements, including change orders and amendments thereto, shall receive prior approval of the Executive Commission on Ethical Standards.

206. No Commission member shall act as officer or agent for a State agency for the transaction of any business with himself or with a corporation, company, association or firm in the pecuniary profits of which he has an interest (except that ownership or control of 10% or less of the stock of a corporation shall not be deemed an interest within the meaning of this section).

207. No Commission member shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest.
208. No Commission member shall engage in any particular business, profession, trade or occupation which is subject to licensing or regulation by a specific agency of State Government without promptly filing notice of such activity with the Executive Commission of Ethical Standards.
209. No Commission member shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others.
210. No Commission member shall act in his official capacity in any matter wherein he has a direct or indirect personal financial interest that might reasonably be expected to impair his objectivity or independence of Judgment.
211. No Commission member shall undertake any employment or service, whether compensated or not, which might reasonably be expected to impair his objectivity and independence of judgment in the exercise of his official duties.
212. No Commission member shall accept any gift, favor, service or other thing of value under circumstances from which it might be reasonably inferred that such gift, service or other thing of value was given or offered for the purpose of influencing him in the discharge of his official duties.
213. No Commission member shall knowingly act in any way that might reasonably be expected to create an impression or suspicion among the public having knowledge of his acts that he may be engaged in conduct violative of his trust as a State official.
214. No Commission member shall solicit, receive or agree to receive, whether directly or indirectly, any compensation, reward, employment, gift or other thing of value from any source other than the State of New Jersey, for any service, advice, assistance of other matter related to his official duties, except reasonable fees for speeches or published works on matters therewith, reimbursement of actual expenditures for travel and reasonable subsistence

for which no payment or reimbursement is made by the State of New Jersey. This section shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office.

215. No Commission member shall willfully disclose to any person, whether or not for pecuniary gain, any information not generally available to members of the public which he receives or acquires in the course of and by reason of his official duties. No Commission member shall use for the purpose of pecuniary gain, whether directly or indirectly, any information not generally available to members of the public which he receives or acquires in the course of and by reason of his official duties.

SECTION THREE - ETHICAL STANDARDS GOVERNING STATE GOVERNMENT
COMMISSION MEMBERS

301. The seven State Government Commission members of the State Planning Commission appointed pursuant to N.J.S.A. 52:18A-197(a) and (b) are, by virtue of holding office the principal departments of the Executive Branch of the State Government, already subject to the codes of ethics promulgated for such departments. As such, they shall be subject to the requirements of such codes of ethics rather than the requirements set forth in Section Two above.

SECTION FOUR - VOTING REQUIREMENTS

401. No Commission member or State Government Commission member shall participate by voting or any other action including discussion and debate, during any meeting of the State Planning Commission, in any cause, proceeding, application or other matter in which he has a financial interest, whether direct or indirect and whether by him self or through his spouse, any member of his immediate family, or any partnership, firm, or corporation, until he files with the Commission a written statement under oath (which shall be entered verbatim into the minutes of said meeting) stating that he has such an interest, describing the nature of the interest, and stating that, notwithstanding such interest, he is able to cast a fair and objective vote and otherwise participate in such matter.
402. No Commission member shall be deemed to have a financial interest in any matter within the meaning of this section if, by reason of his participation by voting or any other action upon such matter, no benefit or detriment could reasonably be expected to accrue to him, as a member of a business, profession, or occupation, to any greater extent than any such benefit or detriment could reasonably

be expected to accrue to any other member of such business, profession, or occupation. A Commission member's ownership of, or tenancy in, his own private residence shall not be considered a financial interest for the purpose of this section.

403. Nothing in this section shall be construed to prohibit any Commission member from participating in the preparation and approval of the State Development and Redevelopment Plan or any portion thereof.