

STATE OF NEW JERSEY
STATE ETHICS COMMISSION
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STATE OF NEW JERSEY
STATE ETHICS COMMISSION
COMMISSION CASE NO. 19-20

**IN THE MATTER OF
MERODIE HANCOCK,
PRESIDENT, THOMAS EDISON
STATE UNIVERSITY**

**Administrative Action
CONSENT ORDER**

WHEREAS, the State Ethics Commission ("Commission") is authorized to initiate, receive, investigate, review and hear complaints regarding violations of the New Jersey Conflicts of Interest Law, *N.J.S.A. 52:13D-12 et seq.* ("Conflicts Law"), applicable rules of the Commission, *N.J.A.C. 19:61-1.1 et seq.*, the Uniform Ethics Code, and any agency code of ethics by any State officer or employee or special State officer or employee; and

WHEREAS, this matter was brought before the Commission by a complaint filed with the Commission; and

WHEREAS, the Commission conducted a preliminary investigation of all the matters and issues raised by the complaint; and

WHEREAS, as a result of the preliminary investigation, the Commission and Merodie Hancock ("Hancock") desire to enter into a final and complete resolution of all of the matters and issues raised thereby;

IT IS THEREFORE agreed by the parties as follows:

1. Hancock has been the President of Thomas Edison State University (“TESU”) since March 5, 2018. In this position, she is the administrative head of the University, with ultimate oversight of all day-to-day operations.

2. NJ Edge.Net, Inc. (“Edge.Net”), is a private company that provides cybersecurity, educational technologies, cloud computing, and professional managed services to colleges and universities. They also deliver consortium purchasing agreements to members, with TESU being one such member since 2001.

3. When Hancock assumed the position of President at TESU in March of 2018, she also was appointed as a member of Edge.Net’s Board of Trustees. She resigned from the Edge.Net Board in or about May of 2020.

4. At all relevant times, Hancock cohabitated with her romantic partner, Gregg Chottiner (“Chottiner”). They resided together since 2013 and have been partners since 2010, before Hancock became President at TESU.

5. From 2018, until September of 2021, Chottiner was employed as the Chief Information Officer (“CIO”) at Edge.Net.

6. At all times relevant to this matter, Hancock was a State employee subject to the New Jersey Conflicts of Interest Law (“Conflicts Law”), *N.J.S.A. 52:13D-12 et seq.*, the Uniform Ethics Code (“UEC”) and Commission Regulations, *N.J.A.C. 19:61-1.1, et seq.*, both promulgated pursuant to the authority granted in the Conflicts Law

7. Further, ethics receipts provided by TESU confirm that on March 14, 2018, Hancock signed an acknowledgement of receipt of the Uniform Ethics Code. On March 8, 2018, she signed an acknowledgement of receipt of the Plain Language Ethics Guide. Hancock also

completed the full online ethics training module on March 7, 2018 and again on May 11, 2020, and the ethics briefing on May 20, 2019.

8. Due to her cohabitating romantic relationship with Chottiner, on March 13, 2018, Hancock signed a written recusal wherein she recused from any aspects of a possible lease of TESU office space to Edge.Net and any other matter relating to Chottiner in his capacity as a consultant for Edge.Net.

9. Hancock did not execute a general recusal from all matters involving Edge.Net in her role as TESU's President, despite her position on the Edge.Net Board of Trustees and Chottiner's employment with Edge.Net.

10. Hancock was not involved in the rental of TESU-owned office space to Edge.Net and honored the March 13, 2018 recusal in this regard. Edge.Net paid rent for the leased space and did not receive any unwarranted benefits from TESU.

11. As President of TESU, Hancock attended a meeting at the NJ School Board Association on August 22, 2018, with NJSBA executives, TESU Provost William Seaton and Vice Provost Joseph Youngblood and three Edge.Net executives, including Chottiner, to discuss NJ Senate Bill S518 regarding outmigration of New Jersey college students. Hancock should not have attended this meeting because of her obligation to recuse from all matters involving Edge.Net, both because she was a then Board of Trustee member with Edge.Net and because it was Chottiner's employer.

12. In 2018, 2019, 2020, and 2021, Hancock signed routine bid waiver memoranda that were presented to the TESU Board as a large package that included among the many named entities, Edge.Net. These bid waiver memoranda included information about secondary internet connection services, VALE, and the Cisco Umbrella Platform Software that were purchased by

TESU through Edge.Net. Hancock recused herself from the secondary internet connection and VALE bid waivers on the June 5, 2020, memorandum, but she failed to include this language on her bid waiver memoranda on June 8, 2018, June 7, 2019, and June 11, 2021. She also submitted a bid waiver memorandum on October 8, 2020 for "Security Enhancement," which included an item related to Edge.Net, and which was submitted after Edge.Net was selected to perform the services.

13. In May of 2018, two TESU employees were asked by Hancock directly and indirectly through another supervisor, to meet with Chottiner to receive advice regarding the use of information technology at TESU.

14. The investigation did not establish any evidence that Chottiner or Edge.Net received any unwarranted benefits as a result of Hancock's failure to recuse from all matters involving Edge.Net and Chottiner.

15. Based upon the foregoing, it is the Commission's position that there are indications that Hancock violated the Recusal Rule found in the Commission's regulations at *N.J.A.C. 19:61-7.1*, et seq. and also covered in UEC Section IX and Appendix I, and in the Conflicts Law, which states, "No State officer or employer or special State officer or employee should 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." *N.J.S.A. 52:13D-23(e)(4)*.

16. The Commission Regulations define recusal as "the process by which a person is disqualified, or disqualifies himself or herself, from a matter because of a conflict of interest." *N.J.A.C. 19:61-7.3*.

17. The Recusal Rule includes among the situations where recusal is required that a State official must recuse herself from an official matter if she has a direct or indirect financial or personal interest that is incompatible with the discharge of the State Official's public duties. *N.J.A.C. 19:61-7.4(d)(2)*.

18. The Recusal Rule defines "incompatible financial or personal interest" to include "a fiduciary relationship; a source of income; any matter pertaining to or involving a relative or cohabitant...". *N.J.A.C. 19:61-7.4 (e)*.

19. Additionally, it is the Commission's position that there are indications that Hancock violated *N.J.S.A. 52:13D-23(e)(7)*, which states, "No State officer or employee or special State officer or employee should 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 officer or employee or special State officer or employee."

20. In hindsight, Hancock acknowledges that she should have disqualified herself from any involvement in Edge.Net matters, while Chottiner was employed as the CIO and during the time that she was a member of its Board of Trustees. She further acknowledges that she also should have disqualified herself from any involvement in matters involving her cohabitating romantic partner, Chottiner. She specifically acknowledges that (1) she should have recused herself from attending a meeting with Edge.Net and Chottiner in her capacity as TESU President (2) she should have recused herself from submitting bid waiver memoranda items to the TESU board that included services from Edge.Net as she did once on June 5, 2020, but failed to do so on her bid waiver memoranda on June 8, 2018, June 7, 2019, October 8, 2020, and June 11, 2021, and (3) that her recusal obligation extended to prohibiting her from suggesting subordinate


employees meet with her cohabitating romantic partner, Chottiner. Hancock acknowledges that her recusal obligations were absolute and, while she acted with no mal-intent and no unwarranted benefit was conveyed nor intended to be conveyed to Edge.Net or Chottiner, her actions may have created an impression or suspicion among the public having knowledge of her acts that she may have been engaged in conduct violative of her trust as a State officer. At the time of her actions, she did not perceive a conflict, but recognizes her recusal obligations now and regrets that at the time she did not fully understand her recusal obligations and failed to fully abide by this obligation.

21. Hancock resigned her position on the Edge.Net board and Chottiner resigned from Edge.Net in 2021. As such, Hancock no longer has a recusal obligation from Edge.Net, but should Chottiner or his business or employer have any further business with TESU, Hancock understands that she has an absolute recusal obligation from all matters involving Chottiner and his business or employer.

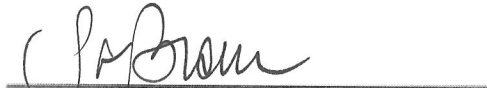
22. The Commission is permitted to levy monetary fines of \$500.00 to \$10,000.00 per violation of the Conflicts Law or the regulations of the Commission.

23. Hancock, in recognition of the findings of the Commission and in acknowledgement that in these three instances she violated the Recusal Rule (without conferring any unwarranted benefits to Edge.Net or Chottiner), agrees to pay a civil penalty in the amount of \$1,500.00, payable not later than 30 days following the date of approval of this Consent Order by the Commission.


24. The parties agree to enter this Consent Order in full and final settlement of all matters and issues that are involved herein.


Merodie Hancock

Dated: 5/16/2023


State Ethics Commission
By: Stephanie Brown, Chair

Dated: June 13, 2023


State Ethics Commission
By: Joy-Michele Johnson, Executive Director

Dated: 6/13/2023