

STATE OF NEW JERSEY
STATE ETHICS COMMISSION
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STATE OF NEW JERSEY
STATE ETHICS COMMISSION
COMMISSION CASE NO. 31-14

IN THE MATTER OF	:	
LISA PAYNE, LEGAL SECRETARY	:	Administrative Action
OFFICE OF THE PUBLIC DEFENDER	:	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 Office of the Public Defender (“OPD”); and

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

WHEREAS, as a result of the investigation, the Commission and Lisa Payne (“Payne”) desire to enter into a final and complete resolution of all matters and issues raised thereby;

IT IS THEREFORE agreed by the parties as follows:

1. Payne has been employed by OPD since 1989. She currently serves as the acting head secretary at the Mercer County Public Defender’s Office (“Mercer Office”).

2. OPD provides legal services to individuals charged with criminal offenses who cannot afford an attorney. OPD does not, however, provide services to their clients or other individuals seeking an expungement of their arrest, detention or conviction records.

3. When an individual requests expungement services at the Mercer Office, he is typically advised to retain a private attorney and/or is directed to a “*Pro-se* Expungement Kit.” These Kits are often distributed to OPD clients at the Mercer Office.

4. In 2008, Payne began preparing expungement paperwork on behalf of individuals referred to her by family and friends. As she prepared more expungements, she began to charge a fee for her services.

5. Payne did not fill out an Outside Activity Questionnaire (“OAQ”) disclosing her outside business preparing expungements to OPD. Had she disclosed her expungement business activities on an OAQ, it would not have been approvable.

6. In 2012, when Payne’s supervisor became aware that she was providing expungement services at the Mercer Office, he instructed her to cease preparing expungements. Despite her supervisor’s directive, Payne continued to work on expungements until 2014.

7. Between 2008 and 2014, Payne used her State-issued computer to work on at least twenty-five expungement applications, charging \$150 to \$350 per application. Payne emailed the expungement documents to her State email address and saved them on her State computer. Payne used the State printer to print the documents and, in some instances, received the assistance of a former Mercer Office secretary to notarize expungement documents.

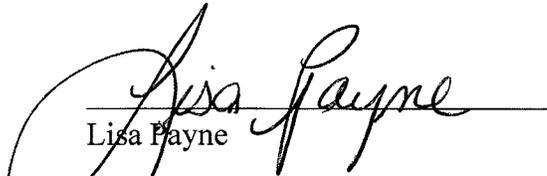
8. Payne provided expungement services for at least eleven current or former OPD clients, including six from the Mercer Office. While she provided expungement services, Payne was aware that some of her clients were also OPD clients.

9. It is the Commission's position that Payne violated sections 23(e)(3) and (e)(7) of the Conflicts Law by misusing State time and resources to support her expungement business, and Section VI of the Uniform Ethics Code ("UEC") for engaging in an unapproved and impermissible outside employment.

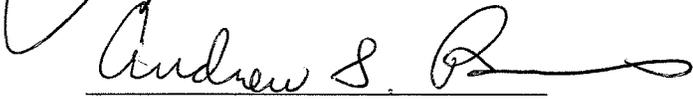
10. It is Payne's position that although she used her State email and printer to transmit and print expungement documents, she typed the documents outside the Mercer Office. She also maintains that her expungement services did not interfere with her professional responsibilities. At the time, she felt that she was helping people by charging less for her services than a private attorney.

11. Payne acknowledges that her actions in connection with her expungement activities constituted a misuse of her official position to secure an unwarranted advantage for herself and created the impression that she was engaged in conduct violative of her trust as a State employee, in violation of sections 23(e)(3) and (e)(7) of the Conflicts Law. Moreover, Payne acknowledges that, in hindsight, she violated Section VI of the Uniform Ethics Code for engaging in an unapproved and impermissible outside employment.

12. The parties agree to enter into this Consent Order in settlement of all matters and issues that are involved herein. In consideration thereof, Payne agrees to pay a civil penalty of \$2,500.00. An initial payment of \$500 will be due within thirty (30) days of the date on which this Consent Order is fully executed; \$500 will be due within ninety (90) days of execution of the Consent Order; \$500 will be due within one-hundred-twenty (120) days of execution of the Consent Order; \$500 will be due within one-hundred-fifty (150) days of execution of the Consent Order; and a final payment of \$500 will be due within one-hundred-eighty (180) days of execution of the Consent Order.


Lisa Payne

Dated: 4-27-15



Dated: 5/19/15

State Ethics Commission
Andrew S. Berns, Chair



Dated: 5/19/15

State Ethics Commission
Susana E. Guerrero, Executive Director