
**IN THE MATTER OF
JOSEPH RIGBY,
BOARD OF GOVERNORS MEMBER,
RUTGERS, THE STATE COLLEGE
OF NEW JERSEY**

STATE ETHICS COMMISSION

Commission Case No. 40-15

DECISION

BACKGROUND

Rutgers, The State College of New Jersey (“Rutgers”) requests an exception to Executive Order 14 (Corzine 2006) (“EO 14”) on behalf of Rutgers Board of Governors Member Joseph Rigby (“Rigby”), who is also a compensated Chief Executive Officer of Pepco Holdings, Inc. (“Pepco”).

EO 14 prohibits a member of a State college or university governing board from being employed by or deriving or receiving any compensation from a firm, association, or partnership that does business with the institution that the board member governs. The term “doing business with” is defined to mean “providing or receiving any goods or services or otherwise engaging in a transaction involving the exchange of anything of value.” Pursuant to paragraph 5 of EO 14, however, the State Ethics Commission is authorized to grant exceptions from this prohibition if “in the judgment of the Executive Director, the entity that is doing business with the institution is doing so pursuant to a contract awarded in accordance with the competitive bidding laws applicable to that institution or the public interest requires an exception to be made.”

APPLICATION

According to the information provided, Atlantic City Electric, a subsidiary of Pepco, provides electricity services to Rutgers’ southern offices. Atlantic City Electric charges Rutgers the same rates for electrical services as any other customer. The decision to use Atlantic City Electric for these services was made prior to Rigby’s appointment as a member of the Rutgers Board of Governors, and the decision to utilize Atlantic City Electric for Rutgers’ electricity needs is not a decision that required any consideration or approval by the Rutgers Board of Governors. There is no discernible risk that Pepco/Atlantic City Electric received any improper favorable treatment from Rutgers due to Rigby’s position on the Board of Governors.

Based on the facts provided, it is in the public interest to grant an EO 14 exception to Rigby.

DECISION

The Commission grants Rigby an exception to the provisions of EO 14. In his official State capacity, however, Rigby must recuse himself from any matters involving Pepco or Atlantic City Electric.

DECISION RENDERED BY THE
STATE ETHICS COMMISSION ON
THE 22nd DAY OF SEPTEMBER, 2015