

MINUTES OF THE JUNE 13, 2023 MEETING
OF THE STATE ETHICS COMMISSION
225 E. STATE STREET, 5TH FLOOR EAST
10 a.m.

Present: Chair Stephanie A. Brown, Vice Chair Patricia Morgan, Commissioner Victor J. Herlinsky, Jr., Commissioner Tahesha Way, Executive Director Joy-Michele Johnson, Deputy Director Christina C. Fullam, Assistant Attorney General Melissa Dutton Schaffer and members of the Commission staff. Commissioner Sarah Adelman and Commissioner Babatunde P. Odubekun participated by telephone. Vice Chair Morgan participated initially by telephone and then in person.

I. CALL TO ORDER BY CHAIR BROWN

The meeting was called to order at approximately 10:08 a.m. by Chair Brown. The Chair announced that adequate notice of the date, time and place of the meeting had been provided to the Office of the Secretary of State on December 6, 2022 to be posted prominently on a board reserved for such announcements. On the same date, identical notices of the meeting date were distributed to two major newspapers in New Jersey.

II. MINUTES OF THE MARCH 21, 2023 MEETING

Commission members had no changes to the March 21, 2023 Minutes, which were approved unanimously on motion of Commissioner Herlinsky, seconded by Commissioner Odubekun, following the Executive Session of the meeting. Vice Chair Morgan abstained.

III. RECESS OF THE OPEN MEETING

Chair Brown moved that the open session be recessed and that, pursuant to Section 10:4-12(b) of the Open Public Meetings Act, the Commission enter into Executive Session to discuss personnel matters, matters falling within the attorney-client privilege, and investigations of possible violations of the law. Pursuant to Section 10:4-13(b) of the Act, the discussion conducted in closed session may be disclosed to the public when there is no longer a need to maintain the confidentiality of same. Commissioner Herlinsky seconded the motion, which was unanimously carried 5 to 0 (Adelman, Brown, Herlinsky, Odubekun and Way). Vice Chair Morgan was not present for the vote, but joined the meeting before any matters were discussed in Executive Session.

IV. RECONVENING OF THE OPEN MEETING

Following the Executive Session, Chair Brown reconvened the open meeting.

V. CASES

**19-20 Merodie Hancock, President
 Thomas Edison State University
 Commission Case No. 19-20 - PROPOSED SETTLEMENT**

Commissioner Herlinsky moved that the Commission approve the proposed settlement of In the Matter of Merodie Hancock, with a civil penalty of \$1,500, as outlined in the Consent Order. Vice Chair Morgan seconded the motion, which was passed 6 to 0 (Adelman, Brown, Herlinsky, Morgan, Odubekun and Way).

**36-20 Report of Preliminary Investigation
 New Jersey Department of Transportation
 Commission Case No. 36-20**

Commissioner Way moved that pursuant to *N.J.A.C. 19:61-3.1(h)*, the Commission find indications that the individual violated section 23(e)(7) of the Conflicts Law, as well as the Recusal Rule, *N.J.A.C. 19:61-7.1 et seq.*, and dismiss the remaining allegations pursuant to *N.J.A.C. 19:61-3.1(g)*; and that the Commission authorize staff to undertake efforts to settle the matter by way of Consent Order prior to the filing of the Complaint in the Office of Administrative Law. Commissioner Herlinsky seconded the motion, 6 to 0 (Adelman, Brown, Herlinsky, Morgan, Odubekun and Way).

**04-22 Mark Lohbauer, Commissioner
 NJ Pinelands Commission
 Commission Case No. 04-22**

Commissioner Herlinsky moved that pursuant to *N.J.A.C. 19:61-3.1(g)*, the Commission dismiss the allegations that Mark Lohbauer violated sections 23(e)(3) and 23(e)(7) of the Conflicts Law as unfounded. Vice Chair Morgan seconded the motion, 6 to 0 (Adelman, Brown, Herlinsky, Morgan, Odubekun and Way).

**37-22 Report of Preliminary Investigation
 Board of Public Utilities
 Commission Case No. 37-22**

Commissioner Way moved that the Commission table the matter to the August Commission meeting. Vice Chair Morgan seconded the motion, which was passed 6 to 0 (Adelman, Brown, Herlinsky, Morgan, Odubekun and Way)

09-23 Request for an Exception to EO 14 (Corzine, 2006)
Rutgers University
Commission Case No. 09-23

Commissioner Way moved that the Commission table the matter to the August Commission meeting. Chair Brown seconded the motion, which was passed 4 to 0 (Adelman, Brown, Morgan, and Way) Commissioners Herlinsky and Odubekun recused.

10-23 Report of Preliminary Investigation
Department of Corrections
Commission Case No. 10-23

Commissioner Herlinsky moved that the Commission authorize DOC to proceed with disciplinary action against the individual for violating Section II, paragraphs 4 and 5, Section IX, and Section XIII of the Uniform Ethics Code (“UEC”) by conducting a romantic relationship with a subordinate without disclosing that relationship to the appropriate authorities or recusing from matters involving the subordinate. Vice Chair Morgan seconded the motion, 6 to 0 (Adelman, Brown, Herlinsky, Morgan, Odubekun and Way).

14-23 Report of Preliminary Investigation
Department of Treasury
Commission Case No. 14-23

Vice Chair Morgan moved that the Commission authorize Treasury to proceed with disciplinary action against the individual for violating Section II, paragraphs 3, 4, and 5 and Section IX of the Uniform Ethics Code (“UEC”) by recommending their cohabitating romantic partner as a candidate for an open position with a Treasury vendor whom they supervised. Commissioner Way seconded the motion, which was passed 6 to 0 (Adelman, Brown, Herlinsky, Morgan, Odubekun, and Way).

19-23 Report of Preliminary Investigation
Motor Vehicle Commission
Commission Case No. 19-23

Commissioner Way moved that the Commission authorize MVC to proceed with disciplinary action against the individual for violating section III of the Uniform Ethics Code (“UEC”) by accepting a gift from an MVC customer after being advised by a supervisor not to accept the gift. Vice Chair Morgan seconded the motion, which was passed 6 to 0 (Adelman, Brown, Herlinsky, Morgan, Odubekun, and Way).

21-23 Report of Preliminary Investigation
Sports and Exposition Authority
Commission Case No. 21-23

Vice Chair Morgan moved that the Commission authorize SEA to proceed with disciplinary action against the individual for violating Section II, paragraphs 1, 4, and 5 and Sections VI and VII of the Uniform Ethics Code (“UEC”) for engaging in outside work as a freelance writer on State time, using State resources. Chair Brown seconded the motion, which was passed 5 to 0 (Adelman, Brown, Morgan, Odubekun, and Way). Commissioner Herlinsky abstained.

23-23 Trustee James Schulz
The College of New Jersey

**Request for EO 14 (Corzine, 2006) and EO 189 (Kean, 1988) Exception
Commission Case No. 23-23**

Chair Brown moved that the Commission approve the EO 14 exception and waiver of EO 189. Commissioner Odubekun seconded the motion, which was passed 5 to 0 (Adelman, Brown, Herlinsky, Morgan, and Odubekun). Commissioner Way abstained.

**24-23 Report of Preliminary Investigation
 Department of Corrections
 Commission Case No. 24-23**

Vice Chair Morgan moved that the Commission authorize DOC to proceed with disciplinary action against the individual for violating Section II, paragraphs 4 and 5, Section IX, and Section XIII of the Uniform Ethics Code ("UEC") by conducting a romantic relationship with their subordinate without disclosing that relationship to the appropriate authorities or recusing from matters involving their subordinate. Commissioner Way seconded the motion, which was passed 6 to 0 (Adelman, Brown, Herlinsky, Morgan, Odubekun, and Way).

**27-23 Lisa A. Walker, Deputy Director
 Division of Investment
 Department of Treasury
 Commission Case No. 27-23**

Commissioner Way moved that the Commission approve the Blind Trust submitted by Lisa Walker as comporting with the provisions of EO 2 and the Commission's guidelines governing blind trusts. Vice Chair Morgan seconded the motion, which was passed 6 to 0 (Adelman, Brown, Herlinsky, Morgan, Odubekun, and Way).

**28-23 Report of Preliminary Investigation
 Department of Transportation
 Commission Case No. 28-23**

Vice Chair Morgan moved that the Commission authorize DOT to proceed with disciplinary action against the individual for violating Section II, paragraph 5 of the Uniform Ethics Code ("UEC") by requesting a recommendation letter from a DOT subcontractor over whom she had direct oversight and authority as part of her State duties. Commissioner Adelman seconded the motion, which was passed 6 to 0 (Adelman, Brown, Herlinsky, Morgan, Odubekun, and Way).

**29-23 Report of Preliminary Investigation
 Department of Transportation
 Commission Case No. 29-23**

Vice Chair Morgan moved that the Commission authorize DOT to proceed with disciplinary action against the individual for violating Section II, paragraphs 4 and 5 of the Uniform Ethics Code ("UEC") by identifying himself as a DOT employee during a personal phone call with the New Jersey Motor Vehicle Commission ("MVC") in an attempt to obtain preferential treatment in resolving his driver's license suspension. Commissioner Way seconded the motion, which was passed 6 to 0 (Adelman, Brown, Herlinsky, Morgan, Odubekun, and Way).

**49-22 Christopher Neuwirth
 Request for Documents
 Commission Case No. 49-22**

Commissioner Herlinsky moved that the Commission deny the request for a copy of the investigatory file because that matter has not yet concluded, and therefore, the provisions in *N.J.A.C. 19:61-3.1(c)(5)* permitting release of the file do not apply. Chair Brown seconded the motion, which was passed 5 to 0 (Adelman, Brown, Herlinsky, Odubekun, and Way). Vice Chair Morgan recused.

Commissioner Herlinsky moved that the Commission deny the request for a copy of the investigatory file because Neuwirth has not articulated a particularized need as required by *N.J.A.C. 19:61-3.1(c)(5)* sufficient to overcome the public interest in maintaining the confidentiality of the investigatory file. Chair Brown seconded the motion, which was passed 5 to 0 (Adelman, Brown, Herlinsky, Odubekun, and Way). Vice Chair Morgan recused.

VI. ADMINISTRATIVE

Casino Waiver Consent

Commissioner Way moved that the Commission approve casino employment waivers for McSorely (OPD), Morgan (Stockton), Gross (Stockton) and Echevarria (Stockton). Vice Chair Morgan seconded the motion, which was passed 6 to 0 (Adelman, Brown, Herlinsky, Morgan, Odubekun and Way).

VII. ADJOURNMENT

There being no further business, Commissioner Herlinsky moved to adjourn the meeting. Chair Brown seconded the motion, which was unanimously carried.

Respectfully submitted,

Shanna Cook

Shanna Cook, Executive Assistant
State Ethics Commission
Date: July 21, 2023