

MINUTES OF THE JANUARY 23, 2024 MEETING
OF THE STATE ETHICS COMMISSION
225 E. STATE STREET, 5TH FLOOR EAST
10 a.m.
(*Meeting conducted via teleconference)

Present: Chair Stephanie A. Brown, Commissioner Brian Bridges, Commissioner Victor J. Herlinsky, Jr., Commissioner Christine Norbut Beyer, Commissioner Babatunde P. Odubekun, Executive Director Joy-Michele Johnson, Deputy Director Christina C. Fullam and members of the Commission staff. Commissioner Bridges joined at 10:27 a.m. Commissioner Beyer left the call at 10:30 a.m. and did not return. Vice Chair Morgan joined the call at 11:51 a.m. Commissioner Herlinsky left the call at 11:52 a.m.

I. CALL TO ORDER BY CHAIR BROWN

The meeting was called to order at approximately 10:07 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 January 18, 2024 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 NOVEMBER 28, 2023 MEETING

Commission members had no changes to the November 28, 2023 Minutes, which were approved unanimously on motion of Commissioner Herlinsky, seconded by Commissioner Odubekun, following the Executive Session of the meeting. Commissioner Bridges was not present for the vote.

III. RECESS OF THE OPEN MEETING

Commissioner Odubekun 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. Chair Brown seconded the motion, which was unanimously carried 4 to 0 (Beyer, Brown, Herlinsky, and Odubekun). Commissioner Bridges was not present for the vote.

IV. RECONVENING OF THE OPEN MEETING

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

V. CASES

**16-20 Report of Preliminary Investigation
Department of Health
Commission Case No. 16-20**

Commissioners discussed the status of this matter in executive session and no action was taken.

**01-24 Request for Advice
Sean Moriarty, Deputy Commissioner
Department of Environmental Protection
Commission Case No. 01-24**

Commissioner Herlinsky moved that the Commission issue an advisory opinion advising that the proposed employment with a private law firm which currently represents defendants in matters litigated by the DEP would not violate Section 17 of the Conflicts of Interest Law or Section VIII of the UEC because the Commission determined that Moriarty's involvement on behalf of DEP in the two matters was neither direct nor substantial. Commissioner Herlinsky further moved that Moriarty will be required, pursuant to Section 23(e)(7) of the Conflicts of Interest Law to personally recuse from these matters to avoid the appearance of a conflict when he leaves State service and accepts employment with the law firm. Additionally, Moriarty was also to be advised that the Rules of Professional Conduct for attorneys may also impose restrictions on his future handling of litigated matters involving the DEP. Lastly, the Commission should require that the October 2023 recusal from all matters involving Archer & Greiner, P.C. must remain in place until Moriarty departs State service or until he ceases considering employment with Archer & Greiner, P.C. Chair Brown seconded the motion, which was passed 4 to 0 (Bridges, Brown, Herlinsky and Odubekun)

**02-24 Office of Attorney Ethics
Request for Documents
Commission Case No. 02-24**

Commissioner Herlinsky moved that the Commission find that portions of the Commission's investigatory file in Commission Case No. 41-15 be released to OAE staff members, in accordance with the provisions of *N.J.A.C.* 19:61-3.1(c)(4) and (5). Commissioner Odubekun seconded the motion, which was passed 4 to 0 (Bridges, Brown, Herlinsky and Odubekun).

**12-23 Michael Rush
NJ Department of Human Services
Commission Case No. 12-23**

Commissioner Bridges moved that pursuant to *N.J.A.C.* 19:61-3.1(g), the Commission dismiss the allegations that Michael Rush violated UEC Code Sections VI and IX for allegedly failing to disclosed and receive approval for an outside business activity and failing to recuse from supervising State employees that it was alleged he employed in the outside business, and further dismiss alleged violations of sections 23(e)(3) and 23(e)(7) of the Conflicts Law, because the

outside business had not been operational in many years, he had not employed any State employees in a private business, and did not use his State position to pressure any subordinates to work for him outside of State service. Commissioner Herlinsky seconded the motion, which was passed 4 to 0 (Bridges, Brown, Herlinsky and Odubekun).

**45-22 Christine Idland, Special Assistant to the Commissioner
Department of Children and Families
Commission Case No. 45-22**

Commissioner Bridges moved that pursuant to *N.J.A.C. 19:61-3.1(g)*, the Commission dismiss the allegations that Christine Idland violated sections 23(e)(3), 23(e)(4), and 23(e)(7) of the Conflicts Law and authorize staff to issue guidance with respect to members of professional licensing boards who may need to communicate with executive staff of the board about the member’s own license; that they may communicate with the executive head of the professional licensing board, may not request or receive any special consideration, and must recuse from participating in board action until their own license issue is resolved. Chair Brown seconded the motion, 4 to 0 (Bridges, Brown, Herlinsky and Odubekun).

**59-23 Report of Preliminary Investigation
Department of Children and Families
Commission Case No. 59-23**

Chair Brown moved that the Commission authorize DCF to proceed with disciplinary action against the employee for allegedly violating Section II, paragraph 4 of the Uniform Ethics Code (“UEC”) by submitting fraudulent documentation from a health care provider to the DCF Office of Human Resources (“OHR”) in an attempt to excuse themselves from two days of work. Commissioner Odubekun seconded the motion, 4 to 0 (Bridges, Brown, Herlinsky and Odubekun).

VI. ADMINISTRATIVE

Casino Waiver Consent

Commissioner Herlinsky moved that the Commission approve casino employment waivers for Cummins (Treasury). Commissioner Bridges seconded the motion, which was passed 4 to 0 (Bridges, Brown, Herlinsky and Odubekun).

Cannabis Waiver Consent

Chair Brown moved that the Commission approve a cannabis employment waiver for Fiorello (NJSP/DLPS), Terry (DOC) and Derwick (DEP). Commissioner Herlinsky seconded the motion, which was passed 4 to 0 (Bridges, Brown, Herlinsky and Odubekun).

Vice Chair Patricia Morgan joined the call. Commissioner Herlinsky left the call.

Revision of the Uniform Ethics Code

Commissioner Bridges moved that the Commission approve an update to Section VI of the Uniform Ethics Code covering “Outside Activities and Business Interests” under subject heading “Casino and Cannabis restrictions and Waivers” to be consistent with the January 16, 2024, changes to Sections 17.2(b)(1) AND (b)(3) of the Conflicts

of Interest Law, which change permits Special State Officers and Employees without responsibility for matters affecting casino or cannabis activity to represent casino license holders and applicants, medical cannabis entities, and personal use cannabis entities. Commissioner Odubekun seconded the motion, which was passed 4 to 0 (Bridges, Brown, Morgan and Odubekun). Commissioner Herlinsky recused.

VII. ADJOURNMENT

There being no further business, Commissioner Odubekun moved to adjourn the meeting at 11:57 a.m. Chair Brown seconded the motion, which was unanimously carried.

Respectfully submitted,

Shanna Cook

Shanna Cook, Executive Assistant
State Ethics Commission
Date: March 5, 2024