

APPENDIX A

CODE OF CONDUCT FOR THE GOVERNOR

1. PURPOSE

The Governor hereby adopts this Code to ensure public trust and confidence by providing a clear standard of conduct for the Governor.

II. STATEMENT OF POLICY

The position of Governor exists to serve the public in a manner that fosters the respect, trust, and confidence of the public.

This Code of Conduct prohibits conflicts that are substantial and material or that may bring the Governor into disrepute. This Code is not intended to be applied in a vacuum. To that end, it attempts to balance public perception with the practical realities of the position of Governor. This Code attempts to set a high standard of ethical behavior and provide clear-cut guidelines that accommodate the unique role of Governor as the head of State government, State's leading advocate, and head of a political party.

In any instance in which the Governor is not certain what the standard of conduct should be, he or she should consult the Advisory Ethics Panel, as established hereunder, as well as such members of his or her staff as he or she deems appropriate.

III. CODE OF CONDUCT

A. SOLICITATION AND RECEIPT OF GIFTS AND OTHER ITEMS

1. Except as otherwise provided herein or unless offered to the general public, the Governor shall not solicit, receive, or agree to receive, directly or indirectly, any compensation, reward, gift, favor, service, outside employment, offer of outside employment, preferential loans, services at preferential rates, discounts, gratuities, meals, lodging, travel expenses or anything of monetary value intended to influence him or her in the conduct of his or her public duties.

2. The Governor may accept gifts, favors, services, gratuities, meals, home hospitality, lodging, or travel expenses from relatives or long-time personal friends that are paid for with personal funds and that are unrelated to the Governor's official duties.

Home hospitality consists of gifts of hospitality including food, drink, or occasional lodging that the Governor may receive in an

individual's home when the individual or a member of that individual's family is present.

The Governor may accept gifts, favors, services, gratuities, meals, home hospitality, lodging, or travel expenses from individuals who have personal relationships with the Governor but who do not qualify as a long-time personal friends, if the following conditions are met:

- a. The individuals are not governmental affairs agents; and
- b. The benefit conferred was made because of a personal relationship unrelated to the Governor's official duties.

Additionally, there must be no evidence whatsoever at the time the benefit is made that the Governor makes or participates in the type of governmental decisions that may have a reasonably foreseeable material financial effect on the individuals who are the sources of the benefit.

For purposes of this section, a "long-time personal friend" is an individual who has had an existing personal relationship with the Governor at least three years prior to the date on which he or she took office. Such gifts, favors, services, gratuities, meals, home hospitality, lodging, or travel expenses received by the Governor shall not be required to be disclosed in the Financial Disclosure statement filed annually by the Governor.

3. The Governor may accept gifts, favors, services, gratuities, meals, lodging, or travel expenses that are paid for by a State Committee of a political party or similar entity.

4. The Governor may accept and personally retain a gift of minimal value tendered and received as a souvenir or mark of courtesy.

5. A tangible gift of greater than minimal value is deemed to have been accepted on behalf of the State of New Jersey and, on acceptance, shall become the property of the State of New Jersey.

The Governor may retain such gifts during the period of his or her incumbency. At the conclusion of the Governor's final term, such gifts shall be delivered to the State Museum, for appropriate disposition. Alternatively, the Governor may purchase any or all such gifts at fair market value at any time up to and including the last day of the Governor's term in office.

6. For the purposes of this section, "minimal value" is deemed to be the minimal value currently in effect under the federal Foreign Gift and Decorations Act.

B. ATTENDANCE AT EVENTS AND FUNCTIONS

1. The Governor may attend any function and accept food and beverages and related privileges if his or her attendance at the event furthers a public purpose.

2. The Governor may attend any event or function as official business if the Governor's attendance is paid for by the State.

3. The Governor may attend an event or function paid for by a State Committee or other similar entity.

4. The Governor may attend events or functions other than events or functions open to the general public. Examples of such events or functions include a conference, ground-breaking, ribbon-cutting, meal, open house, cocktail party, fundraiser, holiday party, or social or business function.

5. The Governor may attend any event or function paid for with personal funds.

C. ADVOCACY / ENDORSEMENTS

The Governor is permitted to advocate the interests of public and private groups other than the State if doing so promotes a legitimate public purpose.

D. TRAVEL AND LODGING

1. State payment of travel, including actual transportation and related lodging and subsistence, that is reasonably related to a governmental purpose is permissible. Any private reimbursement of such expenses, unless otherwise exempted herein, shall be made to the State.

2. With the approval of the Ethics Liaison Officer, the Governor may accept reimbursement of actual expenses for travel, lodging and meals in connection with private speeches or published works on matters within the scope of the Governor's official duties, for which reimbursement is not sought or received from the State.

3. The Governor may accept travel and related expenses provided by a government, a governmental agency, a foreign government, a governmental authority, a bona fide public or private educational institution, a nonprofit organization that is exempt from taxation

under Section 501(c)(3) of the Internal Revenue Code, or by a person outside the United States which substantially satisfies the requirements for tax-exempt status under Section 501(c)(3) of the Internal Revenue Code.

4. For purposes of this section, a gift of travel does not include travel that is paid from campaign funds, or that is an in-kind political contribution.

E. DE FACTO HEAD OF POLITICAL PARTY

The Governor's status as de facto head of his or her political party is intertwined with his or her public responsibilities as Head of the State government. The Governor may act in a partisan political role, identify himself or herself as Governor in that capacity, endorse political candidates, attend political events and raise and accept political contributions in accordance with governing campaign contribution laws.

F. CONFLICTS AND APPEARANCES OF CONFLICTS

1. The Governor shall not engage in conduct that constitutes a conflict of interest. A conflict of interest is defined as use by the Governor of the authority of his or her office or of any confidential information received through his or her holding public office for the private pecuniary benefit of himself or herself, a member of his or her immediate family, or a business in which he or she or a member of his immediate family has a financial interest. For purposes of this section, a "financial interest" means (a) the ownership or control of more than 10% of the profits or assets of a firm, association, or partnership, or more than 10% of the stock in a corporation for profit other than a professional service corporation organized under the "Professional Service Corporation Act," P.L.1969, c.232 (C. 14A:17-1 et seq.); or (b) the ownership or control of more than 1% of the profits of a firm, association, or partnership, or more than 1% of the stock in any corporation, which is the holder of, or an applicant for, a casino license or in any holding or intermediary company with respect thereto, as defined by the "Casino Control Act," P.L.1977, c.110 (C. 5:12-1 et seq.). "Conflict" does not include:

- a. An action having a de minimis economic impact, or
- b. An action that affects to the same degree the Governor and members of the general public, or

- c. A circumstance where the Governor's action may impact the Governor or members of his or her immediate family in a manner different in degree than members of the general public where the action reasonably cannot be avoided under the doctrine of necessity, and where the action is preceded by public disclosure of the interrelationship of the proposed action and the personal interest of the Governor or his or her immediate family. Examples of such actions include instances where by operation of state or federal law, only the Governor can act, such as approval or disapproval of legislative enactments, nominations or appointments of State officers, or declaration of emergencies.

2. The Governor shall not solicit or accept anything of monetary value, including a gift, loan, political contribution, reward, or promise of future employment based on any understanding of the Governor that the vote, official action, or judgment of the Governor would be influenced thereby.

3. The Governor shall not have any direct or indirect interest, financial or otherwise, or engage in any business or transaction or professional activity that is in substantial conflict with the proper discharge of the Governor's duties in the public interest.

4. The Governor shall not act in his or her official capacity in any matter wherein he or she has a direct or indirect personal financial interest that might reasonably be expected to impair his or her objectivity or independence of judgment except as herein provided.

5. The Governor shall not either personally or through any person or entity undertake or execute any contract, agreement, sale or purchase valued at \$25.00 or more with any State agency, except as otherwise provided in the Conflicts of Interest Law and approved by the Advisory Ethics Panel.

6. The Governor shall not undertake any outside employment; or any service, whether compensated or not, which might reasonably be expected to impair his or her objectivity and independence of judgment in the exercise of his or her official duties.

7. The Governor shall not accept any personal gift, favor, service or other thing of value under circumstances from which the Governor knows or has reason to believe that such personal gift, favor, service or other thing of value is offered with the intent

to unduly influence him or her in the performance of his or her public duties or under circumstances from which it might be reasonably inferred that such gift, service or other thing of value was given or offered for the purpose of influencing the Governor in the discharge of his or her official duties.

8. The Governor shall not knowingly act in any way that might reasonably be expected to create an impression or suspicion among the public, having knowledge of his or her official duties, that he or she may be engaged in conduct inconsistent with this Code.

G. USE OF STATE INFORMATION, PROPERTY AND FUNDS, AND TITLE

1. Consistent with the other provisions of this Code, the Governor shall use the information, property, and funds under his or her official control in accordance with prescribed procedures and not for personal gain or benefit.

2. Consistent with the other provisions of this Code, the Governor shall not use or disclose information not generally available to members of the public, which information he or she obtains during the course of his or her official duties, other than such use or disclosure connected with the Governor's official duties.

3. In recognition of the nature of the Office of Governor, the Governor generally shall not be restricted in the use of his or her official title, except that the Governor shall not use his or her official title for personal financial gain.

H. SPECIAL CASINO, FINANCIAL DISCLOSURE AND RELATED CONSIDERATIONS

1. The Governor is subject to the statutory provisions concerning contemporaneous and post-State employment restrictions regarding casinos. The proscription is contained in N.J.S.A. 52:13D-17.2.

2. If the Legislature repeals or suspends N.J.S.A. 52:13D-17.2, in whole or in part, the companion sections of this Code shall, to the same extent, be deemed repealed or suspended and of no effect.

3. The Governor shall be subject to the Financial Disclosure requirements established by Executive Order.