

**CODE OF ETHICS  
OF  
THE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Dated: December 2, 2002

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## I. AUTHORITY

- N.J.S.A. 13:1B-3 (Duties of the Commissioner)  
N.J.S.A. 13:1B-4 (Delegation of Powers by the Commissioner)  
N.J.S.A. 13:1D-1 et seq. (Enabling Legislation of the Department)  
N.J.S.A. 52:13D-12 et seq. (Conflicts of Interest Law)

## II. FINDINGS

(a) In our representative form of government, it is essential that the conduct of public officials and employees shall hold the respect and confidence of the people. Public officials must, therefore, avoid conduct which is in violation of their public trust or which creates a justifiable impression among the public that such trust is being violated. To ensure propriety and preserve public confidence, persons serving in government should have the benefit of specific standards to guide their conduct and of some disciplinary mechanism to ensure the uniform maintenance of those standards amongst them.

(b) It is also recognized that under a free government it is both necessary and desirable that all citizens, public officials included, should have certain specific interests in the decisions of government, and that the activities and conduct of public officials should not, therefore, be unduly circumscribed.

## III. PURPOSE AND APPLICABILITY

(a) This Code of Ethics is intended to provide a set of standards which supplements but does not replace the provisions of the New Jersey Conflicts of Interest Law, the regulatory standards promulgated by the Commission as set forth at N.J.A.C. 19:61 and the guidelines which have been established by the Commission.

(b) Officers and employees and special State officers and employees shall be subject to this Code of Ethics as set forth herein as well as to the New Jersey Conflicts of Interest Law and all regulatory standards and guidelines promulgated or established pursuant thereto.

## IV. DEFINITIONS

“Commission” means the Executive Commission on Ethical Standards.

“Department” means the Department of Environmental Protection

“Department employee” means a State officer or employee or a special State officer or employee holding an office or employment in the Department.

"Direct benefit" means acceptance by a Department employee from the sponsor of an event or any other person of travel, meals, accommodation, waiver of conference or event fee or any other costs associated with attending the event for which no payment is made by the State but is not

intended to mean nominal refreshments such as nonalcoholic beverages and snacks (doughnuts, pastries and cookies).

“Employment” means a situation, whether compensated or uncompensated, in which services are performed for any person, organization or other entity. The term shall include self-employment.

"Event" means a meeting, conference, seminar, speaking engagement, symposium, training course, ground-breaking, ribbon-cutting, meal, open house, cocktail party, fundraiser, holiday party, social function, or similar event that takes place away from the Department employee's work location, is sponsored or co-sponsored by a non-State government source and the invitation for which is extended to the Department employee because of his or her official position.

"Indirect benefit" means acceptance by a Department employee from the sponsor of the event or any other person of reimbursement for costs of travel, meals, accommodation, event fees, or any other costs associated with attending the event for which no reimbursement is made by the State but is not intended to mean nominal refreshments such as nonalcoholic beverages and snacks (doughnuts, pastries and cookies).

"Interest" means (1) 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 (2) 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.). The provisions of the Conflict of Interest Law (N.J.S.A. 52:13D-12 et seq.) governing the conduct of individuals are applicable to shareholders, associates or professional employees of a professional service corporation regardless of the extent or amount of their shareholder interest in such a corporation.

"Interested party" means:

1. Any person, or employee, representative or agent thereof, who is or may reasonably be anticipated to be subject to the regulatory, licensing or supervisory authority of the Department;
2. Any supplier, or employee, representative or agent thereof;
3. Any organization that advocates or represents the positions of its members to the Department; or
4. Any organization a majority of whose members are as described in paragraphs 1 through 3 above.

"Member of the immediate family" of any person means the person's spouse, child, parent or sibling residing in the same household.

"Person" means any natural person, association, organization, firm, partnership or corporation.

"Personal funds" means funds of a Department employee. It does not include funds that are loaned, advanced, promised or reimbursed to a Department employee for any purpose by an interested party.

"Published work" means any tangible medium of expression, including, but not limited to, literary, pictorial, graphic and sculptural matter; sound recordings; and software.

"Recusal" means the process by which a person is disqualified, or disqualifies himself or herself, from a matter because of a conflict of interest.

"Relative" means a spouse, parent, child, sibling, grandparent, grandchild, uncle, aunt, nephew, niece, father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, or first cousin, whether in whole or half blood, by marriage, adoption or natural relationship, and the spouse of any such person.

"State officer or employee" means any person, other than a special State officer or employee (1) holding an office or employment in a State agency, excluding an interstate agency, other than a member of the Legislature or (2) appointed as a New Jersey member to an interstate agency.

"Special State officer or employee" means (1) any person holding an office or employment in a State agency, excluding an interstate agency, for which office or employment no compensation is authorized or provided by law, or no compensation other than a sum in reimbursement of expenses, whether payable per diem or per annum, is authorized or provided by law; (2) any person, not a member of the Legislature, holding a part-time elective or appointive office or employment in a State agency, excluding an interstate agency, or (3) any person appointed as a New Jersey member to an interstate agency the duties of which membership are not full-time.

"Supplier" means any private sector person that is providing or is seeking to provide or may reasonably be expected to provide goods and/or services to the Department, including, but not limited to, consultants, vendors and lessors.

## V. ETHICS LIAISON OFFICER

The Department's Ethics Liaison Officer is the Department employee designated and appointed by the Commissioner of the Department to serve as the official liaison to the Commission. All determinations made by the Office of Legal Affairs in the Department, which serves as staff to the Ethics Liaison Officer, regarding conflicts of interest or other ethics-related matters are subject to review by the Ethics Liaison Officer.

## VI. GENERAL STANDARDS

(a) No Department employee shall:

1. Have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, which is in substantial conflict with the proper discharge of his or her duties in the public interest;
2. Engage in any particular business, profession, trade or occupation which is subject to licensing or regulation by a specific agency of State government without promptly filing notice of such activity in accordance with the requirements of this Code of Ethics;
3. Use or attempt to use his or her official position to secure unwarranted privileges or advantages for the Department employee or others;
4. 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.
5. Undertake any employment or 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.
6. Accept any gift, favor, service or other thing of value 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 him or her in the discharge of his or her official duties;
7. 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 acts that he or she may be engaged in conduct violative of his or her trust as a Department employee.

## VII. SECONDARY EMPLOYMENT AND ACTIVITIES

(a) In accordance with the rules of the Commission at N.J.A.C. 19:61-2.2 and General Standard (a)4 and 5 above, all Department employees shall annually disclose secondary employment and/or outside business interests.

(b) Any Department employee who wishes to commence secondary employment or outside business interests shall, prior to the time he or she undertakes this position, complete a Conflict of Interest Questionnaire provided by the Department and submit it to his or her Division Director or equivalent. The Conflict of Interest Questionnaire is available from the Department's Division of Human Resources, the Department's Office of Legal Affairs or on the Department intranet at: <http://depnet/empinfo/humanres/policies.asp>.

(c) The Department's Division of Human Resources will provide a copy of this Code of Ethics to all newly hired Department employees and require each Department employee to sign a receipt which shall be placed in that employee's personnel file.

1. If the newly hired Department employee is not engaged in or does not intend to engage in secondary employment or outside business interests he or she shall complete Sections A, B, D and E of the Conflict of Interest Questionnaire and return it to the Director of the Division of Human Resources.

2. If the newly hired Department employee is engaged in or does intend to engage in secondary employment or outside business interests he or she shall complete the entire Conflict of Interest Questionnaire and submit to his or her Division Director or equivalent as set forth in (b) above.

(d) The Division Director or equivalent shall, within one week of receipt of the Conflict of Interest Questionnaire that has been signed and dated by the Department employee:

1. Recommend approval or disapproval of the request for secondary employment;

i. If the recommendation is for disapproval, provide written justification supporting the recommendation;

2. Sign the Questionnaire and submit it to the Director of the Office of Legal Affairs.

(e) The Director of the Office of Legal Affairs shall, within two weeks of receipt of the completed Conflict of Interest Questionnaire:

1. Determine whether the secondary employment presents a conflict of interest or the appearance thereof;

2. Prepare an advisory opinion on the proposed secondary employment. This advisory opinion shall state whether or not the request for secondary employment is approved or denied and the reason(s) therefor. A copy of this opinion and Questionnaire shall be:

i. Placed on file in the Office of Legal Affairs;

ii. Forwarded to the Director of the Division of Human Resources and placed in the Department employee's personnel file; and

iii. Forwarded to the Commission.

(f) All advisory opinions rendered by the Director of the Office of Legal Affairs and/or the Ethics Liaison Officer are subject to review by the Commission.

(g) When no longer engaged in secondary employment or if information set forth in the Conflict of Interest Questionnaire changes, the Department employee shall complete another Questionnaire, updating all information and shall sign, date and submit that Questionnaire according to the requirements of this section.

(h) All secondary employment and related conflict of interest questions shall be reviewed in accordance with the provisions of the New Jersey Conflicts of Interest Law, the regulatory standards promulgated by the Commission as set forth at N.J.A.C. 19:61 and the guidelines which have been established by the Commission, as well as this Code of Ethics. The applicable standards include, but are not limited to, the following:

1. No Department employee may engage in secondary employment expressly forbidden by law.

2. No Department employee involved in reviewing plans, permits, applications or orders submitted to the Department for review shall engage in employment with any of the firms that he/she has or potentially could have contact with in the course of his/her employment with the Department.

3. No Department employee who has access to or knowledge of any Departmental policies, procedures, methodology, equipment, confidential information or similar insight resulting directly from his/her employment with the Department may utilize this information for either personal gain or to contribute to the personal gain of any individual.

4. No Department employee shall engage in any employment which would compromise his/her objectivity in the performance of his/her duties or give the appearance of causing his/her objectivity to be lessened.

#### VIII. SOLICITATION, RECEIPT OR AGREEMENT TO RECEIVE GIFT OR OTHER THING OF VALUE

(a) No Department employee shall solicit, receive or agree to receive, whether directly or indirectly, any compensation, reward, employment, offer of employment, gift or other thing of value from any source other than the State of New Jersey, where it may reasonably be inferred that such thing of value is being solicited, offered or given for any service, advice, assistance or other matter related to the Department employee's official duties.

1. In addition to the standards set forth in this section, offers of employment may also be covered by the standards set forth at XII below (POST-EMPLOYMENT ACTIVITIES).

(b) Where the subject matter arises out of the Department employee's official duties, he or she may:

1. Under the circumstances and subject to the terms and conditions set forth in IX below, accept a direct or indirect benefit for speeches and, in connection therewith, reimbursement of actual expenditures for travel and reasonable subsistence for which no payment or reimbursement is made by the State of New Jersey;

2. Under the circumstances and subject to the terms and conditions set forth in X below, accept compensation for published works.

(c) If a Department employee receives a gift or other thing of value, he or she shall complete an Ethics Full Disclosure Form available from the Department's Office of Legal Affairs or on the Department intranet at <http://depnet/empinfo/humanres/ethics.pdf> and submit the form along with the gift or other thing of value to the Office of Legal Affairs.

(d) The Office of Legal Affairs shall review the solicitation or receipt of any compensation, reward, employment, offer of employment, gift or other thing of value pursuant to the standards and requirements set forth in this Code of Ethics and in Department Policy and Procedure No. 2.46 (Gifts To Employees From Vendors) which was established under Executive Order No. 189 (Kean 1988)

(e) If the Office of Legal Affairs determines that the receipt of the gift or other thing of value would be a conflict of interest, disposition of the gift or other thing of value will be in accordance with the Commission's guidelines concerning gifts.

#### IX. ATTENDANCE AT EVENTS SPONSORED BY AN ENTITY OTHER THAN THE DEPARTMENT

(a) Prior to attending any event sponsored by an entity other than the Department, the Department employee shall complete an Ethics Full Disclosure Form available from the Department's Office of Legal Affairs or on the Department intranet at <http://depnet/empinfo/humanres/ethics.pdf>. and submit it to the Office of Legal Affairs.

1. Within two weeks of receipt of a completed Ethics Full Disclosure Form, the Office of Legal Affairs shall review the form in accordance with this section and the applicable rules of the Commission and advise the Department employee of its determination.

(b) Where the event is sponsored by an interested party, the Department shall pay the reasonable expenses of the Department employee associated with attending the event and neither the Department employee nor the Department shall receive any direct or indirect benefit from any other source.

1. The requirement and prohibition in (b) above need not apply if the event is designed to provide training, dissemination of information, or the exchange of ideas and the Department employee is making a speech, is participating in a panel at the event or is an accompanying resource person for the speaker and/or participant subject to the reasonable approval of the Office of Legal Affairs. The direct or indirect benefit provided to the Department employee by the sponsor of the event must be identical to the benefits provided to other speakers or panel participants.

i. If an actual conflict or the appearance of conflict could arise under the application of this exception, the exception shall not apply. Approvals granted under this exception must be forwarded to the Commission for review.



ii. The Department employee shall not accept an honorarium or fee for a speech or presentation at an event covered by (b) above.

(c) Where the event is sponsored by an entity other than an interested party, the Department may pay the reasonable expenses of the Department employee associated with attending the event or may permit the Department employee to accept direct or indirect benefits. An interested party shall not provide a direct or indirect benefit to the Department employee in order to facilitate his or her attendance.

1. A Department employee making a speech or presentation at the event may accept an honorarium or fee from the sponsor.

2. Under no circumstances shall a Department employee accept entertainment collateral to the event, such as a golf outing, or meals taken other than in a group setting with all attendees, or reimbursement therefor.

## X. PUBLISHED WORKS

(a) The Department employee shall complete and submit a Conflict of Interest Form in accordance with VII above (SECONDARY EMPLOYMENT AND ACTIVITIES) prior to accepting compensation for any published work.

(b) A Department employee shall not accept compensation for any published work created as part of his or her official duties on State time utilizing State resources, but may accept compensation for published works not created as part of his or her official duties.

(c) In determining whether such approval can be granted, the Department shall consider the provisions of the Conflicts of Interest Law, any applicable Executive Orders, the Commission's Guidelines for Secondary Employment, the Department's Code of Ethics and any other applicable guidelines or rules of the Commission, any applicable departmental administrative policies, and the following factors:

1. Whether compensation is being paid by an interested party; and

2. Whether the published work uses or discloses information not generally available to the public.

(d) The Department employee shall prepare the published work on his or her own time, without using the services of other Department employees or resources owned by the Department and shall make it clear that his or her views do not represent those of the Department.

(e) The Department employee shall not use his or her official title in any way in soliciting compensation.

## XI. REPRESENTATION BY A DEPARTMENT EMPLOYEE BEFORE A STATE AGENCY

(a) No Department employee shall represent, appear for, or negotiate on behalf of, or agree to represent, appear for, negotiate on behalf of, whether by himself or herself or by or through any partnership, firm or corporation in which he or she has an interest or by any partner, officer or employee of any such partnership, firm or corporation any person or party other than the State in any:

1. Negotiations for the acquisition or sale by the State or a State agency of any interest in real or tangible or intangible personal property, or any proceeding relative to such acquisition or sale before a condemnation commission or court;

2. Cause, proceeding, application or other matter pending before this Department or any other State agency,

(b) Nothing contained in (a) above shall be deemed to prohibit any Department employee from representing, appearing for or negotiating on behalf of, or agreeing to represent, appear for, or negotiate on behalf of, any person or party other than the State in connection with any proceeding:

1. Pending before any court of record of this State;

2. In regard to a claim for compensation arising under Chapter 15 of Title 34 of the Revised Statutes (Worker's Compensation);

3. In connection with the determination or review of transfer inheritance or estate taxes;

4. In connection with the filing of corporate or other documents in the Office of the Secretary of State;

5. Before the Division of Civil Rights;

6. Before the New Jersey State Board of Mediation;

7. Before the New Jersey Public Employment Relations Commission;

8. Before the Unsatisfied Claim and Judgment Fund Board solely for the purpose of filing a notice of intention pursuant to N.J.S.A. 39:6-65;

9. Before any State agency on behalf of a county, municipality or school district, or any authority, agency or commission of any thereof except where the State is an adverse party in the proceeding and provided that it is a proceeding in an agency other than this Department.

## XII. POST-EMPLOYMENT ACTIVITIES

(a) No Department employee, subsequent to the termination of his or her office or employment in the Department, shall represent, appear for or negotiate on behalf of, or agree to represent, appear for, or negotiate on behalf of, whether by himself or through any partnership, firm or corporation in which he has an interest or through any partner, officer or employee thereof, any person or party other than the State in connection with any cause, proceeding, application or other matter with respect to which such employee shall have made any

investigation, rendered any ruling, given any opinion, or been otherwise substantially and directly involved at any time during the course of his or her employment with the Department.

1. Subject to the terms and conditions of this Code of Ethics, the general post-employment restrictions do not prohibit a former Department employee or any firm in which he/she has an interest from representing a party other than the State concerning:

- i. Determinations of general applicability.
- ii. Preparation or review of legislation which is no longer pending before the Legislature or the Governor.
- iii. Regulations no longer pending before the Department since these are not specific causes and are analogous to legislation.
- iv. Before any State agency, including the Department, if the former Department employee was not "substantially and directly" involved in the matter while employed by the Department.
- v. Accepting employment with entities receiving funding from the Department or any other State agency if the former Department employee was not "substantially and directly" involved in the matter in question.
- vi. Providing information generally available to the public.
- vii. Accepting employment with a firm with which the former Department employee had contact in his/her official capacity.

(b) A Department employee who has had direct and substantial contact with any consultant, vendor doing business with the State, regulated entity or other interested party shall not circulate resumes or, in any other manner, seek or solicit employment with any such firm or entity while still in State service.

1. In order to avoid a situation where a Department employee may appear to be using his/her official position to gain an unwarranted advantage, a Department employee shall disclose, in writing, to his or her supervisor and to the Director of the Office of Legal Affairs any solicitation for potential employment by any consultant, vendor doing business with the State, regulated entity or other interested party with which the Department employee has direct and substantial contact.

(c) A Department employee who does not have direct and substantial contact with any consultant, vendor doing business with the State, regulated entity or other interested party may circulate resumes and enter into discussions regarding potential employment with any such firm or entity as long as he or she also avoids any situation that may give rise to an unwarranted advantage. All Department employees are cautioned that discussions, interviews, and negotiations should not take place on State time.

(d) Any Department employee seeking advice concerning a post-employment situation, shall complete and submit a Conflict of Interest Form in accordance with VII above.

1. Subsequent to separation from State employment, all questions concerning post-employment activities shall be referred by the former Department employee or other interested party directly to the Commission.

2. The New Jersey Conflicts of Interest Law provides standards applicable to post-employment activities at N.J.S.A. 52:13D-17. That section also provides that any person who willfully violates the provisions of that section is a disorderly person, and shall be subject to a fine not to exceed \$500.00 or imprisonment not to exceed 6 months, or both.

### XIII. CONTRACTS WITH STATE AGENCIES

(a) No Department employee shall knowingly himself or herself, or by his partners or through any corporation which he or she controls or in which he or she owns or controls more than 10% of the stock, or by any other person for his or her use or benefit or on his or her account, undertake or execute, in whole or in part, any contract, agreement, sale or purchase of the value of \$25.00 or more, made, entered into, awarded or granted by any State agency. However, the provisions of this section shall not apply to (a) purchases, contracts, agreements or sales which (1) are made or let after public notice and competitive bidding or which (2), pursuant N.J.S.A. 52:34-10, may be made, negotiated or awarded without public advertising for bids; or (b) any contract of insurance entered into by the Director of the Division of Purchase and Property in the Department of Treasury pursuant to N.J.S.A. 52:27B-62, if such purchases, contracts or agreements, including change orders and amendments thereto, shall receive prior approval of the Commission if the Department employee has an interest therein..

### XIV. DISCLOSURE OR USE OF CONFIDENTIAL INFORMATION

(a) No Department employee shall willfully disclose to any person, whether or not for pecuniary gain, any information not generally available to members of the public which he or she receives or acquires in the course of and by reason of his or her official duties.

(b) No Department employee shall use for the purpose of pecuniary gain or other personal advantage, whether directly or indirectly, any information not available to the members of the public which he or she received or acquires in the course of and by reason of his or her official duties.

### XV. RECUSAL

(a) A Department employee shall recuse himself or herself from a matter if he or she has:

1. Any financial interest, direct or indirect, that is incompatible with the discharge of his or her duties as a Department employee; or

2. Any personal interest, direct or indirect, that is incompatible with the discharge of his or her duties as a Department employee.

(b) For purposes of (a) above, an incompatible financial or personal interest includes, but is not limited to, outside employment; a debtor/creditor relationship; a fiduciary relationship; a source of income; any matter pertaining to a relative or cohabitant; a relationship with a person providing funds, goods or services without compensation; any matter pertaining to a business

associate or business investment; and a leadership role in a professional or trade organization; which interest might reasonably be expected to impair the Department employee's objectivity and independence of judgment in the exercise of his or her official duties or might reasonably be expected to create an impression or suspicion among the public having knowledge of his or her acts that he or she may be engaged in conduct violative of his or her trust as a Department employee.

(c) An incompatible financial or personal interest may exist in other situations which are not clearly within the provisions of (a) and (b) above, depending on the totality of the circumstances. The Department employee shall contact the Department's Office of Legal Affairs, the Department's Ethics Liaison Officer or the Commission for guidance in such cases.

(d) A Department employee shall seek the advice of the Office of Legal Affairs, the Department's Ethics Liaison Officer or the Commission as to the propriety of participation in a matter if a person requests that the Department employee recuse himself or herself from that matter. Oral advice, followed up by writing, may be provided by the Office of Legal Affairs, the Department's Ethics Liaison Officer or the Commission to avoid delay. Oral advice should subsequently be memorialized by a writing.

(e) If a Department employee finds, or is advised by the Office of Legal Affairs or the Department's Ethics Liaison Officer, that an incompatible financial or personal interest exists on a matter, the Department employee must recuse himself or herself from that matter or seek advice from the Commission. The recusal must be absolute, that is, the Department employee must have no involvement with the matter from which he or she has recused himself or herself.

(f) All recusals, other than those provided for in (g) below, shall be memorialized in writing. See (h) below for samples. The writing shall:

1. Specify the reason for and the date of the recusal;
2. Specify the duration of the recusal (which may be expressed in terms related to the pendency of the matter in the Department);
3. Specify the effect of the recusal on the Department employee and the Department (for example, that the Department employee is not to be contacted or involved or participate in any manner concerning the matter from which he or she has been recused);
4. Name the person who is to assume responsibility and authority for the matter from which the Department employee has been recused (if applicable); and
5. Be disseminated to all persons who might be affected by the Department employee's recusal and to the Department's Ethics Liaison Officer, who shall maintain the writing for as long as the Department employee serves in his or her position.

(g) In the case of a Board or Commission meeting where a public record of a proceeding is maintained, formal written recusal is not required; however, the following procedures must be followed:

1. To the extent feasible, meeting materials involving a matter from which the Department employee must recuse himself or herself should not be distributed to the Department employee;

2. At the subject meeting, the Department employee must place his or her recusal and the reason for such recusal on the record prior to any discussion of the matter; and

3. The Department employee shall leave the room at a non-public portion of the meeting while the matter in question is under discussion.

(h) Sample Recusal Statements

Sample Recusal Statement: Seeking Employment

DATE: \_\_\_\_\_

TO: Department Ethics Liaison Officer  
Executive Commission on Ethical Standards

FROM: Name of Employee

SUBJECT: Recusal--Seeking Employment with (Name of Outside Organization)

This is to notify you that I am seeking employment with (Name of Outside Organization).

My seeking employment may present an actual or appearance of a conflict of interest; therefore, I must disqualify/recuse myself from any official duties that involve the above organization. I understand that I may not participate in any way as a Department employee in any matters regarding the above organization. Furthermore, I understand that it would be appropriate for any matters specifically involving the above-named organization to be referred to my supervisor without consulting me or informing me that such matters are pending. This action is taken with the concurrence of my Division Director, as indicated below.

I understand that this recusal will remain in effect until I advise in writing that all employment-seeking activity has terminated and I receive written permission from the DEP Ethics Liaison Officer to resume interactions with the outside organization.

\_\_\_\_\_  
(Employee's Name)

Recommend: \_\_\_\_\_  
(Name of Employee's Director/Supervisor) Date

Approve: \_\_\_\_\_  
(Ethics Liaison Officer) Date

Sample Recusal Statement: Conflicts

DATE: \_\_\_\_\_

TO: Designee(s)

FROM: Name of Employee

SUBJECT: Recusal

Because I may be seen to have a conflict of interest in matters affecting (names of individuals/companies), I am delegating all responsibility and authority for handling any such matters to you. Please ensure that I am screened from any information or communications on any such matters. By copy of this memorandum, I am instructing (names of colleagues or subordinates) to ensure that I do not receive any communication on any matters affecting (names of individuals/companies).

c: Subordinates responsible for screening communications  
DEP Ethics Liaison Officer  
Executive Commission on Ethical Standards



## XVI. CASINO RELATED ACTIVITIES

(a) No Department employee, nor any member of the immediate family of any Department employee, nor any partnership, firm or corporation with which any Department employee is associated or in which he or she has an interest, nor any partner, officer, director or employee while he is associated with such partnership, firm, or corporation, shall hold, directly or indirectly, an interest in, or hold employment with, or represent, appear for, or negotiate on behalf of, any holder of, or applicant for, a casino license, or any holding or intermediary company with respect thereto, in connection with any cause, application, or matter, except that:

1. The immediate family of any Department employee or a Department employee who is not subject to financial disclosure by law or executive order and who is not responsible for matters affecting casino activity, may hold employment with the holder of, or applicant for, a casino license if, in the judgment of the Commission, the Joint Legislative Committee on Ethical Standards, or the Supreme Court, as appropriate, such employment will not interfere with the responsibilities of the State officer or employee, or person, and will not create a conflict of interest, or reasonable risk of the public perception of a conflict of interest, on the part of the Department employee.

(b) No Department employee who is subject to financial disclosure by law or executive order or who is responsible for matters affecting casino activity or any member of his or her immediate family, nor any partnership, firm or corporation with which such person is associated or in which he has an interest, nor any partner, officer, director or employee while he or she is associated with such partnership, firm or corporation, shall, within two years next subsequent to the termination of the office or employment of such employee, hold, directly or indirectly, an interest in, or hold employment with, or represent, appear for or negotiate on behalf of, any holder of, or applicant for, a casino license in connection with any cause, application or matter, or any holding or intermediary company with respect to such holder of, or applicant for, a casino license in connection with any phase of casino development, permitting, licensure or any other matter whatsoever related to casino activity, except that:

1. A member of the immediate family of any Department employee who is subject to financial disclosure by law or executive order or who is responsible for matters affecting casino activity may hold employment with the holder of, or applicant for, a casino license if, in the judgment of the Commission, the Joint Legislative Committee on Ethical Standards, or the Supreme Court, as appropriate, such employment will not interfere with the responsibilities of the person and will not create a conflict of interest, or reasonable risk of the public perception of a conflict of interest, on the part of the person;

2. A Department employee who is terminated as a result of a reduction in the workforce at the Department, other than an employee who held a policy-making management position at any time during the five years prior to termination of employment, may, at any time prior to the end of the two-year period, accept employment with the holder of, or applicant for, a casino license if, in the judgment of the Commission, the Joint Legislative Committee on Ethical Standards, or the Supreme Court, as appropriate, such employment will not create a conflict of

interest, or reasonable risk of the public perception of a conflict of interest, on the part of the employee. In no case shall the restrictions of this subsection apply to a secretarial or clerical employee. Nothing herein contained shall alter or amend the post-employment restrictions applicable to members and employees of the Casino Control Commission and employees and agents of the Division of Gaming Enforcement pursuant to N.J.S.A. 5:12-59 and 5:12-60; and

(c) This section shall not apply to the spouse of a Department employee who is not responsible for matters affecting casino activity, who becomes the spouse subsequent to the employee's appointment or employment who is not individually or directly employed by a holder of, or applicant for, a casino license, or any holding or intermediary company.

(d) No Department employee shall solicit or accept, directly or indirectly, any complimentary service or discount from any casino applicant or licensee which he knows or has reason to know is other than a service or discount that is offered to members of the general public in like circumstance.

(e) No Department employee shall influence, or attempt to influence, by use of his or her official authority, the decision of the Casino Control Commission or the investigation of the Division of Gaming Enforcement in any application for licensure or in any proceeding to enforce the provisions of the act or the regulations of the Casino Control Commission. Any such attempt shall be promptly reported to the Attorney General; provided, however, that nothing in this section shall be deemed to proscribe a request for information by any person concerning the status of any application for licensure or any proceeding to enforce the provisions of the act or the regulations of the Casino Control Commission.