

MINUTES OF THE MARCH 21, 2023 MEETING
OF THE STATE ETHICS COMMISSION
225 E. STATE STREET, 5TH FLOOR EAST
11 a.m.

Present: Chair Stephanie A. Brown, Commissioner Sarah Adelman, 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 Babatunde P. Odubekun participated by telephone.

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 JANUARY 24, 2023 MEETING

Commission members had no changes to January 24, 2023 Minutes, which were approved unanimously on motion of Commissioner Herlinsky, seconded by Commissioner Adelman, following the Executive Session of the meeting.

III. RECESS OF THE OPEN MEETING

Commissioner Way 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 Adelman seconded the motion, which was unanimously carried 4 to 0 (Adelman, Brown, Odubekun and Way). Commissioner Herlinsky was not present for the vote, but joined the meeting before any matters were discussed in in Executive Session.

IV. RECONVENING OF THE OPEN MEETING

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

V. CASES

**19-20 Report of Preliminary Investigation
 Thomas Edison State University
 Commission Case No. 19-20**

Commissioner Adelman moved that the Commission find indications that the individual violated the Recusal Rule, *N.J.A.C. 19:61-7.1 et seq.*, and section 23(e)(7) of the Conflicts Law, by participating in State matters involving NJ Edge.Net, Inc. and Mr. Chottiner, specifically that the individual (1) signed bid waiver memorandum to the TESU Board which included NJ Edge.Net matters, (2) attended a meeting with NJ Edge.Net executives and Chottiner, and (3) requested subordinates to meet with Chottiner, but dismissed an allegation that the individual used or attempted to use their State position to provide an unwarranted benefit to NJ Edge.Net with respect to leased space and cleaning services at TESU because the individual did recuse from those matters. The staff is authorized to negotiate a settlement and refer the matter to the Attorney General's Office for the drafting of a complaint if a settlement cannot be reached. Commissioner Odubekun seconded the motion, which was passed 4 to 1 (Adelman, Brown, Odubekun and Way; Commissioner Herlinsky opposed the findings of violation, but approved of the dismissal of one allegation.)

**40-20 David Thomas
 Department of Human Services
 Commission Case No. 40-20**

Commissioner Way moved that pursuant to *N.J.A.C. 19:61-3.1(g)*, the Commission dismiss the allegations that David Thomas violated sections 23(e)(3) and 23(e)(7) of the Conflicts Law and the Recusal Rule *N.J.A.C. 19:61-7.1 et seq.* Commissioner Herlinsky seconded the motion, 4 to 0 (Brown, Herlinsky, Odubekun and Way). Commissioner Adelman Recused.

**39-21 Report of Preliminary Investigation
 Rowan University
 Commission Case No. 39-21**

Commissioner Way moved that the Commission find indications that the individual violated sections of the Conflicts of Interest Law, *N.J.S.A. 52:13D-12 et seq.*, and the Rules of the State Ethics Commission pursuant to the Conflicts Law, *N.J.A.C. 19:61-6.1 et seq.* by receiving unwarranted benefits and failing to report their outside business. The staff is authorized to negotiate a settlement and refer the matter to the Attorney General's Office for the drafting of a complaint if a settlement cannot be reached. Commissioner Odubekun seconded the motion, 5 to 0 (Adelman, Brown, Herlinsky, Odubekun and Way).

14-22 Jodi Powers
Department of Environmental Protection
Commission Case No. 14-22

Commissioner Herlinsky moved that pursuant to *N.J.A.C.* 19:61-3.1(g), the Commission dismiss the allegations that Jodi Powers violated section *N.J.S.A.* 52:13D-23(e)(3), *N.J.S.A.* 52:13D-23(e)(7) and *N.J.A.C.* 19:61-7.1 et seq. Commissioner Adelman seconded the motion, which was passed 5 to 0 (Adelman, Brown, Herlinsky, Odubekun and Way).

08-23 Priscilla I. Nuñez
The College of New Jersey
Request for EO 14 (Corzine, 2006) Exception
Commission Case No. 08-23

Commissioner Herlinsky moved that the Commission grant an EO 14 exception to Priscilla I. Nunez permitting her to serve as a Member of the TCNJ Board of Trustees if her nomination is confirmed while she is employed with Together Education, Inc. d/b/a Cooperman College Scholars and directs that she must execute a written recusal and abide by it with regard to all matters involving Together Education, Inc. and Cooperman College Scholars. Commissioner Adelman seconded the motion, which was passed 5 to 0 (Adelman, Brown, Herlinsky, Odubekun, and Way).

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

Commissioner Way moved that the Commission table the matter to the June Commission meeting to review additional materials submitted by the requester and received by staff the day of this meeting. Commissioner Odubekun seconded the motion, which was passed 5 to 0 (Adelman, Brown, Herlinsky, Odubekun and Way)

VI. ADMINISTRATIVE

Casino Waiver Consent

Commissioner Way moved that the Commission approve casino employment waivers for Dimeler (Stockton), Figueroa (Stockton) and Ortiz (Stockton). Commissioner Adelman seconded the motion, which was passed 5 to 0 (Adelman, Brown, Herlinsky, Odubekun and Way).

Cannabis Waiver Consent

Commissioner Odubekun moved that the Commission approve a cannabis employment waiver for Argenti (DOH). Commissioner Adelman seconded the motion, which was passed 4 to 0 (Adelman, Brown, Odubekun and Way). Commissioner Herlinsky recused.

Commissioner Odubekun moved that the Commission approve cannabis employment waivers for Mayson-Osabu (OPD) and Roberson (SEA). Commissioner Adelman seconded the motion, which was passed 5 to 0 (Adelman, Brown, Herlinsky, Odubekun and Way).

VII. ADJOURNMENT

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

Respectfully submitted,

Shanna Cook

Shanna Cook, Executive Assistant
State Ethics Commission
Date: June 6, 2023