12th Annual Public Works Continuing Education Conference
Co-Sponsored by:
Public Works Assoc of NJ & Rutgers Center for Government Services

Why Ethics Session?
1. “Required” 3 CEUs to keep your Cert
2. Don’t want to be a Statistic!
Session:
NJ Gov’t Ethics Law:
Don’t Be a Statistic!

Thursday, March 17th
8:30am to 10:00am
Instructor: Edward M. Sasdelli

Instructor - Bio

* Cum laude from University of Maryland BA in Government,
* Master’s in Public Administration.
* Military officer in the US Air Force, seven years on active-duty rising to the rank of Captain (1984 to 1991)
* NJ Municipal Manager (1991 to 2011)
* Municipal Team Leader for the NJ Department of Treasury
* State Monitor for Atlantic City, NJ DCA.
* QPA, RMC and an Adjunct Professor for Rutgers University and Fairleigh Dickenson University.
Housekeeping

- If you can't hear me thumbs up
- If you have question raise your hand
- I'm not an attorney, not a substitute for your attorney
- Not giving you “legal” advice, giving you Practical advice
- Awareness of conduct that’s expected of a public employee

Straight Talk!

"I never did give anybody hell. I just told the truth and they thought it was hell."

Harry S. Truman
Why Does State Require Ethics Training?

- NJ.com has a webpage dedicated to corruption
- Brendon Byrne’s famous quote

To Break the “Culture of Corruption”

Atlantic City school principal accused of stealing more than $10,000 from fundraisers

Posted Wednesday, June 10, 2015 11:00 pm
By LYNDA COHEN, and DIANE D’AMICO STAFF Writers

An Atlantic City school principal suspended from her job was criminally charged Wednesday with theft and official misconduct.

- The principal, 41, is accused of collecting and keeping more than $10,000 meant for fundraising accounts at the Uptown School Complex.
- The principal’s salary as principal in 2013-14 was $141,480.
To Break the “Culture of Corruption”

Former NJ Transit supervisor admits taking bribe for company's snow removal bid

NEWARK — A former NJ Transit supervisor pleaded guilty today to accepting an $8,000 bribe and a free power washing of her house in exchange for backing a Lakewood business’ bid to remove snow from a Trenton station.

Why So Much Attention?

It undermines good government and undermines the public’s confidence in their government employees.

“Public employment is a public trust; the vitality and stability of a representative democracy depends upon the public's confidence in the integrity of its officials; whenever the public perceives a conflict between the private interests and the public duties of a government official, that confidence is imperiled;”

- NJSA 40A:9-22.2
Why is NJ Different?
Why so many ethics problems?

- NJ is 4th smallest state in US (DE, CN, RI)
1. 565 municipalities
2. 604 school districts (13 of these don't have a school)
3. 587 other “agencies” (authorities, commissions, fire districts, special taxing districts, with independent fiscal authority)
4. 21 Counties

Why is NJ Different?
Why so many ethics problems?

According to book “Culture of Corruption”

1,969 taxing entities in NJ
19,119 elected officials
150,000 State workers
440,000 local gov’t employees

Nat. avg is 6 gov’t workers p/sq mile
NJ avg = 80 gov’t workers p/sq mile
13 times more than the national average
Don’t be a Statistic

You have responsibilities as a CPWM:

1. Yourselves (easy)
2. Your subordinates (harder)
3. Other Supervisors (hard)

Make sure everyone knows the rules, if you see inappropriate conduct you have to report it!

“do not lie, cheat or steal or tolerate those among us who do”

How Does it Happen?

How do good people, with well meaning intentions, dedicating their lives to public service go awry?

Insidious!
How Does it Happen?

**Insidious!**

- proceeding in a gradual, subtle way, but with harmful effects

- Pens  -  Using work equip for home
- Copy Paper  -  Cheating on time sheet
- Doing pers bus on work PC  -  Fueling up at city pump
- Using work time for per bus  -  “Slanting” a bid for a vendor

(snow plow story) & office trinkets

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Two Themes to Remember:

1. **Perception**: Statute uses the word “perceives”

   “whenever the public “perceives” a conflict between the private interests and the public duties….”

   Must avoid even the Perception of Impropriety

   (gas pump example)  
   Break time at Wawa
1. Perception:

Have a “Perception Prism”

Must view Ethics from the public’s Prism – how does it look from the taxpayer’s perspective (not your buddies in the lunchroom).
Moral Compass

Just because everyone else says it’s “OK” or “This is how we do it” or “That’s what everyone does.”

If it doesn’t feel right, Don’t do it!

If you wouldn’t want to see it in tomorrow’s paper, don’t do it!
2 Themes to Remember

1. Perception Prism
2. Moral Compass

Perception & Moral Compass

“NJ Turnpike toll collector is charged with pocketing $2K in tolls in Burlington County”
- age 60
- 26 year on job
- salary $68,526
- pocketing cash tolls
Perception & Moral Compass

“North Bergen DPW supervisors found guilty of official misconduct”

- two DPW Supers
- $69,000 and $79,000
- “guilty of assigning PW employees to work on political campaigns and do personal chores on city time.”

Perception & Moral Compass

- Do you really need an “Ethics Class” to know that’s wrong?
- Was it worth it?
- Lose your salary, health benefits, pension and freedom?
**Purpose and Intent of Ethics Law:**

- You’re a public servant; you’re the guardians of the public trust. You **cannot** use your official position to benefit privately or to gain special favors that you wouldn’t otherwise get if you weren’t an official.
- If it’s not duty-related why are you doing it?
b. ... representative democracy depends upon the public's confidence in the integrity of its elected and appointed representatives;

c. Whenever the public perceives a conflict between the private interests and the public duties of a government officer, that confidence is imperiled;

* Importance of confidence in the system

Who Does the Law Apply To?

h. "Local government officer or employee" (or of immediate family);

i. "Member of immediate family" means the spouse or dependent child of a local government officer or employee residing in the same household.
NJSA 40A:9-22.1
Local Government Ethics Law

* **40A:9-22.5.c.** “No local gov’t officer or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others. (things not provided to general public)

  Examples:
  * Official got his car serviced for free at vendor business
  * Inspectors eating for “free” at places they inspect
  * “borrowing” city backhoe to work on your home
  * “extra” trash bin.

NJSA 40A:9-22.1
Local Government Ethics Law

40A:9-22.5.f. “No local gov’t employee, member of his immediate family, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment or thing of value…..

* What is a “thing of value”?
NJSA 40A:9-22.1
Local Government Ethics Law

* (from NJ State Ethics Commission website http://nj.gov/ethics )

* "Thing of value" includes, but is not limited to, compensation; money; a stock, bond, note or other investment in an entity; employment, offer of employment; gift; reward; honorarium; favor; goods, service; loan; forgiveness of indebtedness; gratuity; property or real property; labor; fee; commission; contribution; rebate or discount in the price of any thing of value; an automobile or other means of personal transportation; entertainment; meal; or any other thing of value offered to or solicited or accepted by an official in connection with his or her official position

NJSA 40A:9-22.1
Local Government Ethics Law

* 40A:9-22.5.g “No local gov’t officer/employee shall use his public office or any information not generally available to the members of the public....”

* 40A:9-22.5.j. “No gov’t official shall be prohibited from making an inquiry for information on behalf of a constituent”
A public servant commits a crime if he knowingly solicits, accepts or agrees to accept any benefit, ..., to influence the performance of an official duty.

If the benefit solicited, accepted or received is of a value over $200 it is a crime in the 2nd degree, if value is under $200 it's a crime in the 3rd degree.
“Third degree crimes in NJ can be punished by 3-5 years in prison. and can be fines of up to $15,000.”

Only one Exception for “Trivial Benefit”.

“which involve no risk that the public servant would perform official duties in a biased or partial manner”

Examples:
- Calendars
- Post it notes
- Coffee mugs
- Mouse pads
- Pens
Confusing Threshold Info?

Criminal Code: if value is under $200 it’s a crime in the 3\textsuperscript{rd} degree.

However, NJ Financial Disclosure Form confuses folks:

C. List the name and address of each source of gifts, reimbursements …… having an aggregate value exceeding $400 from any single source,…

Roe v. Kervick

* 1964 NJ Supreme Court Case
**Roe v. Kervick**

* established a constitutional prohibition against devoting public monies/assets to private persons/purposes.

* "public monies must be for some public benefit that advances the public health, safety and welfare."

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**Roe v. Kervick**

* “Public officials cannot use the public trough as their private domain” – Monmouth County Prosecutor, Dec 6, 2002

* Free municipal services to private, religious, civic groups or charitable organizations is not permitted unless there is some kind of reimbursement mechanism established with consent of the governing body.
1. It “ain’t” your money and it “ain’t” your stuff – it belongs to the taxpayers.

2. City labor, money and services can only be used for legitimate public purposes.

3. Regardless of the spirit or motivation of the elected/appointed official, such “giving of public assets is illegal.”

Why and What Does this Mean to You?

Examples:

- Dead Tree on Church property
- Send DPW crew to work on private Boy Scout Building
- Paving or maintaining long driveways that are not "roads"
- Case: Police Chief sent Officer to do carpenter work on KofC building during his shift.
- Cutting grass on property that is not “public”
- Picking up trash for “certain” businesses or friends.
Why and What Does this Mean to You?

What is meant by “unless a reimbursement mechanism is established by Gov Body”

Few Other Things to Know

Other land mines you need to be aware of “Don’t be a Statistic”
Official Misconduct

NJSA 2C:30-2  …public servant commits a crime if he obtains a benefit for himself or another (or deprives another of a benefit) …even if benefit is of minimum value.

Ex: A public works supervisor in _______ County offered people sentenced to community service with the DPW to forgo their sentences in exchange for paying him cash

A sheriff in Hunterdon County required her top aides to sign loyalty oaths

Bribery

NJSA 2C:27-2  (Bribery)

… commit a crime if you offer, confer or accept a benefit in consideration for official duties.

Ex: if your job is to empty a trash dumpster, you can’t “charge” that person for emptying the dumpster. You can’t “charge” somebody to be first on snowplow list.
First, Let’s Review:
1. Local Gov’t Ethics Law NJSA 40A:9-22.1
2. NJ Criminal Code NJSA 2C:27-10
3. $200 vs. $400 Myth
4. Roe v. Kervick

Now Some More Cases

1. Trenton Mayor Tony Mack sentenced to four years 10 months in prison.
   - $54,000 from developer of a parking garage and sold property appraised at $200,000 for $100,000

2. School Lunch fraud – 109 public employees found to have lied/false info in order for their kids to qualify for free school lunch
Now Some More Cases

3. Passaic Valley Sewer Authority Employees Convicted Of Misconduct:
   - they directed employees to perform personal home repairs for friends and relatives while on-duty

4. 2 N. Bergen Parks & Rec workers charged with theft:
   - falsified time sheets to collect hundreds of hours of pay for time they actually spent at home, running errands, socializing or doing other personal activities

Now Some More Cases

5. Florida DPW Case:
   - employee was moonlighting for vendor that repaired street/traffic lights and made sure that vendor got called whenever repairs or lighting products were needed.

6. Paterson PW employee arrested for selling drugs.

7. PW employee arrested for selling water meters

8. PW employee “snow tires”
What Did They All Have in Common?

They all were required to sit through Ethics Training!

Don’t Be A Statistic!!
- Rely on your Moral Compass and
- Perception Prism

Questions/Discussion

* President Roosevelt = “the one thing that I want to leave my children is my good name.”