



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
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TRENTON, NJ 08625-0803

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

RICHARD E. CONSTABLE, III
Commissioner

June 17, 2013

William W. Northgrave
McManimon, Scotland, and Baumann

[REDACTED]

Re: Local Government Ethics Law
Complaint #LFB-12-037
NOTICE OF VIOLATION

Dear Mr. Northgrave:

The Local Finance Board (Board) issued a **NOTICE OF VIOLATION** regarding its findings in the matter of Complaint #LFB-12-037 against Township of Bloomfield Mayor Raymond J. McCarthy. Enclosed is the **NOTICE** issued by the Board.

Please be advised that the **NOTICE** is not a final determination if your client desires to avail himself of the right to request an administrative hearing. If a hearing is requested in accordance with the enclosed **NOTICE**, the Board will not issue a final decision until the completion of the administrative hearing process.

Please be further advised that the Board determined that three additional claims filed as potential violations of the Local Government Ethics Law had no reasonable factual basis and were therefore dismissed.

More specifically, the claim that Mayor McCarthy used his official title of Mayor in his personal charitable endeavors was dismissed. The use of the Mayor's title does not violate the Local Government Ethics Law because that title is in the public domain. Therefore, the claim was dismissed as having no reasonable factual basis.

Next, the Board considered whether the Local Government Ethics Law was violated when Mayor McCarthy utilized a Township legal vendor to provide pro bono services to organize his personal charity. The complainant offered no specific evidence that the Mayor used his official position of Mayor of the Township to compel the vendor to perform this duty, or that the arrangement offered a quid pro quo. Therefore, the claim was dismissed as having no reasonable factual basis.

Finally, the Board considered whether the Local Government Ethics Law was violated when individuals who are Township vendors donated to the Mayor's personal charity. The Local Government Ethics Law does not have jurisdiction over municipal vendors. The complainant neither made a specific allegation nor offered specific evidence that the Mayor used his official position of Mayor of the Township of Bloomfield to coerce or inappropriately solicit donations



to his personal charity from Township vendors. There was no claim of an arrangement offering a quid pro quo. Therefore, the Board dismissed this claim as having no reasonable factual basis.

These portions of the complaint are closed.

Should you have any questions regarding this matter, please contact Nick Bennett at (609) 292-0479.

Sincerely,



Thomas H. Neff, Chair
Local Finance Board

C: Complainant
Enclosure
THN:nb
C12-037.NOV

**STATE OF NEW JERSEY
LOCAL FINANCE BOARD
NOTICE OF VIOLATION**

In Re: [Raymond J. McCarthy, Mayor, Township of Bloomfield, Complaint #12-037]

This matter having come before the Local Finance Board (Board) pursuant to the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq., upon complaint that Mayor Raymond J. McCarthy utilized municipal resources of the Township of Bloomfield including the Township website, email system, Council chambers, telephone numbers, and Township Hall mailing address to promote his personal IRS 501(c)(3) charity in violation of N.J.S.A. 40A:9-22.5(c); and,

WHEREAS, the Board determined that the allegations were within its jurisdiction, were not frivolous and were based upon a reasonable factual basis, authorized an investigation of this complaint; and

WHEREAS, the Local Government Ethics Law states:

N.J.S.A. 40A: 9-22.5(c) No local government officers or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others; and,

WHEREAS, the Board, having considered the matter and the relevant statements and information presented in the written response to the allegations submitted by counsel on behalf of Mayor McCarthy, concluded that the use of municipal resources including the Township website, email system, Council chambers, telephone numbers, Township Hall mailing address, and Township personnel during municipal business hours to advance one's own personal charity constitutes the use or attempted use of Mayor McCarthy's official position to secure an unwarranted privilege or advantage for himself or others in violation of N.J.S.A. 40A:9-22.5(c).

It is therefore,

DETERMINED that Mayor Raymond J. McCarthy shall be assessed a fine in the amount of \$250.00 for the violation as related to his engaging in activities prohibited by the statute. Said fine shall be payable to: Treasurer, State of New Jersey, and be submitted to: Thomas H. Neff, Chair, Local Finance Board, P.O. Box 803, Trenton, New Jersey, 08625 immediately. If payment of said fine is not received within 10 days receipt of this **NOTICE**, Mayor McCarthy is subject to additional fines as determined by the Board in accordance with its powers in N.J.S.A. 40A:9-22.10, Violations and Penalties.

NOTICE that Mayor Raymond J. McCarthy is entitled to an administrative hearing in accordance with N.J.S.A. 40A:9-22.12 to contest this **NOTICE**. Any request for an administrative hearing shall be filed with the Local Finance Board within 30 days receipt of this

NOTICE. If an administrative hearing is requested, the Board will not issue a final decision until the completion of the administrative hearing process. Said hearing request shall be filed with Patricia Parkin McNamara, Executive Secretary, Local Finance Board, Department of Community Affairs, P.O. Box 803, Trenton, New Jersey 08625.



THOMAS H. NEFF, CHAIR
LOCAL FINANCE BOARD