



State of New Jersey  
DEPARTMENT OF COMMUNITY AFFAIRS  
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CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

CHARLES A. RICHMAN  
Commissioner

October 21, 2015

The Honorable Jonathan Dunleavy  
Mayor, Borough of Bloomingdale



Re: Local Government Ethics Law  
LFB Complaint #12-093  
Notice of Determination

Dear Mayor Dunleavy:

The purpose of this letter is to apprise you of the Local Finance Board's (Board) final disposition of the above referenced Complaint.

The Local Government Ethics Law (LGEL), N.J.S.A. 40A:9-22.1 et seq., authorizes the Board to initiate, receive, hear and review complaints, and hold hearings with regard to possible violations of the LGEL where no local ethics board has been established. Upon receipt of a complaint against a local government officer or employee, the Board determines if a complaint is within its jurisdiction, frivolous, or has no reasonable factual basis prior to conducting an investigation.

You are hereby notified that a Complaint was filed against you. The Complaint has been dismissed as having no reasonable factual basis under the LGEL.

The Complaint was reviewed for possible violations of the following provisions of the LGEL:

**N.J.S.A. 40A:9-22.5.d. No local government officer or employee shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence of judgment;**



**N.J.S.A. 40A:9-22.5.g. No local government officer or employee shall use, or allow to be used, his public office or employment, or any information, not generally available to the members of the public, which he receives or acquires in the course of and by reason of his office or employment, for the purpose of securing financial gain for himself, any member of his immediate family, or any business organization with which he is associated; and**

**N.J.S.A. 40A:9-22.5.h. No local government officer or employee or business organization in which he has an interest shall represent any person or party other than the local government in connection with any cause, proceeding, application or other matter pending before any agency in the local government in which he serves. This provision shall not be deemed to prohibit one local government employee from representing another local government employee where the local government agency is the employer and the representation is within the context of official labor union or similar representational responsibilities.**

Specifically, the Complaint alleges that you own an insurance company that provides insurance coverage to Ball Enterprises, Inc., a.k.a. John's Lawn Service, a business that does business with the Borough of Bloomingdale by performing a variety of outdoor landscaping and maintenance services.

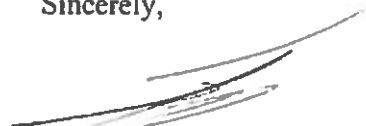
Following a preliminary investigation and evaluation of the facts and circumstances relevant to the Complaint and upon consideration of the foregoing provisions of the LGEL, the Local Finance Board considered that the length of time Ball Enterprises has been doing business with the Borough long preceded your business relationship with Ball Enterprises and the amount of insurance coverage you provided to Ball Enterprises through your personal business was de minimis in light of the overall size of your insurance practice.

Consequently, the Board determined to dismiss the complaint as having no reasonable factual basis for violation of the Local Government Ethics Law.

Pursuant to N.J.S.A. 40A:9-22.9, the local government officer or employee against whom a complaint was filed must be notified of the Board's determination regarding a complaint. No action is required on your part. The case is now closed.

Should you have any questions regarding this matter, please feel free to contact Eileen Brennen at (609) 292-0479.

Sincerely,



Timothy J. Cunningham, Chairman  
Local Finance Board

TJC:eb  
Cc: Complainant