



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO Box 803
TRENTON, NJ 08625-0803

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHARLES A. RICHMAN
Commissioner

March 10, 2016

Debra Higbee
[REDACTED]
[REDACTED]

Re: Local Government Ethics Law
Complaint #LFB-13-044
NOTICE OF VIOLATION

Dear Ms. Higbee:

The Local Finance Board (Board) issued a **NOTICE OF VIOLATION** regarding its findings on the matter of Complaint #LFB-13-044 filed against you. Enclosed is the **NOTICE** issued by the Board.

Please be advised that the **NOTICE** is not a final determination if you desire to avail yourself 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.

Should you have any questions regarding this matter, please contact Tina Vignali at (609) 292-0479 or at TinaM.Vignali@dca.nj.gov.

Sincerely,


Timothy J. Cunningham, Chair
Local Finance Board

Enclosure



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

In Re: [Debra Higbee, Council President, Pitman, Gloucester County, Complaint #LFB-13-044]

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 Debra Higbee, Council President, Pitman, Gloucester County, took official action at the January 6, 2013 Borough Reorganization Meeting, by making the motion to approve two resolutions awarding professional services contracts for legal services to a law firm in which her daughter-in-law is a shareholder, in violation of N.J.S.A. 40A:9-22.5 (c) and (d); and

WHEREAS, the Board, having 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(e) No local government officer or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others;

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

WHEREAS, the Board, having considered the matter and the relevant statements and information presented and having considered Debra Higbee's written response to the allegations, concluded that Pitman Council President Debra Higbee did take official action by making the motions to approve two resolutions awarding professional services contracts for legal services to a law firm in which her daughter-in-law is a shareholder, in violation of N.J.S.A. 40A:9-22.5(d); and,

WHEREAS, the Board further concluded that the act of making the motion is part of the voting process of a governing body and thus, an official action which constitutes the prohibited conduct under the Local Government Ethics Law.

It is therefore,

DETERMINED that Debra Higbee, Council President, Pitman, Gloucester County, shall be assessed a fine in the total amount of \$100.00 for her actions in violation of N.J.S.A. 40A: 9-22.5(d) as related to having engaged in activities prohibited by the statute; however, payment of said fine shall be **WAIVED**.

NOTICE that Debra Higbee, Council President, Pitman, Gloucester County, 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.

3/10/16
DATE



TIMOTHY J. CUNNINGHAM, CHAIR
LOCAL FINANCE BOARD