



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

RICHARD E. CONSTABLE, III
Commissioner

August 13, 2015

Joseph G. Monaghan
Attorney At Law

[REDACTED]

Re: Local Government Ethics Law
LFB Complaint #13-014
NOTICE OF VIOLATION

Dear Mr. Monaghan:

The Local Finance Board (Board) issued a **NOTICE OF VIOLATION** regarding its findings in the matter of Complaint #LFB 13-014 filed against your client, Robert Gillman. Enclosed is the **NOTICE** issued by the Board.

Please be advised that the **NOTICE** is not a final determination if Mr. Gillman 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.

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

Sincerely,

Timothy J. Cunningham, Chair
Local Finance Board

Enclosure
Cc: Complainants (w/ Enc.)
C13-014.NOV





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STATE OF NEW JERSEY
LOCAL FINANCE BOARD
NOTICE OF VIOLATION

In Re: Robert Gillman, Councilman, Borough of Bergenfield, LFB Complaint #13-014

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 Borough of Bergenfield Councilman Robert Gillman acted in his official capacity to direct public resources to the Bergenfield Police Athletic League, an entity he served as President, and upon complaint that Borough of Bergenfield Councilman Robert Gillman voted to provide Borough funds in the amount of \$16,915.74 to reimburse the Police Athletic League for various expenses in violation of N.J.S.A. 40A:9-22.5(d) of the Local Government Ethics Law; and

WHEREAS, the Board determined that the Complaint was within its jurisdiction, was not frivolous and was based upon a reasonable factual basis, authorized an investigation; and

WHEREAS, the Local Government Ethics Law states:

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 reviewed the written response to the allegations submitted by Robert Gillman's attorney, Joseph G. Monaghan, concluded Robert Gillman served as the President of the Police Athletic League Executive Board while simultaneously serving as an elected Councilman in the Borough, constituting a direct or indirect personal or financial involvement with the Police Athletic League which might reasonably be expected to impair Councilman Gillman's objectivity or independence of judgment; and,

WHEREAS, the Board, having considered the matter and the relevant statements and information presented and having reviewed the written response to the allegations submitted by Robert Gillman's attorney, Joseph G. Monaghan, concluded that the Police Athletic League is



but one of the entities seeking municipal support to provide youth recreation services in the Borough of Bergenfield; and.

WHEREAS, the Board, having considered the matter and the relevant statements and information presented and having reviewed the written response to the allegations submitted by Robert Gillman's attorney, Joseph G. Monaghan, concluded Robert Gillman voted on four (4) separate occasions to authorize municipal funds to pay vouchers submitted by the Police Athletic League in an aggregate amount of \$16,915.74 in violation of N.J.S.A. 40A:9-22.5(d); and,

WHEREAS, the Board, having considered the matter and the relevant statements and information presented and having reviewed the written response to the allegations submitted by Robert Gillman's attorney, Joseph G. Monaghan, concluded Robert Gillman introduced and voted in favor of Bergenfield Capital Ordinance 11-2447 on November 22, 2011. The ordinance re-appropriated \$300,000 from a prior bond ordinance to site work and installation of a pre-fabricated gymnasium/recreation building to be used by the Police Athletic League, providing a benefit to that organization while he served as the President of that organization in violation of N.J.S.A. 40A:9-22.5(d); and,

WHEREAS, the Board has been advised by municipal officials that recreation organizations within the Borough must seek approval from the Police Athletic League to use the fields or recreation facilities which were the subject of Ordinance 11-2447 but could not provide a list of any such other organizations which have used the field or recreation facilities other than the Police Athletic League; and,

WHEREAS, the Board, having considered the matter and the relevant statements and information presented and having reviewed the written response to the allegations submitted by Robert Gillman's attorney, Joseph G. Monaghan, concluded Robert Gillman did not seek the advice of counsel regarding the propriety of his participation on matters related to the Police Athletic League until after he had taken action in his official capacity to introduce Bergenfield Capital Ordinance 11-2447; and,

WHEREAS, the Board, having considered the matter and the relevant statements and information presented and having reviewed the written response to the allegations submitted by Robert Gillman's attorney, Joseph G. Monaghan, recognizes that organizations like the Police Athletic League provide youth recreation opportunities and a benefit to the community as a whole.

It is therefore,

DETERMINED that Borough of Bergenfield Councilman Robert Gillman shall be assessed a fine in the amount of \$100.00 for the violation as related to his engaging in activities prohibited by statute. Said fine shall be waived.

NOTICE that Councilman Gillman 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.



TIMOTHY J. CUNNINGHAM, CHAIR
LOCAL FINANCE BOARD