



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

December 12, 2014

██████████
██████████
Riverdale, NJ 07457

Re: Local Government Ethics Law
LFB Complaint # 12-090/# 13-011
Notice of Dismissal

Dear ██████████:

The purpose of this letter is to apprise you of the Local Finance Board's ("Board") final disposition of the above-referenced complaints. As you are aware, 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. 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. The Board then determines if the complaint warrants a formal investigation. You were notified by letter dated March 7, 2014, that a formal investigation was authorized into two complaints initiated against you in your role as Councilmember in the Borough of Riverdale. You are hereby notified that the complaints were dismissed by the Board.

Specifically, it was alleged that you violated the LGEL when you voted in 2007 and 2011 to approve the appointment of Mayor William Budesheim to the position of Emergency Management Coordinator ("EMC") with an additional salary. Further, it was alleged that you violated the LGEL when you voted in 2012 and 2013 to allow Mayor Budesheim to continue to receive the salary associated with his former position as EMC.

The Board specifically investigated a possible violation of the following provision of the LGEL:

- (c) 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.

Following an investigation and a thorough review of the documents submitted and evaluation of the facts and circumstances relevant to the complaints, the Board found that you did vote in 2007 and 2011 to approve Mayor Budesheim's appointment to the position of EMC. Furthermore, the Board acknowledges that the appointment of EMC does not require governing



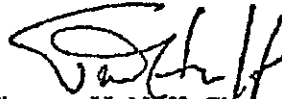
body confirmation or action. The Board determined that while Mayor Budesheim should not have appointed himself to the paid position of EMC, the individual Councilmembers' approval of the appointment did not rise to the level of an ethical violation. And, while Mayor Budesheim should not have continued to collect a salary for a position he no longer held, the individual Councilmembers did not take any official action to authorize that violation.

The Board considered these facts and circumstances at its December 10, 2014, meeting. Upon consideration of these facts and circumstances, the Board voted to dismiss the complaints against you.

LFB Complaints 12-090 and 13-011, as related to you, are now closed.

Should you have any questions regarding this matter, please contact Shannon Hudak at (609) 292-7075.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Neff", written over a faint horizontal line.

Thomas H. Neff, Chair
Local Finance Board