



THE CITY OF NEW BRUNSWICK
CITY HALL . 78 BAYARD STREET . NEW BRUNSWICK, NJ 08901-2113
OFFICE OF THE CITY CLERK CITY OF NEW BRUNSWICK
PROOF OF INSERTION

State of New Jersey, County of Middlesex

I, Daniel A. Torrasi, do hereby certify that an advertisement, of which the annexed is a true copy, was published in The Home News Tribune, a newspaper published and circulated in the City of New Brunswick, County and State aforesaid, issue(s) as follow(s) to wit:
11 September 2017

Certified this 11 September 2017

Daniel A. Torrasi, City Clerk

CITY OF NEW BRUNSWICK

48 Hour Notice: A Meeting of the New Brunswick Board of Ethics will be held at 5:30 p.m. on Monday, September 18, 2017 in the Council Chambers at New Brunswick City Hall, 78 Bayard St., New Brunswick, NJ. Formal action may be taken.

William J. Hamilton, Jr.
Special Counsel

(\$5.72)

0002394356-01

Ethics



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State of New Jersey, County of Middlesex

I, Daniel A. Torrasi, do hereby certify that an advertisement, of which the annexed is a true copy, was published in Star Ledger, a newspaper published and circulated in the City of New Brunswick, County and State aforesaid, issue(s) as follow(s) to wit:
11 September 2017

Certified this 11 September 2017


Daniel A. Torrasi, City Clerk

9/11/2017

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AD TEXT

Public Meetings

CITY OF NEW BRUNSWICK 48 Hour Notice: A Meeting of the New Brunswick Board of Ethics will be held at 5:30 p.m. on Monday, September 18, 2017 in the Council Chambers at New Brunswick City Hall, 78 Bayard St., New Brunswick NJ. Formal action may be taken. William J. Hamilton, Jr. Special Counsel 9/11/2017 \$15.50

Related Categories: Notices and Announcements - Legal Notice

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Ethics

NEW BRUNSWICK BOARD OF ETHICS AGENDA

Monday, September 18, 2017

5:30 p.m.

City Hall – Council Chambers

78 Bayard Street

New Brunswick, NJ 08901

CALL TO ORDER

PLEDGE OF ALLEGIANCE

OPEN PUBLIC MEETING STATEMENT

ROLL CALL

OLD BUSINESS

- Complaint filed by Charles Kratovil against Andrea Eato-White
- Complaint filed by Charles Kratovil against Leonard T. Bier
- Complaint filed by Charles Kratovil against Anthony Vignuolo

NEW BUSINESS

DISCUSSION

PUBLIC COMMENT

ADJOURNMENT

Next Meeting: TBD

THE CITY OF NEW BRUNSWICK
BOARD OF ETHICS

X-----X
BOARD MEETING AND HEARINGS RE:

COMPLAINTS FILED BY CHARLES KRATOVIL
AGAINST ANDREA EATO-WHITE, LEONARD
T. BIER AND ANTHONY VIGNUOLO.

X----- X

NEW BRUNSWICK CITY HALL
COUNCIL CHAMBERS
78 Bayard Street
New Brunswick, New Jersey 08901

DATE: SEPTEMBER 18, 2017

TIME: 5:30 P.M.

BEFORE:

REV. LAUREN CARRINGTON-CHAIR
DONNA PINCAVAGE-MEMBER
CLARIBEL AZCONA-BARBER-MEMBER
BROTHER JUDE LASOTA-MEMBER
REV. FRANCIS RELIA-MEMBER

A P P E A R A N C E S

J. PETER JOST, ESQ.
Special Attorney to the Board

GENOVA, BURNS, LLC
BY: JAMES M. BURNS, ESQ.
Attorney for Leonard Bier

EXHIBIT INDEX

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(Bier Matter)		
R-1	2014 to 2017 Amended FDS	12

1 (Transcript of proceedings, September 18,
2 2017, commencing at 5:32 p.m.)

3 REV. CARRINGTON: We will call the
4 New Brunswick Board of Ethics meeting to order at
5 5:32.

6 Let's stand for the pledge of
7 allegiance.

8 (Whereupon, the Pledge of
9 Allegiance takes place)

10 Can we have the Opening Public
11 Meetings Statement?

12 MR. JOST: I guess I could swing
13 it. The Chair Person would like to announce that
14 I placed in the minutes that adequate notice of
15 this meeting has been provided in accordance with
16 the Open Public Meetings Act by publication in the
17 in the Home News and the Star-Ledger, and by
18 posting on the public bulletin board and filing
19 same with The City Clerk and maybe on the website,
20 too. I'm not sure. So it appears that we have
21 complied with the requirements of the law for
22 that.

23 REV. CARRINGTON: Thank you. We'll
24 do a roll call. Claribel Azcona-Barber?

25 MS. AZCONA-BARBER: Here.

1 REV. CARRINGTON: Reverent Lauren
2 Carrington? Here. Anthony Jones is absent. Donna
3 Pincavage?

4 MS. PINCAVAGE: Here.

5 Rev. Carrington: Brother Jude Lasota?

6 BROTHER LASOTA: Here.

7 REV. CARRINGTON: And Reverend
8 Francis Rella?

9 REV. RELLA: Here.

10 REV. CARRINGTON: Everyone is here.

11 We'll begin with the old business.

12 And the first is A complaint filed by Charles
13 Kratovil against Andrea Eato-White.

14 MR. JOST: All right. Is Ms.
15 Eato-White here?

16 MS. EATO-WHITE: Present.

17 MR. JOST: Why don't you come on
18 up and sit at the table here. We will get a chair
19 for Ms. Eato-White.

20 (Pause in proceedings)

21 Thank you for being here. I guess
22 where we left off at the last meeting was the
23 Board made a determination to allow Ms.
24 Eato-White, I believe it was thirty days to cure
25 the defects that were in her disclosure

1 statements. So I guess that's the where we are.

2 At this point can you relate to
3 the Board your efforts to straighten out those
4 disclosure statements?

5 MS. EATO-WHITE: Yes. With the 2015
6 financial disclosure, as I previously stated I
7 wasn't part of the submittal of all of the active
8 commissioners.

9 I worked along with the State.
10 And the last result was that a young lady, Dana,
11 they out that their software does not allow them
12 to go in to amend, in order to do an additional
13 person on?

14 So they sent--we communicated
15 everything that they had to re-send. So between
16 the three of us we got a manual paper statement.
17 So I submitted it manually to the State.

18 Dan Torrissi FedEx'd it off to
19 Dana's attention. So that was done manually. I
20 believe a copy of it was center over to the Ethics
21 Board by Dan Torrissi, but I have a copy also.

22 MR. JOST: Is that the letter from
23 Mr. Torrissi dated August the 28, 2017?

24 MS. EATO-WHITE: Correct.

25 MR. JOST: It says, "Dear Board

1 members, enclosed is a copy of Ms. Eato-White's
2 disclosure statement filed with my office on
3 August 24th, 2017".

4 MS. EATO-WHITE: Right;correct

5 MR. JOST: That was for the year
6 2015?

7 MS. EATO-WHITE: Correct.

8 MR. JOST: And that was the year
9 that you joined the-- what's it called, Board or--

10 MS. EATO-WHITE: The Parking
11 Authority Board of Commissioners.

12 MR. JOST: Board of Commissioners.
13 So you did not realize at the time that you had to
14 file for that year because it was after?

15 MS. EATO-WHITE: Right, it was
16 after.

17 MR. JOST: It after May 1st when you
18 joined?

19 MS. EATO-WHITE: Right.

20 MR. JOST: You didn't realize that
21 you still had to file for that year?

22 MS. EATO-WHITE: Yes.

23 MR. JOST: So this has cured that
24 oversight?

25 MS. EATO-WHITE: Right.

1 MR. JOST: Perhaps we should have
2 this go into the record and what are we going to
3 call it?

4 (Pause in Proceedings)

5 R-2 would be the letter from the
6 City Clerk acknowledging receipt of the 2015
7 Disclosure Statement, dated August 28, 2017.

8 (Letter dated 8/28/2017, marked as
9 R-2, in Evidence)

10 Was there also something that had
11 to be done for '16?

12 MS. EATO-WHITE: Yes. For the 2016
13 I went in and amended the part--that's when I went
14 to training in Alabama. So I went in and went
15 under Section C, to list any source of gifts,
16 reimbursements or prepaid expenses. So I went in
17 and amended that. So I also have a copy of that
18 for the Ethics Board.

19 MR. JOST: Could we have a copy of
20 that? And we'll mark that also as a part of the
21 record.

22 This has year of service, 2016, for
23 Andrea Eato-White. It lists under Section C,
24 "gifts, reimbursements or prepaid expenses having
25 an aggregate value exceeding \$400 from any single

1 source. New Brunswick Housing Authority? We'll
2 mark that R-3.

3 (2016 Amended Financial Disclosure
4 Statement, marked as R-3, in evidence)

5 I think that takes care of that.
6 You filed our 2017, there was no issue with that?

7 MS. EATO-WHITE: That was filed,
8 yes.

9 MR. JOST: So it appears-- if the
10 Board pleases, it appears that unless somebody has
11 an issue, that Ms. Eato-White has complied with
12 the Board's requirements and cured the
13 deficiencies in her previous filings.

14 So I'm not sure whether you have to
15 do anything, but maybe you want to take a vote to
16 determine that she has discharged the obligation
17 that you placed upon her?

18 REV. CARRINGTON: So we'll do-- I
19 guess it would be a motion on the floor?

20 MR. JOST: A motion.

21 MS. CARRINGTON: I'll accept a
22 motion to acknowledge that she has-- that Andrea
23 Eato-White has met all the requirements regarding
24 her submissions as requested at our previous
25 meeting. I need a motion.

1 MS. PINCAVAGE: I'll make the
2 motion.

3 REV. CARRINGTON: All right. Is
4 there a second?

5 BROTHER LASOTA: Second.

6 REV. CARRINGTON: All in favor?

7 MR. JOST: You should have a roll
8 call vote.

9 REV. CARRINGTON: I was accepting
10 the motion and I'll do a roll call vote. Claribel?

11 MS. AZCONA-BARBER: Yes.

12 REV. CARRINGTON: Myself, yes.
13 Donna?

14 MS. PINCAVAGE: Yes.

15 REV. CARRINGTON:

16 THE WITNESS: Brother Jude?

17 BROTHER LASOTA: Yes.

18 REV. CARRINGTON: Reverend Francis?

19 REV. RELLA: Yes.

20 REV. CARRINGTON: So it's a
21 unanimous acceptance of the corrective action.

22 MR. JOST: Thank you, Ms.
23 Eato-White. You're now discharged, released on
24 your own recognizance. You are going to be an
25 expert in this field now.

1 REV. CARRINGTON: Thank you. Have a
2 good evening.

3 MR. JOST: All right. That takes
4 care of that matter. The next item, I guess, if
5 the Chair please, is the Leonard Bier matter.

6 REV. CARRINGTON: Yes.

7 MR. BURNS: Good evening.

8 MR. JOST: Mr. Bier is present and
9 he is represented by his counsel, James Burns.

10 I believe you concluded the hearing
11 on this matter at the last meeting?

12 REV. CARRINGTON: Yes.

13 MR. JOST: The only thing I did
14 receive subsequently from Mr. Bier, and I
15 apologize, I ran out the door without grabbing his
16 letter. So I don't know if you happen to have an
17 extra copy, Mr. Bier?

18 MR. BIER: Yes, I to.

19 MR. JOST: A lawyer is always
20 prepared. This is the amended Financial Disclosure
21 Statement for Mr. Bier. There is one for 2017
22 that's dated May the 8th, 2015. That's when that
23 was--

24 MR. BIER: That one was not a
25 subject of Mr. Kratovil's complaint. But what

1 happened was, when I filed I realized I had not--I
2 had one investment that was not even in prior
3 years. So I wanted--so that was amended the exact
4 same day I filed the original. After I printed it
5 and read it, I realized there was one investment
6 missing.

7 The rest were the ones Mr.
8 Kratovil filed the complaint related to. Both of
9 those were completed in advance of the hearing
10 date when I testified. This is just the
11 documentary evidence that, in fact, they were all
12 filed.

13 MR. JOST: And the 2016 amended
14 report is dated March the 8th, 2017. The 2015
15 report is dated March the 29th, 2017 and the 2014
16 amended report is dated March the 8th, 2017.

17 So I guess there is no reason why
18 your letter needs to go into the--

19 MR. BIER: It simply a transmittal
20 indicating what actually is filed.

21 MR. JOST: Why don't we collectively
22 mark these as-- we'll call this R-1, I guess,
23 collectively, '17, '16, '15 and '14, FDS'

24 (2014 to 2017 Amended Financial
25 Disclosure Statements, marked as R-1, in evidence)

1 Just procedurally, I guess you're
2 just reopening the hearing just for the purpose of
3 admitting that. Is everybody agreeable to that,
4 no objections?

5 (No response)

6 I'll consider that accepted by
7 the Board.

8 THE WITNESS: Now, I think the
9 appropriate thing at this point, I think the
10 procedure calls for you to go into executive
11 session to discuss your decision in this matter.
12 So does somebody want to make a motion to go into
13 executive session?

14 REV. RELLA: I make a motion to go
15 into executive session.

16 MS. AZCONA-BARBER: I second.

17 MR. JOST: Seconded by Claribel.

18 This one you can go all in favor?

19 (Unanimous affirmative response)

20 Everybody says yes, no nays. We'll
21 go into executive session.

22 (Whereupon, the Board proceeds in
23 Executive Session from 5:50 to 6:10 p.m.)

24 The Board has asked me to read a
25 proposed resolution. And then they will have some

1 discussion on the resolution. Then they'll vote
2 on the resolution.

3 Resolution 2017--I don't know if
4 there is a number for the resolution, but that can
5 be be determined.

6 In the Matter of Leonard T. Bier. A
7 Complaint was filed with the Board of Ethics by
8 Charles Kratovil of New Brunswick on February 9th,
9 2017, alleging that Leonard T. Bier, General Legal
10 Counsel for the New Brunswick Parking Authority,
11 NBPA, Board of Commissioners, violated the
12 Financial Disclosure requirements of the New
13 Brunswick Code of Ethics and the Local Government
14 Ethics Law, LGEL, by failing to disclose sources
15 of income received by him in 2015, which should
16 have been reported on his 2016 Financial
17 Disclosure Statement, FDS.

18 On March 19, 2017, Charles Kratovil
19 filed an amended complaint with this Board
20 regarding Mr. Bier. Which, in addition to the
21 allegations contained in the previous complaint,
22 alleges that while chairing NBPA's annual
23 reorganization meeting on January 28, 2016, Mr.
24 Bier took official action to benefit himself in
25 violation of the LGEL and the New Brunswick Code

1 of Ethics.

2 I'm doing these-- these are
3 numbered paragraphs. Number three is, the Board
4 adopted a resolution on April 24th, 2017, stating
5 that the Board had reviewed the complaint and
6 amended complaint, and made a preliminary
7 investigation in consideration of the matter. And
8 that the Board had determined that a reasonable
9 doubt existed as to whether the above individual
10 is in conflict with the City's Code of Ethics or
11 any financial disclosure requirements.

12 Number four, Leonard T. Bier,
13 through his attorney James M. Burns, Esquire,
14 filed a detailed response with the Board dated
15 June 26, 2017, responding to the allegations of
16 the complaint and amended complaint.

17 Mr. Bier also testified under
18 oath as to the facts contained in his response.
19 Following is a summary of the allegations of the
20 complaint and amended complaint of Mr. Kratovil,
21 and the responses on behalf of Mr. Bier.

22 A, Mr. Bier failed to list his
23 State pension as a source of income on his
24 Financial Disclosure Statement, FDS, with the City
25 of New Brunswick Parking Authority for the

1 reporting years 2009 through 2015.

2 Mr. Bier admits this allegation.
3 He retired as a government employee in 2008 and
4 receives a pension from the State of New Jersey.
5 He states that he did not realize that pensions or
6 retirement accounts were a reportable source of
7 income to be listed on his FDS.

8 And after consultation with
9 Trenton and referral to a 2015 Local Finance
10 Notice, Mr. Bier wrote a letter to the City of
11 New Brunswick Ethics Board accepting responsibility
12 for these omissions. And stated that he would
13 amend as many of the prior electronic filings as
14 the system would allow.

15 B, Mr. Bier failed to list the
16 following additional sources of income on his 2015
17 FDS:

18 One, office rental income, 144
19 Livingston Avenue, New Brunswick, New Jersey

20 Two, rental income, condominium,
21 7501 East Treasures Drive, Unit 5P, North Bay
22 Village, Florida.

23 Three, interest income, Cheap Eats,
24 LLC, 1482 Main Street, Rahway, New Jersey. There
25 is a typo there-- Rahway, New Jersey.

1 Number four, interest income,
2 Yellowbrook Properties, LLC, 247 Bridge Avenue,
3 Suite 5, Red Bank, New Jersey.

4 Leonard Bier admits that the above
5 sources of income were not initially disclosed on
6 his 2015 FDS form. His explanation for the
7 omission of the above disclosures, are basically
8 various errors and understanding on his part.

9 Subsequently after review of the
10 2015 Local Finance Notice and his own tax returns,
11 Mr. Bier, with the help of an assistant, Sue
12 Levine, was able to amend his 2015 FDS to reflect
13 the 2014 income, including Mr. Bier's PERS pension
14 and rental income.

15 The amended 2015 FDS was entered
16 into the system by Ms. Levine, but did not post to
17 the State Online Reporting System. He was advised
18 by the State that it is not possible for him to
19 amend any FDS prior to 2015. He did disclose this
20 information on his 2016 FDS.

21 C, the March 19th, 2017 amended
22 complaint filed by Mr. Kratovil contains the
23 allegations of the first complaint, together with
24 the additional allegation that Mr. Bier chaired
25 the New Brunswick Parking Authority's annual

1 reorganization meeting for the entire meeting,
2 including presiding over his own hiring as general
3 counsel, and approval of the hiring of both Bier
4 Associates and Timothy Haas & Associates, as
5 parking consultants for the NBPA. (For several
6 years Timothy Haas & Associates has been used and
7 continues to use Mr. Bier's address of 144
8 Livingston Avenue as his official address for
9 business purposes)

10 The essence of the allegations with
11 regard to the reorganization meeting are that Mr.
12 Bier chaired the meet at which he personally
13 benefited from the outcome.

14 As Mr. Bier's response to Mr.
15 Kratovils' allegations, he stated that all
16 professionals selected by the NBPA are as a result
17 of a fair and open RFQ process, in which Mr. Bier
18 plays no role. And by acting as chair during the
19 2016 reorganization meeting, he was simply calling
20 the reorganization agenda as any secretary of any
21 Board can do.

22 Number five, the Board notes that
23 under Robert's Rules of Order, at an
24 organizational meeting the chairman pro temp
25 presides over the nomination and election of the

1 permanent officers. "After the election is
2 completed, the chair declares the results". This
3 is a quote, "After the election is completed, the
4 chair declares the results. Unless a proviso
5 attached to the bylaws proscribes otherwise, the
6 newly elected officers immediately replace the
7 temporary ones". There is a cite there, RONR
8 (Eleventh Edition)Page 560, II, 21-24.

9 Thus, unless there was a specific
10 proviso to the contrary in the bylaws of the NBPA
11 Board, Mr. Bier, as temporary chairman, should
12 have immediately turned over the gavel to the
13 newly elected chairman to preside over the balance
14 of the reorganization meeting.

15 This would have eliminated the
16 possibility of a conflict on the part of Mr. Bier
17 with respect to his appointment as Board attorney
18 and parking consultant.

19 The Local Government Ethics Law,
20 NJSA 40A:9-22.5, as well as the City of New
21 Brunswick Ethics Code, provides, "No local
22 government officer or employee shall act in his
23 official capacity in any matter in which he, a
24 member of his immediate family, or a business
25 organization in which he has an interest, has a

1 direct or indirect financial or personal
2 involvement that might be reasonably expected to
3 impair his objectivity or independence of
4 judgment".

5 Seven, "It is not simply the
6 existence of a conflict that may be caused to
7 overturn the action of a public official, but also
8 the appearance of a conflict. Randolph Versus
9 City of Brigantine Planning Board, 405 NJ Super,
10 215, 226 (App Div 2009). Disqualification is
11 appropriate even if only the appearance of a
12 conflict exists. Itallie Versus Franklin Lakes, 28
13 NJ 258, 226-27, 1958".

14 Number eight, the Board
15 acknowledges that the requirements of the
16 Financial Disclosure Law can sometimes be
17 confusing, especially for a local government
18 officer who has numerous investments in
19 properties. The Board also acknowledges that Mr.
20 Bier has been truthful and forthcoming in candidly
21 acknowledging the deficiencies in his 2014, 2015
22 and 2016 Financial Disclosure Statements.

23 It appears that Mr. Bier made good
24 faith efforts to obtain advice and clarification
25 from the Attorney General's Office and the Local

1 Finance Board, and to correct these deficiencies.

2 It appears that the 2014 FDS cannot
3 be amended. I guess that's not correct. It was
4 amended-- cannot be a amended online.

5 MR. BIER: When the original-- when
6 the original-- what happened as, if you recall
7 from the testimony, what happened was at the time
8 my 2014 was not amendable. By the time Mr.
9 Kratovil filed his formal complaint, they had
10 changed the State system to go back an additional
11 year. So once that was done I could do it. But at
12 the time that I amended my filings 2014 was not
13 amendable.

14 MR. JOST: So it appears that the
15 2014 FDS was not initially amendable. And he
16 experienced technical different in attempting to
17 amend his 2015 and 2016 statements, caused by
18 "glitches" with the State's software. Ultimately,
19 the statements were corrected.

20 Nine, although technically a
21 violation, the Board is not concerned with Mr.
22 Bier's failure to list his PERS pension, since
23 this is already a matter of public record and
24 unlikely to be a source of any conflict of
25 interest.

1 The other sources of income that
2 were not listed by Mr. Bier, could potentially be
3 more germane, although there are no specific
4 allegations with regard to same, other than the
5 failure to list them.

6 The Respondent essentially pleads
7 ignorance with regard to the omission of these
8 items. Nevertheless, the Board feels that as an
9 attorney and as the chief legal advisor of the
10 NBPA, Mr. Bier should be held to a higher standard
11 of adherence to the ethical rules and regulations

12 Number ten, with regard to Mr.
13 Bier's presiding over the NBPA's reorganization
14 meeting as "temporary chairman", during which his
15 professional appointment and his appointment of
16 his consulting company and that of timber /THAOE
17 has and associates were approved, the Board finds
18 no merit in the argument that this procedure has
19 always been the "unwritten policy" of the NBPA,
20 and that the Respondent played no part in the fair
21 and open RFQ process, and was simply calling the
22 reorganization agenda.

23 And the Board finds that the action
24 of Mr. Bier as temporary chairman in presiding
25 over his own appointments and that of his tenant

1 Mr. Haas, created the appearance of a conflict of
2 interest to the benefit of himself and affiliated
3 companies.

4 The Board feels that the NBPA's
5 2000 change in its policy of having a temporary
6 chairman preside over the awarding of a
7 professional contract, is a tacet admission that
8 the previous policy created the appearance of a
9 conflict.

10 Number eleven, in view of the
11 above violations found by this Board, taking into
12 consideration Mr. Bier's cooperation with the
13 Board of Ethics, his acknowledgment of
14 responsibility in the matter of his Financial
15 Disclosure Statements, his good faith efforts to
16 correct his FDS in spite of bureaucratic obstacles
17 and the lack of any previous ethical violations by
18 the Respondent during his many years of important
19 service to the City, a penalty of \$200 is assessed
20 against Leonard T. Bier. Which I am to understand
21 is allocated as \$100 on account of the disclosure
22 statements and \$100 on account of presiding over
23 the meeting.

24 So that is the resolution that I
25 have read. Now, first we will need to have

1 someone move the resolution and then there can be
2 a discussion on the resolution.

3 REV. CARRINGTON: I'll make a
4 motion--

5 MR. JOST: I think the chair
6 should --unless you want to leave the chair.

7 REV. RELLA: I'll make the motion.

8 MR. JOST: Motion maid by Reverend
9 Rella.

10 MS. PINCAVAGE: I'll second it.

11 MR. JOST: Donna made the second.

12 Now, does anyone want to make any comments?

13 MS. CARRINGTON: We talked about
14 the amount was based on the understanding that,
15 you know, that this us not something that was
16 intentional, but there should be some
17 responsibility taken for the action.

18 So we looked at \$100 for the FTS;
19 right, I got the right letters in the right order.
20 And then also \$100 for the issue with chairing the
21 meeting.

22 MR. BIER: I understand.

23 MR. JOST: I think you meant the
24 FDS or the Financial Disclosure Statement?

25 REV. CARRINGTON: Right. The FTS are

1 the floral people. Anybody else want to make
2 comments?

3 MR. JOST: Reverend, did you want
4 to say something?

5 REV. RELLA: No. Again, I mean, it
6 is A violation. But it goes again to, was there
7 any intent? If he did that as a regular thing
8 year after year, that's the thing that needs to be
9 corrected, that we don't do it again. We are
10 holding you to a higher standard because of your
11 background and training.

12 MR. BIER: I understand.

13 MR. JOST: Does anybody else want
14 to have any statements?

15 (No response)

16 MR. JOST: All right. In that case,
17 the chair person will call the motion.

18 REV. CARRINGTON: I will accept the
19 motion to accept the resolution.

20 MR. JOST: We made the motion.
21 We're calling the motion to be voted upon at this
22 time.

23 Do you want call it, Madam Chair
24 Person or do want me to call the roll?

25 REV. CARRINGTON: Claribel

1 Azcona-Barber?

2 MS. AZCONA-BARBER: Yes.

3 REV. CARRINGTON: Myself, yes.

4 Reverend Laren Carrington, yes.

5 Donna Pincavage?

6 MS. PINCAVAGE: Yes.

7 REV. CARRINGTON: Brother Jude

8 Lasota?

9 BROTHER LASOTA: Yes.

10 REV. CARRINGTON: Reverend francis

11 Rella?

12

13 REV. RELLA: Yes.

14 REV. CARRINGTON: It is a unanimous
15 acceptance of the resolution.

16 MR. JOST: The rules of the Board
17 are a little-- they say that you are supposed to
18 notify the appointing body of your decision, and
19 and if you recommend that any further action needs
20 to be taken. Is there any feeling on the Board
21 that and further action needs to be taken?

22 (Negative response)

23 REV. CARRINGTON: We can submit
24 that action has already been taken, we already
25 made the fine and that's sufficient as far as we

1 feel.

2 MR. JOST: Why don't we put that on
3 the record. Somebody make a motion that no
4 further action needs to be taken?

5 REVEREND LASOTA: I make that
6 motion.

7 MS. AZCONA-BARBER: I second.

8 MR. JOST: All in favor?

9 REV. CARRINGTON: All in favor?

10 (Unanimous positive response)

11 MR. JOST: Any opposed?

12 (No response)

13 That appears to conclude the
14 matter. I'm not sure who you give your check to,
15 probably to the City Clerk, I would think.

16 MR. BIER: I'll call the City Clerk
17 to find out who to make the check payable.

18 REV. CARRINGTON: We don't take
19 money. We don't want a conflict of interest.

20 MR. BIER: No problem. I
21 understand, thank you.

22 MR. BURNS: Thank you very much,
23 ladies and gentlemen.

24 MR. JOST: That reminds me, Madam
25 Chair Person, when we come back there are a couple

1 of items of new business that you may want to note
2 for the record, when we come back, from Mr.
3 Kratovil.

4 I think the next item of
5 business --

6 REV. CARRINGTON: The next item is a
7 complaint filed by Charles Kratovel against
8 Anthony Vignuolo.

9 MR. JOST: This is just the
10 preliminary stage of this matter, even though it's
11 been hanging out there for a while. As I
12 understand the procedure, at this point the Board
13 is to go into executive session again to discuss
14 how and whether to proceed in this matter.

15 REV. CARRINGTON: Yes.

16 MR. JOST: So, again, I guess we'll
17 have to ask the audience to-- which is reduced to
18 one person, to excuse us. Does somebody want to
19 make a motion to go into executive session?

20 REV. LASOTA: I make a motion to go
21 into executive session.

22 REV. RELLA: I second it. Can we
23 have a five minute recess?

24 (Short recess takes place)

25 MR. JOST: We have a motion to go

1 into executive. Normally you should call a roll
2 call on that. Do you want me to do that?

3 REV. CARRINGTON: Yes.

4 MR. JOST: Clari?

5 MS. AZCONA-BARBER: Yes.

6 MR. JOST: Brother Jude?

7 BROTHER LASOTA: Yes.

8 MR. JOST: Reverend Lauren?

9 REV. CARRINGTON: Yes.

10 MR. JOST: Donna?

11 MS. PINCAVAGE: Yes.

12 REV. CARRINGTON: Reverend

13 Francis?

14 REV. RELLA: Yes

15 MR. JOST: Okay. Now we're going to
16 go into closed session.

17 (Executive Session takes place from
18 6:25 to 6:45 p.m.)

19 REV. RELLA: Make a motion to go
20 back in public session?

21 MS. Pincavage: Second.

22 MR. JOST: All in favor?

23 (Unanimous positive response)

24 REV. CARRINGTON: Do you want to
25 read the resolution?

1 MR. JOST: At this point I just want
2 to note for the record that the procedure under
3 Section 2-32-100-- I'm sorry, 2.32.100 of the
4 Township's Code-- City's Code. I have to stop
5 calling it a Township, coming from the country.

6 It says, "The Ethics Board shall
7 make a determination as to whether the complaint
8 is within its jurisdiction, frivolous or without
9 any reasonable factual basis. If the Ethics Board
10 Board concludes that the complaint is outside of
11 its jurisdiction, frivolous or without factual
12 basis, it reduces the conclusion to writing and
13 transmit a copy thereof to the complainant and to
14 the officer or employee against whom the complaint
15 was filed. Otherwise, the Ethics Board shall
16 notify the officer or employee against whom the
17 complaint is filed of the nature of the complaint
18 and the facts and circumstances set forth therein.

19 "The officer or employee shall have
20 the opportunity to present the Ethics Board with
21 any statement or information concerning the
22 complaint which he or she wishes".

23 All right. So this is a proposed
24 resolution of the Board in the matter of Anthony
25 Vignuolo, Esquire.

1 Whereas, the Board received a
2 complaint from Charles Kratovil of the New
3 Brunswick-- of New Brunswick, alleging that
4 Anthony Vignuolo, attorney for the Board of Ethics
5 for the--make that special counsel for the Board
6 of Ethics of the City of New Brunswick, violated
7 the Local Government Ethics Law and the City's
8 Code of Ethics in the following particulars: One,
9 failed to file a Financial Disclosure Statement,
10 FDS, for the year 2016.

11 Whereas, the Board has reviewed the
12 complaint and made a preliminary investigation and
13 consideration of the matter, now, therefore, be it
14 resolved by the Board of Ethics of the City of New
15 Brunswick, that the Board makes the following
16 findings and conclusions with regard to the above
17 matter: Number one, a complaint was filed with
18 the Board of Ethics by Charles Kratovil on
19 February 1, 2017, against Anthony Vignuolo,
20 Esquire, the Board's special counsel.

21 In his complaint, Mr. Kratovil
22 alleges that Mr. Vignuolo was appointed to serve
23 as the Board's attorney at it's annual
24 reorganization meeting on January 21, 2016. He
25 further alleges that as such Mr. Vignuolo was

1 required to file a Financial Disclosure Statement,
2 FDS, under the Local Government Ethics Law and the
3 City's Code of Ethics.

4 Despite having been required to
5 file an FDS in his role as Board attorney prior
6 to April 30th, 2016, Mr. Vignuolo allegedly failed
7 to file an FDS in 2016.

8 Number two, there does not seem to
9 be any dispute that Mr. Vignuolo did not file an
10 FDS in 2016. The Board will assume for the
11 purposes of this resolution that the allegation by
12 Mr. Kratovil that Mr. Vignuolo did not file an FDS
13 in 2016 is true. Thus the issue is whether Mr.
14 Vignuolo was required by law to do so.

15 Number three, the Local Government
16 Ethics Law, NJSA 40A:9-21.6, provides that local
17 government officers shall annually file a
18 Financial Disclosure Statement on or before April
19 30th of each year. NJSA40A:9-22.3(G), defines a
20 local government officer, LGO, as a managerial
21 executive or confidential employee of a local
22 government agency.

23 On March 16, 2016, the New Jersey
24 Local Finance Board issued Local Finance Notice
25 LFN 2016-07, regarding the obligation of local

1 government officers, LGOs, to file 2016 Financial
2 Disclosure Statements under the Local Government
3 Ethics Law.

4 LFN 2016-07 states: "The concept
5 that LGOs have personal responsibility for
6 annually filing their FDS'"-- I'm sorry--"their
7 FDS forms, is an important one. The Municipal
8 Clerk, the County Clerks and other local
9 government entity representatives who have
10 administrative responsibilities concerning the FDS
11 filing process, are not required to complete FDS
12 forms on behalf of LGOs, nor are they required to
13 ensure that LGOs satisfy their statutory
14 obligation to annually file an FDS.

15 Failure of an LGO to comply with
16 the annual filing requirement, subjects the LGO
17 personally to the penalties and disciplinary
18 action provisions as set forth in NJSA 40A:9-22.10
19 and 40A:9-22.11.

20 "This means that each LGO has a
21 personal duty by virtue of the LGO's public
22 office, appointment or employment, to carefully
23 read LFN 2017-08 to be issued in the coming weeks.
24 Understand the underlying filing procedure and
25 take necessary steps to timely file the LGO's

1 FDS".

2 Number five, notwithstanding the
3 above, the Local Finance Notice describes in
4 detail the role of the Municipal Clerks and other
5 government entity representatives in preparing and
6 updating the "LGO Roster", of the particular local
7 government entity.

8 The notice proscribes that it is
9 the LGO's representative's responsibility to
10 ensure that the LGO Roster is fully and accurately
11 updated on or before April 1, 2016.

12 The notice further stated LFB
13 requests that each Municipal Clerk, County Clerk
14 other local government entity representative,
15 carefully review their LGO Roster in consideration
16 of the guidance provided in this section, and in
17 consultation with local counsel. That's Local
18 Finance Notice 2016-07, at page four.

19 Number six, LFN 2016-07 does
20 provide specific guidance on some positions. For
21 instance, the notice lists that independent local
22 government agency attorneys are being required to
23 file an FDS pursuant to AO 91-0134, and Local
24 Ethics Board members being required to file under
25 AO 92-0061.

1 The Local Finance Notice does not
2 specifically mention the position of Local Ethics
3 Board attorney as being either required or not
4 required to file an FDS.

5 Number seven, NJAC 5:35-2.1,
6 which clarifies which individuals are required to
7 file an FDS, was not adopted until January 31,
8 2017, too late to be of guidance for the year
9 2016.

10 However, a review of Attorney
11 General opinions with regard to the filing
12 requirement-- I'm sorry, I just started paragraph
13 eight-- with regard to the filing requirement is
14 dispositive.

15 Attorney General Opinion 92-0061,
16 provides that members of the Local Ethics Board
17 are local government officers pursuant to the
18 Local Government Ethics Law, and, therefore,
19 subject to its terms, particularly the requirement
20 for filing a Financial Disclosure Statement.

21 The opinion further states: "The
22 the term local government agency encompasses a
23 myriad of local government bodies. The definition
24 is very broad and specifically and excludes only
25 purely advisory bodies and school boards.

1 "A Local Ethics Board is a Board
2 established by a county or municipality. It
3 exercises considerable authority in the
4 specialized area of ethics, which go beyond a
5 purely advisory nature. And thus, the Local
6 Ethics Board established in accordance with the
7 Local Government Ethics Law, is a local government
8 agency pursuant to the law. AG Opinion 92-0061, at
9 page two".

10 Number nine, Attorney General
11 Opinion 91-0134 advises that an attorney appointed
12 to regularly provide advice and representation to
13 an independent local government agency, is a local
14 government officer pursuant to the Local
15 Government Ethics law, and, therefore, required to
16 file a financial statement.

17 However, AG 91-0134 emphasized
18 that only the principal legal advisor, page three,
19 or the chief legal officer of a local government
20 agency, would be considered an LGO. Contrasted--
21 excuse me, as contrasted with an attorney who
22 serves the agency in a special limited capacity,
23 e.g., special labor, bond counsel or to handle a
24 particular tort action. I think that should be
25 special labor counsel, bond counsel or to handle a

1 particular tort action.

2 The latter representation being
3 more akin to an independent contractor who would
4 not be subject to the Ethics Law, AG Opinion
5 91-0134, at page four.

6 Number ten, therefore, an
7 attorney appointed to provide regular legal advice
8 to an independent entity, which is a local
9 government agency, is a local government LGO, for
10 purposes of the Local Government Ethics Law, NJSA
11 40A:9-22.1, et seq, and is subject to the
12 requirements of the law, and particularly to the
13 requirement of filing a Financial Disclosure
14 Statement, FDS.

15 Number eleven, in accordance with
16 all of above, the threshold issue in the within
17 matter is whether the Respondent, Anthony
18 Vignuolo, meets the definition of a local
19 government officer.

20 In this regard, the Board's
21 attorney has caused a search to be made of the
22 resolutions of the New Brunswick City Council
23 appointing Mr. Vignuolo to represent the Board of
24 Ethics with regard to various matters, from 2014
25 to 2016.

1 Number twelve, attached to this
2 resolution are copies of Resolutions R-111414,
3 adopted November 5, 2014, R-031506 adopted May--
4 I'm sorry, adopted March 4, 2015, R-111509,
5 adopted November 4, 2015, R-021669, adopted
6 February 17, 2016, R-061630, adopted June 1, 2016,
7 R-091661, adopted September 21, 2016 and R-121617,
8 adopted on December 7th, 2016.

9 All of which refer to Mr. Vignuolo
10 as "special counsel", regarding a specific
11 complaint before the Board.

12 Nowhere in any of these resolutions
13 is Mr. Vignuolo referred to as the "Board of
14 Ethics attorney", "Board attorney" or "regular
15 Board attorney".

16 In addition-- that's number
17 thirteen. In addition, the attached City Council
18 resolution R-031509, adopted March 4, 2015,
19 appoints James F. Clarken, III, Esquire as
20 "Special Counsel", to the Board of Ethics, with
21 regard to an ethics complaint filed against the
22 City Attorney, Charlie Gayben, G-a-y-b-e-n,
23 Esquire and the Honorable Judge Barnet Hoffman,
24 JSC retired.

25 Number fourteen, based upon the

1 above, it seems clear that the City of New
2 Brunswick does not consider Mr. Vignuolo to be the
3 "regular" Board of Ethics attorney. But rather,
4 seems to have appointed Mr. Vignuolo on an ad hoc
5 basis with regard to specific matters coming
6 before the Board of Ethics.

7 The appointment of James Clarken as
8 another "special counsel", would seem to buttress
9 this conclusion

10 Fifteen, furthermore, the Board
11 notes that Mr. Vignuolo was specifically not
12 included on the City's official list of LGOs
13 required to file an FDS for the 2016.

14 While the Board understands that
15 the fact that the City did not include Mr.
16 Vignuolo on its 2016 LGO Roster, is not
17 necessarily dispositive of the issue, it is a
18 clear indication of the City's understanding that
19 the Respondent was a "special counsel" and not the
20 "regular" Board of Ethics attorney.

21 Number sixteen. The New Jersey
22 Register of March 6, 2016, in response to a
23 question from the Seaside Borough Administrator,
24 the Local-- local I think that should be the
25 Seaside Heights Borough--I have to check that--it

1 could be Seaside Park--the Borough Administrator,
2 the Local Finance Board stated: "With respect to
3 the positions of municipal attorney and municipal
4 engineer, alternate, special and conflict
5 attorneys or engineers, would not be required to
6 file Financial Disclosure Statements.

7 "The rule would only require a
8 Financial Disclosure Statement to be filed by the
9 attorney and engineer who was appointed to
10 represent the local government entity as its
11 attorney or engineer, along with any attorneys or
12 engineers in the same firm, and those named
13 appointments who regularly provide professional
14 services to the local government entity.

15 "This role remains consistent with
16 the interpretation set forth in the Attorney
17 General's Formal Opinion 91-002 (49 NJR, New
18 Jersey Register, 433)".

19 In conclusion, for the reasons
20 stated above, the Board finds and determines that
21 Anthony Vignuolo as appointed by the City Council
22 to be Special Counsel to the Board of Ethics with
23 regard to specific matters, did not meet the
24 definition of the "local government officer",
25 during many time period in question.

1 Accordingly, the complaints filed
2 against Anthony Vignuolo in this matter, is
3 without a reasonable factual basis and is hereby
4 ordered to be dismissed.

5 The Board is aware--this is a new
6 paragraph. The Board is aware of the fact that
7 Mr. Vignuolo's name was added to the City's LGO
8 Roster for the year 2017, and that Mr. Vignuolo
9 apparently filed a 2017 FDS in response thereto.

10 The Board makes no finding with
11 regard to the propriety or necessity of listing
12 Mr. Vignuolo on the City's FDS Roster for 2017, as
13 that matter is not before the Board.

14 It is further ordered that a copy
15 of this Resolution shall be transmitted to the
16 Complainant, Charles Kratovil and to the
17 Respondent, Anthony Vignuolo, Esquire.

18 Now, you have the Resolution as
19 read before you. Does anybody wish to first make a
20 motion in this regard, then we can have discussion
21 on the motion, if there is any?

22 REV. CARRINGTON: I will accept the
23 motion?

24 MS. AZCONA-BARBER: I make a motion
25 that we accept the Resolution as read.

1 REV. RELLA: Second.

2 MR. JOST: I just want to note for
3 the record and I should have done this earlier,
4 that Brother Jude Lasota, kind of in the last
5 minute, realized that he might have a possible
6 conflict. To be on the safe side he decided to
7 recuse himself from this matter. And so he is not
8 sitting here in judgment or at least watching from
9 the audience. But he did not participate in the
10 decision that is being made tonight, out of an
11 abundance of caution.

12 REV. CARRINGTON: It's been moved
13 and seconded.

14 MR. JOST: It's been moved and
15 seconded. Is there any discussion on the motion?
16 Reverend Francis Rella seconded.

17 REV. CARRINGTON: I don't have any
18 further discussion.

19 MR. JOST: Do you have any?

20 REV. RELLA: Not at all.

21 MR. JOST: Anyone want to say
22 anything?

23 (No response)

24 In that case, does somebody want
25 to move the motion?

1 REV. RELLA: I move to vote on the
2 motion.

3 MS. PINCAVAGE: Seconded.

4 MR. JOST: Okay. So can we have a
5 roll call vote?

6 REV. CARRINGTON: Sure. Claribel?

7 MS. AZCONA-BARBER: Yes.

8 REV. CARRINGTON: Donna?

9 MS. PINCAVAGE: Yes.

10 MS. CARRINGTON: Myself, Lauren,
11 yes. Reverend Francis?

12 REV. RELLA: Yes.

13 MR. JOST: So it is a unanimous
14 decision.

15 MS. CARRINGTON: Yes.

16 MR. JOST: So what I will do, there
17 are a number of typos in this Resolution. I will
18 correct the typos and send out a corrected copy
19 with the attachments, to everybody, including Mr.
20 Kratovil.

21 I think that finishes the regular--
22 the old business before the Board. The only-I
23 don't see--there is new business. I wanted to
24 note that apparently Mr. Kratovil has brought two
25 new complaints with him. Mr. Kratovil, you are

1 filing these at this time with the Board?

2 MR. KRATOVIL: Yes, sir.

3 MR. JOST: He's nodding
4 affirmatively. I'm not sure what the procedure
5 is.

6 REV. CARRINGTON: I thought the
7 process was, it goes to the --

8 MS. AZCONA-BARBER: He has to file
9 with the City clerk.

10 MR. JOST: I was just going to say,
11 I think it probably has to go to the City Clerk
12 first and then it comes to the Board. So we can
13 note for the record, just that we have seen the
14 copies and are aware of them. But that they
15 should really be filed with the City Clerk first.
16 And then they will come to the Board in due
17 course.

18 So having noted that for the
19 record, is there anything else that needs to be
20 discussed by the Board?

21 REV. RELIA: Was that new business?

22 MR. JOST: We did new business just
23 now.

24 MS. PINCAVAGE: I just want to
25 thank you. You know, I know you were a special

1 conflict attorney. So our conflicts, I'm assuming
2 are done.

3 MR. JOST: You may not see me
4 again.

5 MS. PINCAVAGE: You may not be our
6 attorney again, unless appointed as a special
7 counsel by the-- who does it?

8 MS. AZCONA-BARBER: The law
9 department.

10 MR. JOST: I'm not sure I want to
11 be, this is a dangerous town.

12 MS. PINCAVAGE: I want to thank,
13 because I think I learned a lot from you being our
14 special counsel. I thought you handled this very
15 fairly, so just thank you.

16 MS. CARRINGTON: I concur.

17 MR. JOST: Thank you very much,
18 all Board members. I'm going to miss you guys.
19 It's been very interesting.

20 REV. RELLA: Thank you so much.

21 REV. CARRINGTON: You never know.

22 MS. PINCAVAGE: You educated us
23 all.

24 MR. JOST: I learned a lot about
25 New Brunswick and the New Brunswick Board, so it's

1 been very interesting.

2 REV. RELLA: Thank you for all you
3 do.

4 MR. JOST: If the Chair pleases, I
5 think you have a couple of other things on your
6 agenda.

7 REV. CARRINGTON: The next would
8 just be to open the floor to public comment.

9 MR. KRATOVIL: Good evening. We
10 met before, Charles Kratovil from New Brunswick
11 and Editor of New Brunswick Today.

12 I'll just start by saying it would
13 have been nice to get notice of this meeting. I
14 was not at the August meeting. I happened to see
15 on the downstairs bulletin Board that it was
16 scheduled. But I do think that was not done,
17 maybe I'll check by spam folder or something. I
18 received no notice of this meeting. I think that
19 I should have.

20 I think before the Board breaks
21 up today, you must select a secretary. I think
22 that's an issue that came up a couple of meetings
23 ago, Mr. Jones was on the money and said, hey,
24 some the reasons that we're having communication
25 problems is because there is no secretary.

1 So that's got to happen. I don't
2 know who dropped the ball or how. But the Board
3 needs a secretary. And the Board is also going to
4 need an attorney.

5 I've filed these two new
6 complaints. And I think, you know, in my opinion
7 that Mr. Vignuolo is unfit for serving as your
8 attorney. So I'd also like an update on getting a
9 presence on the website. Is there any presence
10 that this Board has on the internet?

11 REV. CARRINGTON: In discussion, I
12 understand that we don't have a--that this
13 particular Board does not have a specific
14 presence. But there is the City's website. That
15 would be the place for any issues or concerns
16 regarding the Ethics Board.

17 Since there is the City's website,
18 I think that would be the place for that.

19 MR. KRATOVIL: As you know,
20 websites can be changed and information can be
21 added. There is currently zero information about
22 this Board on the website.

23 So I'm not suggesting that you
24 need-- perhaps you are unclear what I'm
25 suggesting. I think the City's website should

1 include a space for the work of this Board. There
2 are a couple of things that-- obviously, there
3 should be the Code of Ethics, so that people who
4 are bound by it can look it up. And people who
5 might be interested in holding people accountable
6 can look it up. That's not available presently.

7 MR. RELLA: Is that the concern of
8 the Board or the concern of the City? I don't know
9 what you are saying. Is that something that we
10 should be looking at?

11 MR. KRATOVIL: You can certainly
12 collaborate with City Hall. They have a public
13 information officer who probably could make it
14 happen.

15 MR. RELLA: As a concerned citizen,
16 what would you suggest?

17 MR. KRATOVIL: I would get on the
18 phone with Jennifer Bradshaw, the Public
19 Information Officer. There is the City's website,
20 so that you can be a part of that. Alternatively,
21 if you wanted to do it separately, the Trenton
22 Ethics Board has has their own separate website.
23 You can do it separately. It might be more work.

24 REV. RELLA: Who's the person you
25 said?

1 MR. KRATOVIL: Jennifer Bradshaw.
2 She's with the Mayor's office, the Public
3 Information person..

4 MR. JOST: That probably wouldn't
5 cost much. It would just be a matter of, you
6 know, working up a statement about what the Board
7 is and what it does, maybe some of its decisions
8 or at least some of the rules and regulations of
9 the Board and the Local Ethics Law. That probably
10 wouldn't cost much money. Because the problem is
11 always money.

12 But as far as the Board secretary,
13 unfortunately, you don't have the financial
14 capacity to just appoint somebody. Because, you
15 know, you have to get approval of that from the
16 City.

17 I don't know whether--I know we
18 did discuss it several meetings ago. I'm not sure
19 if that request was transmitted to the City or to
20 whom in the City. But you might want to
21 reiterate, somebody might want to reiterate that.
22 Because I do think it's a good idea to have a
23 secretary. Obviously, there has been some
24 confusion in the past and it would be helpful.

25 Now, maybe someone who is already

1 working in the City government, could have that
2 added to his or her portfolio, perhaps at some
3 increase in compensation or maybe just included in
4 the compensation, depending on how it's arranged.
5 There are ways to do that.

6 But, unfortunately, this Board
7 doesn't have the financial wherewithal just to go
8 out and appoint somebody. It has to go through
9 the City Council.

10 REV. RELLA: We can look into that,
11 Madam Chairman.

12 MR. KRATOVIL: Someone will
13 follow-up and pursue that thing?

14 REV. RELLA: Both things.

15 MR. KRATOVIL: The website and the
16 Board secretary. Am I correct to understand that
17 the Board is not going to accept my complaint
18 tonight?

19 REV. CARRINGTON: Yes, because
20 that's not the procedure. The prior is that it
21 should be filed with the Clerk's office; right?

22 MR. JOST: The Board is noting that
23 they have been made aware of your two complaints.
24 But that they will feel it should be filed with
25 the City Clerk.

1 MR. KRATOVIL: Okay. I find it
2 unusual. I'm going to see the City Clerk on
3 Wednesday, so I'll just give it to him then.

4 REV. RELLA: Charles, what did you
5 do in the past?

6 MR. KRATOVIL: I've sometimes
7 given it to the Clerk. But I've also sometimes
8 presented it to your counsel and he's accepted.
9 So I believe it was Mr. Clarken that I handed it
10 to back in the summer of 2015. He had no problem
11 accepting it.

12 REV. RELLA: You know what, we
13 should have a procedure. Because like everything
14 else, he was over the--he was the chair of
15 something that he shouldn't have been chairing.
16 Let's get the proper procedure, find out what that
17 is, so there is no question in the future.

18 REV. CARRINGTON: I think after
19 that there was some clarification that the filing
20 should have gone to the clerk, so it could be
21 either notarized or some other things that have to
22 be done around that filing. So to keep things in
23 decency and in order, I would recommend that you
24 just file it with them, then there are no issues.

25 MR. JOST: He may have been

1 assuming that you were giving it just for
2 informational purposes. But in order to keep it
3 clear, it's probably better to follow the accepted
4 procedure.

5 MR. KRATOVIL: It goes to the point
6 that it is unclear.

7 REV. RELLA: Right. Let's get
8 clarification.

9 MR. KRATOVIL: Sure, great. And
10 then, you know, I appreciate watching your work
11 today, but I've got to say I am disappointed with
12 some of the conclusions you reached with regard to
13 the complaint against Mr. Vignuolo.

14 So I just want to understand, is
15 this Ethics Board saying that Mr. Vignuolo is not
16 their attorney, is not presently the Ethics Board
17 attorney and was not in 2016?

18 REV. CARRINGTON: I don't believe
19 that's what we were saying. What we said was his
20 title was special counsel. And as special counsel
21 he was not required to submit the FDS statements.

22 MR. KRATOVIL: So when you hired
23 him, you hired him to be the special counsel?

24 REV. CARRINGTON: That was his
25 appointment, yes.

1 MR. KRATOVIL: According to what?

2 MR. JOST: According to all of tje
3 resolutions adopted by the City Council.

4 MR. KRATOVIL: The City Council, so
5 that's the first misunderstanding. The
6 misunderstanding is that this Board hires their
7 attorney. Trust me, I've asked many times to get
8 clarification, who makes the call? We heard a
9 Board member today being unclear about who makes
10 the call as to who this Board's attorney is?
11 It's not the law department. It's not the Council.
12 It's not the Mayor. It's the five of you and the
13 sixth member who's absent.

14 That is the body that picks their
15 attorney. And, indeed, the Council has to approve
16 the bills for the attorney. And the bills that
17 the Council has been approving related to Mr.
18 Vignuolo's work, are all related to a singular
19 case from 2014.

20 Some of you that are new you may
21 not remember. So if you indulge me I'll tell you
22 what happened. I first met Mr. Vignuolo in 2014.
23 And it is important to note he would not be bound
24 by the Code of Ethics at all if the Ethics Board
25 had not not hired him in the first place. This

1 Board hired him to deal with a matter in late
2 2014. I filed it in August of 2014.

3 Then the hearings that he led were
4 a farce. He abused his authority, and without the
5 knowledge of the Board issued and unconstitutional
6 subpoena to try to force the New Brunswick Today
7 newspaper to hand over its videos of that hearing.
8 Because he had not made the proper arrangements
9 for the Board to record its own hearing, he wanted
10 to force our newspaper to provide it under
11 subpoena. Indeed, a condition of that subpoena
12 was that we wouldn't be allowed to release it all
13 to the public. It would essentially tie our hands
14 with that.

15 Of course, it was unconstitutional.
16 Of course, it was a violation of the First
17 Amendment. And, of course, he backed down and
18 eventually we did release the video for all to
19 see. But that was an embarrassment.

20 After failing to do that he past--
21 he got you guys to pass an erroneous resolution in
22 that matter. That created an opportunity for the
23 case to be appealed. I took that opportunity and
24 it is still tied up to this day in the Office of
25 Administrative Law.

1 So all of those bills that the
2 City Council was voting on, were all related, not
3 to Mr. Vignuolo's work in 2016, which at issue in
4 my complaint, but it was actually all related to
5 the complaint filed in 2014. Yes, he was the
6 special counsel. They brought him in especially to
7 handle that matter. Then they brought in Mr.
8 Clarken to specially handle another matter.

9 MR. RELLA: Wasn't your complaint
10 that he didn't file proper paperwork, not whether
11 or not he was the attorney for this Board?

12 MR. KRATOVIL: Well, your
13 resolution that you just adopted tonight,
14 indicated that he was not the Board's attorney,
15 but he was hired on an ad hoc basis.

16 MR. JOST: I never said he was not
17 the Board's attorney.

18 MR. KRATOVIL: You said he was the
19 principal legal advisor and the chief legal
20 officer.

21 MR. JOST: He was special counsel to
22 the Board.

23 MR. KRATOVIL: So I'm contesting
24 that. I don't think that was true. I think that
25 the Board members who were here might remember

1 what actually happened. I know there are videos
2 which will show what actually happened.

3 That, indeed, he was, in 2016,
4 crystal clear, he was the principal legal advisor
5 or the chief legal officer of this Board. There
6 are videos that show him being hired as the
7 regular attorney, not a special counsel for a
8 special case. The proof is in the pudding. It is
9 actually this Board--some of you were here. You
10 hired him as your regular counsel. And, indeed,
11 the only way that he was not the counsel was when
12 the complaint was against him and he had to step
13 aside. Then a true special counsel is brought in.
14 And I agree, special counsel is not required to
15 file, regular counsel is required to file. And in
16 2016 Mr. Vignuolo was required to file, did not
17 file.

18 And I think your decision is based
19 on a flawed premise. I think it is made even more
20 obvious by the fact that the Board chose to make
21 no finding at all with regard to Mr. Vignuolo
22 filing for 2017. If he's not the regular counsel
23 for the Board, why is he filing?

24 REV. RELIA: That's a whole
25 different thing. If you want to make a complaint

1 about that, please go ahead. That's a whole
2 different thing.

3 MR. KRATOVIL: It exposes a flaw in
4 your judgment. You're saying he's not the chief
5 legal officer, counsel. Yet he filed in 2017 as
6 the regular counsel. So it doesn't pass muster
7 that in 2016 he wasn't the regular counsel,
8 without--

9 MR. JOST: We're getting into a
10 debate over a case that's already been decided. I
11 understand where he's coming from. You made your
12 decision and that was the basis of it.

13 MR. KRATOVIL: I think it might be
14 worth revising your bylaws since you made the
15 decision without giving me a chance to explain
16 this stuff.

17 REV. RELLA: You did explain it.
18 You just explained it.

19 MR. KRATOVIL: But you've already
20 made the decision. I'm too late. I could have
21 told you this stuff if you let me, prior to the
22 decision making. I'm concerned that, you know,
23 the Board themselves is not clear on their own
24 power to hire their attorney and to decide who is
25 the regular counsel and who might be in another

1 position.

2 It's only this Board. The City
3 counsel, whatever resolution they might pass
4 related to payments of bills, that is not the
5 deciding factor. You are actually in charge. You
6 will have a decision to make after these
7 complaints are filed, as to who your attorney is.

8 And the most important decision you
9 can make is to not hire someone who has skirted
10 the law, violated the ethics laws and actually
11 abused their power in their position on this
12 Board. They hurt the credibility of this Board
13 greatly. In fact, you know, out of the blue got
14 hired to do the same work for Middlesex County
15 Ethics Board and really hurt their credibility,
16 too

17 So anyone but Mr. Vignuolo would be
18 my recommendation for who your counsel is. And I
19 think you missed the chance to hold one of your
20 own people accountable. You should have held them
21 to that standard as a local government officer,
22 because your regular counsel is that. He was your
23 regular counsel in 2016. I hope he's not your
24 counsel ever again.

25 Thank you for giving me the time

1 and thank you for evaluating my complaints. Have
2 a good evening.

3 MS. CARRINGTON: Thank you for
4 sharing. I will take a motion for--let me just
5 follow-up regarding the secretary. Can you talk
6 to the office to see about that happening?

7 MS. AZCONA-BARBER: I will.

8 REV. CARRINGTON: Do you want to
9 follow-up on the website with that?

10 REV. RELLEA: Sure.

11 MR. JOST: I just want to say it's
12 sort of the same problem with the secretary as
13 with the attorney. The City, apparently, has
14 kind of a zero based budgeting thing. Every time
15 somebody is appointed, it has to go through the
16 City Council. So you can't-- yes, theoretically
17 you make the appointment, but in reality who's got
18 the power of the purse? That's--

19 REV. RELLEA: Who's hiring. Would it
20 be us hiring the secretary then?

21 MR. JOST: You would be appointing
22 the secretary. Guess who's hiring her--guess who's
23 paying for him or her, whoever it is?

24 REV. CARRINGTON: That's why I
25 asked her to look into it.

1 MR. JOST: The point of having a
2 secretary is a point well taken. And I apologize
3 if Mr. Kratovil wasn't notified. I thought I
4 notified him. I'll have to go back and look
5 through my emails, letters and so on. If I didn't
6 I apologize. But I guess word got to you anyway.

7 So I think we've probably beat this
8 as much as we can tonight.

9 REV. CARRINGTON: So anyway, if I
10 don't see you again, it's been a pleasure.

11 REV. RELLA: It has been a pleasure,
12 thank you so much.

13 REV. CARINGTON: Do we need to set
14 dates?

15 BROTHER LASOTA: Yes, an email came
16 out. I have some dates that I'm available.

17 REV. CARRINGTON: We want to get
18 two dates that people are available for another
19 meeting. What date did you have, we start with
20 you?

21 BROTHER LASOTA: I have October 9th
22 and October 23rd, November 6th, November 20 and
23 December 4th.

24 MS. PINCAVAGE: What are those
25 dates, can you repeat them?

1 BROTHER LASOTA: I'm available on
2 the 9th-- these are all Mondays.

3 REV. RELLE: The 9th is Columbus
4 Day. Is that still a holiday in the United States
5 of America?

6 BROTHER LASOTA: October 23rd,
7 November 6th, the 20th of November and the 4th of
8 December.

9 REV. CARRINGTON: October 23, 11/6
10 and what else?

11 BROTHER LASOTA: 11/6, 11/20 and
12 12/4. Four.

13 REV. CARRINGTON: Let's go through
14 this. Is everyone available on the 23rd?

15 REV. RELLE: Of October.

16 MS. PINCAVATGE: I'm not. I'll be
17 out-of-state.

18 REV. RELLE: I am.

19 REV. CARRINGTON: I'm narrowing it
20 down. How about November 6th?

21 REV. RELLE: I'm okay for November
22 6th.

23 MS. PINCAVAGE: I'm okay.

24 REV. CARRINGTON: How about
25 November 20th? I think that's Thanksgiving week.

1 REV. RELLA: For what date?

2 REV. CARRINGTON: For November--s
3 the week of Thanksgiving.

4 REV. RELLA: The 20th? Does that
5 work for everybody?

6 MS. AZCONA-BARBER: I'm okay.

7 REV. RELLA: I'm okay.

8 MS. PINCAVAGE: Okay.

9 REV. CARRINGTON: So we can give
10 her two dates. So if we have another meeting,
11 we'll have to find out which one of those dates.
12 So hold those dates.

13 REV. RELLA: So we should find out
14 Anthony as well; right?

15 REV. CARRINGTON: She asked us to
16 get two dates. So that we can check with Anthony
17 and hopefully he is available one of those dates.

18 BROTHER LASOTA: So that's 11/6 or
19 the 20th; right?

20 REV. CARRINGTON: Either 11/6 or
21 11/20, if we have to schedule a future meeting.

22 MR. JOST: Is this with regard to
23 new complaints?

24 REV. CARRINGTON: Yeah, I guess.
25 Since we know that we have two filings. So she

1 just asked to get two dates, if we have to
2 schedule new dates.

3 MR. JOST: You have to find a
4 special counsel for these matters. He may or may
5 not.

6 REV. CARRINGTON: At least he has
7 those two dates to work with to start.

8 REV. RELLA: Who's getting appointed
9 as special counsel?

10 MR. JOST: I'm just saying.

11 REV. CARRINGTON: We won't know, you
12 know, until we know. We'll work that out when we
13 know.

14 REV. RELLA: Thank you for the
15 education, too and the history. Some of us are
16 new here and I appreciate that

17 MR. KRATOVIL: Glad to help.

18 REV. CARRINGTON: I think we beat
19 everything to the bush. I'll accept a motion to
20 adjourn this meeting.

21 MS. PINCAVAGE: Motion to adjourn.

22 BROTHER LASOTA: Second.

23 REV. CARRINGTON: All in favor?

24 (Upon unanimous affirmative
25 response, the Board stands adjourned at 7:30 p.m.)

C E R T I F I C A T E

I, CHARLES R. SENDERS, a Certified Shorthand Reporter and Notary Public of the State of New Jersey, do hereby certify that prior to the commencement of the examination, the witness was duly sworn by me to testify to the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.



CHARLES R. SENDERS, CSR NO. 596

DATED: October 16, 2017



THE CITY OF NEW BRUNSWICK
CITY HALL . 78 BAYARD STREET . NEW BRUNSWICK, NJ 08901-2113
OFFICE OF THE CITY CLERK CITY OF NEW BRUNSWICK
PROOF OF INSERTION

State of New Jersey, County of Middlesex



I, Leslie R. Zeledon, do hereby certify that an advertisement, of which the annexed is a true copy, was published in The Home News Tribune, a newspaper published and circulated in the City of New Brunswick, County and State aforesaid, issue(s) as follow(s) to wit:
16 January 2018

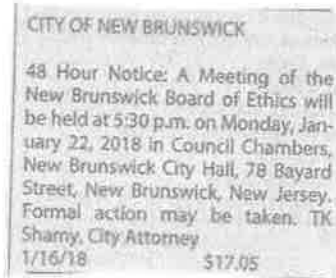
Certified this 16 January 2018


Leslie R. Zeledon, Deputy Clerk



THE CITY OF NEW BRUNSWICK
CITY HALL . 78 BAYARD STREET . NEW BRUNSWICK, NJ 08901-2113
OFFICE OF THE CITY CLERK CITY OF NEW BRUNSWICK
PROOF OF INSERTION

State of New Jersey, County of Middlesex



I, Leslie R. Zeledon, do hereby certify that an advertisement, of which the annexed is a true copy, was published in The Star Ledger, a newspaper published and circulated in the City of New Brunswick, County and State aforesaid, issue(s) as follow(s) to wit:
16 January 2018

Certified this 16 January 2018

Leslie R. Zeledon, Deputy Clerk

NEW BRUNSWICK BOARD OF ETHICS AGENDA

Monday, January 22, 2018

5:30 p.m.

**City Hall – Council Chambers, 78 Bayard Street
New Brunswick, NJ 08901**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

OPEN PUBLIC MEETING STATEMENT

ROLL CALL

**ELECTION OF TEMPORARY CHAIR (VOICE VOTE):
NOMINATION OF CHAIR FOR 2018:**

Second

Vote

Administer Oath of Office

Remarks of Chair

NOMINATION OF VICE-CHAIR FOR 2018:

Second

Vote

Administer Oath of Office

Remarks of Vice-Chair

OLD BUSINESS

NEW BUSINESS

DISCUSSION

PUBLIC COMMENT

ADJOURNMENT

Next Regular Meeting - TBD

NEW BRUNSWICK BOARD OF ETHICS MEETING

Monday, January 22, 2018

MINUTES

The meeting was called to order at 5:30 p.m. At the roll call, the following members were present:

Claribel Azcona-Barber
Anthony Jones
Br. Jude Lasota
Rev. Lauren Carrington
Donna Pincavage
Rev. Francis Rella

Others Present: J. Peter Jost, Esq. – Board Attorney

Rev. Carrington led the Board in the Pledge of Allegiance.

Peter Jost read the Open Public Meeting Statement.

It was moved by Rev. Carrington and seconded by Donna Pincavage that Peter Jost be temporary Chairman of the reorganization meeting. There was a unanimous voice heard in the affirmative.

Mr. Jost called for nominations for Chair of the Board of Ethics for 2018. It was moved by Anthony Jones and seconded by Rev. Rella that Rev. Lauren Carrington be the Chair for 2018. In favor, Ms. Azcona-Barber, Mr. Jones, Br. Lasota, Rev. Carrington, Ms. Pincavage, Rev. Rella. Opposed – none.

Rev. Carrington assumed the Chair and called for a nomination for Vice Chair for 2018. It was moved by Anthony Jones and seconded by Clarabel Azcona-Barber that Br. Jude Lasota be Vice Chair for 2018. In favor, Ms. Azcona-Barber, Mr. Jones, Rev. Carrington, Ms. Pincavage, Rev. Rella. Opposed – none.

Rev. Carrington and Br. Lasota were administered the Oath of Office for their respective positions by the Board Attorney.

Old Business:

There was a discussion of previous suggestions that the board establish its own webpage and that a Board Secretary be appointed. Rev. Rella advised that he had discussed the website proposal with the Mayor's office and they are looking into the matter. There is presently a link on the municipal website to the Ethics Code and that is given to every public official. With regard to the proposal to hire a Board Secretary,

Peter Jost advised that he had spoken to the City Attorney who stated that there were budgetary and personnel constraints regarding the Board Secretary position which made such an appointment unlikely at the present time. A discussion was held regarding the desirability of having minutes of the meetings prepared. It was noted that the Court Reporter was recording the meetings verbatim; however, a transcript would not necessarily be prepared unless there were a hearing on a particular case. After some discussion, Peter Jost volunteered to prepare minutes of the meeting. This was acceptable to the Board members.

New Business:

After discussion regarding the Board Attorney position, it was moved by Donna Pincavage and seconded by Anthony Jones that Peter Jost be appointed as the Board's regular attorney for 2018, subject to approval of the Mayor and Council and such other requirements of law as may be required. In favor, Ms. Azcona-Barber, Mr. Jones, Rev. Carrington, Ms. Pincavage, Rev. Rella. Opposed – none.

It was moved by Anthony Jones and seconded by Br. Jude Lasota that the Board utilize the same two newspapers, the Home News Tribune and the Star Ledger, as designated by the City Council for purposes of notices regarding Board meetings. In favor, Ms. Azcona-Barber, Mr. Jones, Rev. Carrington, Ms. Pincavage, Rev. Rella. Opposed – none.

After additional discussion, it was decided that meetings would be scheduled on an "as needed" basis. It was unanimously agreed that the next meeting would be scheduled for February 26, 2018, due to the pending Complaint submitted by Charles Kratovil.

The Board acknowledged receipt of and discussed the complaint filed by Charles Kratovil against City Council President Glen J. Fleming. Attorney Jost explained the Standard Operation Procedures of the Ethics Board with regard to the present case. The Board also discussed the question of whether the matter contained in Mr. Kratovil's latest complaint had already been previously adjudicated and/or settled in some way, which question would need to be researched by the subcommittee. In accordance with the preliminary procedure, a subcommittee consisting of Rev. Rella and Anthony Jones was assigned by the Chair to evaluate the Complaint with the Board Attorney and report their recommendation to the full board at an executive session to be held at the meeting on February 26.

Public Comment:

Charles Kratovil commented on his recent complaint against Mr. Fleming. He stated that it was filed at the last council meeting, so very recently. It does bring up some of the same matters that were brought up in a letter to the Board of Ethics in 2015. There are also new violations as recent as Mr. Fleming's last year's FDS form. He stated that his complaint is clear and straightforward, but if there are any issues, he would be happy to explain them.

Charles Kratovil also commented on the ongoing appeal of his Ethics Complaint regarding Benjamin Bucca. He stated that the matter was scheduled for a settlement conference with the Office of Administrative Law on February 13th, and that Attorney Vignuolo was sending his partner in his place. Mr. Kratovil suggested that if Mr. Vignuolo did not wish to handle the case himself, the Board should consider assigning a different attorney in the matter. The Board declined to follow Mr. Kratovil's suggestion.

There being no further business before the Board, it was moved by Anthony Jones and seconded by Donna Pincavage that the meeting be adjourned at 6:10 p.m. (unanimous voice vote).

THE CITY OF NEW BRUNSWICK
BOARD OF ETHICS

x-----x
BOARD MEETING AND HEARINGS RE:
REORGANIZATION, REGULAR MEETING
AGENDA.
x----- x

New Brunswick City Hall
Council Chambers
78 Bayard Street
New Brunswick, New Jersey 08901

DATE: January 22, 2018

TIME: 5:30 P.M.

BEFORE:

REV. LAUREN CARRINGTON-CHAIR
DONNA PINCAVAGE-MEMBER
CLARIBEL AZCONA-BARBER-MEMBER
BROTHER JUDE LASOTA-MEMBER
REV. FRANCIS RELLA-MEMBER
ANTHONY JONES-MEMBER

A P P E A R A N C E S

J. PETER JOST, ESQ.
Attorney for the Board

1 (Transcript of Proceedings, New Brunswick
2 Board of Ethics, January 22, 2018, commencing at
3 5:30 p.m.)

4 REV. CARRINGTON: We'll get
5 started. Since everyone is here, we can open the
6 meeting?

7 MR. JOST: Yes. Call the meeting
8 to order.

9 REV. CARRINGTON: Call the meeting
10 to order. We start with our--

11 MR. JOST: The pledge of allegiance,
12 I guess.

13 (Whereupon, the Pledge of
14 Allegiance takes place)

15 REV. CARRINGTON: Open public
16 meetings statement.

17 MR. JOST: Well, I guess somebody is
18 going to announce and have placed in the minutes
19 that adequate notice of this meeting has been
20 provided in accordance with the law, by
21 publication in whatever the official newspapers
22 are.

23 MS. PINCAVAGE: The Home News
24 Tribune and the Star Ledger.

25 MR. JOST: The Star Ledger. It is

1 on file in the Clerk's Office, presumably and on
2 the public bulletin board.

3 Maybe should double-check to make
4 sure they did, but I'm sure that the City Clerk
5 probably did that.

6 Do we want to call the roll?

7 REV. CARRINGTON: Yes.

8 MR. JOST: Do you want me to do it?

9 REV. CARRINGTON: Yes, please

10 MR. JOST: All right. Clari?

11 MS. AZCONA-BARBER: Yes.

12 MR. JOST: Anthony?

13 MR. JONES: Yes.

14 MR. JOST: Brother Jude?

15 BROTHER LASOTA: Here.

16 MR. JOST: Lauren?

17 REV. CARRINGTON: Yes.

18 MR. JOST: Donna?

19 MS. PINCAVAGE: Here.

20 MR. JOST: Frank?

21 REV. RELLA: Here.

22 MR. JOST: Everybody is here.

23 REV. CARRINGTON: Okay. So the

24 first business is the election of a temporary
25 chair for a voice vote, and then nomination of a

1 chair for 2018.

2 MR. JOST: Yes. Somebody has to run
3 the meeting until the permanent chair is elected.
4 We don't want to leave that person in charge,
5 because that's what got the other gentleman in
6 trouble. Who wants to be the temporary chair?

7 REV. RELLA: I'll do it, I'll be
8 the temporary chair. Do you mind?

9 REV. CARRINGTON: No.

10 MR. JOST: I think they usually
11 make-- for some reason they usually make the
12 attorney the temporary chair.

13 REV. CARRINGTON: That's what I
14 thought.

15 REV. RELLA: Okay, that's fine. I
16 thought because I was junior.

17 MR. JOST: Well, you don't want to
18 vote for yourself. Not that I want the job after
19 all the trouble that somebody got into.

20 REV. RELLA: You're the temporary
21 chair. Do we need a second on that?

22 MR. JOST: Yes. Do you want to do a
23 second?

24 MS. PINCAVAGE: Second.

25 MR. JOST: All in favor?

1 (Unanimous affirmative response)

2 So the only item of business that I
3 will preside over is the election of a chair for
4 2018. Would somebody like to make a nomination?

5 MR. JONES: I would like nominate
6 Reverend Lauren Carrington as the chairwoman.

7 MR. JOST: Is there a second?

8 REV. RELLA: I second.

9 MR. JOST: All right. Could we have
10 a roll call vote on that?

11 Claribel?

12 MS. AZCONA-BARBER: Yes.

13 MR. JOST: Anthony?

14 MR. JONES: Yes.

15 MR. JOST: Brother Jude?

16 BROTHER LASOTA: Yes.

17 MR. JOST: Reverend Lauren?

18 REV. CARRINGTON: Yes.

19 MR. JOST: Donna?

20 MS. PINCAVAGE: Yes.

21 MR. JOST: And Reverend Frank?

22 REV. RELLA: Yes.

23 MR. JOST: Okay. You are now-- I
24 guess we need to administer the oath of office.
25 Does anybody have the oath in front of them or the

1 oath?

2 (No response)

3 MR. JOST: We'll play it by ear.

4 REV. CARRINGTON: Why don't we do
5 both at the same time.

6 MR. JOST: That's a good idea. Why
7 don't we do both at the same time. So then now
8 you can run the meeting.

9 REV. CARRINGTON: I will take
10 nominations for vice-chair?

11 MR. JONES: I'd like to nominate
12 Brother Jude Lasota as the vice-chair.

13 REV. CARRINGTON: Second?

14 MS. AZCONA-BARBER: I second.

15 REV. CARRINGTON: We'll take a vote.

16 MR. JOST: We need a roll call
17 again.

18 Clari?

19 MS. AZCONA-BARBER: Yes.

20 MR. JOST: Anthony?

21 MR. JONES: Yes.

22 MR. JOST: Brother Jude?

23 BROTHER LASOTA: Yes.

24 MR. JUST: Reverend Lauren?

25 REV. CARRINGTON: Yes.

1 MR. JOST: Donna?

2 MS. PINCAVAGE: Yes.

3 MR. JOST: Reverend Frank?

4 REVEREND RELLA: Yes.

5 MR. JOST: Unanimous. So now we
6 can do the. Let's see. We don't have a bible.

7 BROTHER LASOTA: Is it in that
8 podium?

9 MS. AZCONA-BARBER: I have one in
10 my office.

11 (Pause in proceedings)

12 (Whereupon, Rev. Lauren Carrington
13 and Brother Jude Lasota, sworn in as Chair and
14 Vice-chair, respectively, by Mr. Jost)

15 REV. CARRINGTON: So the next item
16 is any old business.

17 MR. JOST: Well, maybe under old
18 business was the discussion of the website.

19 REV. RELLA: We were discussing
20 that.

21 MR. JOST: Do you want to say
22 anything?

23 REV. RELLA: Sure. I talked to the
24 Mayor's office, Joan Bradshaw, as it was suggested
25 to me. I made them aware of the need and the want

1 for that website.

2 They wanted me to assure-- I think
3 you brought it up, Charles, that they are working
4 on it. They are looking into it? Hopefully I'll
5 have a update by next time. I'll make sure that
6 it goes out at the same time. There is a link to
7 the Ethics Code. And that's given to everybody
8 that actually has any kind of public office. So
9 they do have that. If you need a copy I will get
10 that to you; all right. Would you want a copy of
11 that?

12 MR. KRATOVIL: I have it.

13 REV. RELLA: You have it, great.

14 Those those are the only two things I think that
15 we discussed last time.

16 MR. JOST: Also, there was-- I
17 spoke to TK, the city attorney, about the issue of
18 having a Board secretary. And he indicated that,
19 I guess there are some budgetary issues involved
20 with that and also some personnel issues involved
21 in that. So he didn't say no, he didn't say yes,
22 but it didn't sound like they were ready to jump
23 on it right away.

24 REV. RELLA: It sounds more like a
25 no than a yes. They did not say no?

1 MR. JOST: Right. I indicated some
2 concern about lack of minutes, and he said, well,
3 you have the court reporter taking everything
4 down. So that, in essence, you know, provides
5 you with the minutes of the meeting. But I think
6 it probably would be a good idea to have at least
7 some simple minutes of the meeting. I don't know
8 in anybody wants to volunteer?

9 MR. JONES: I don't hear any.

10 REV. RELLE: Maybe we can take
11 turns every--

12 MR. JOST: You know, I can
13 probably do it. I'm not enthusiastic about it, but
14 I can probably prepare some minutes and circulate
15 them. But I just feel more comfortable if there
16 were actual minutes in addition to the transcript.

17 The transcript, obviously, has
18 everything in it that's said in the meeting, but
19 I'd still like to see some minutes. If you want
20 me to do it, I'll be semi-happy to do it.

21 MS. PINCAVAGE: That's fine.

22 MR. JOST: Would the Board like
23 that? Unless one of you wants to jump up and
24 plead that you'd like to do it?

25 REV. CARRINGTON: We'll leave it at

1 that.

2 MR. JOST: Okay. I guess that
3 covers old business.

4 REV. CARRINGTON: New business. I
5 think we have this filed complaint, formal
6 complaint.

7 MR. JOST: Why don't we do a couple
8 of procedural things first. This is sort of a
9 combined reorganization and regular meeting.

10 So I guess I was very flattered to
11 be invited back. So my-- what I'm wondering is,
12 does this mean I am-- you would like to be your
13 counsel? Would you like me to be your regular
14 counsel, your special counsel, your one shot
15 counsel?

16 REV. RELLA: Do we have a choice.

17 MR. JOST: I mean, I don't quite
18 understand completely the procedure in the City
19 here, about how appointments are made. Because
20 they have-- it seems to be subject to the approval
21 of the City Council. So if you were to appoint
22 me, I think it would have to be subject to
23 confirmation by them or whatever other
24 requirements of law that may apply?

25 REV. RELLA: Madam Chairman, do we

1 have the power to say that?

2 REV. CARRINGTON: I would imagine
3 that we have some control over it. I thought that
4 because you were here, that meant that you were
5 our attorney.

6 MR. JOST: Well, I received a phone
7 call from-- because, you know, there were a couple
8 of phone calls. I certainly didn't want to take
9 away somebody else's job, position?

10 But the message I got was that
11 after some delay, that apparently the Mayor and
12 Council are okay with me doing this. So I
13 wouldn't want it any other way, I wouldn't want
14 you having to point somebody that they didn't
15 want.

16 So I think it is a good idea
17 probably just to confirm that you are appointing
18 me. And regardless, I think I'm going to file,
19 you know, because I do this every year anyway, the
20 annual financial statement, with my other towns.
21 But probably just name me as the regular Board
22 attorney.

23 If you ever want somebody else, no
24 problem, just tell me. I'll serve at your
25 pleasure, just to maybe eliminate any confusion

1 about it. I think before it was clear that I was
2 special counsel just for those matters. But if
3 you make me the regular Board attorney then no
4 question, that I need to file that annual
5 disclosure, so I won't have Charlie chasing me
6 around.

7 If someone wants to--

8 REV. CARRINGTON: I will accept a
9 motion to have Peter Jost be our regular attorney
10 for the Board of Ethics.

11 MS. PINCAVAGE: I'll make that
12 motion.

13 MR. JOST: Subject to whatever
14 other approvals may be required.

15 MR. JONES: Second the motion.

16 REV. CARRINGTON: So all in favor
17 or we have to do a roll call; right?

18 MR. JOST: Yeah, I guess you
19 should.

20 REV. CARRINGTON: Claribel?

21 MS. AZCONA-BARBER: Yes.

22 REV. CARRINGTON: Anthony?

23 MR. JONES: Yes.

24 REV. CARRINGTON: Brother Jude?

25 BROTHER LASOTA: Yes.

1 REV. CARRINGTON: Myself, yes.

2 Donna?

3 MS. PINCAVAGE: Yes.

4 REV. CARRINGTON: Reverend Francis?

5 REV. RELLA: Yes.

6 REV. CARRINGTON: It is unanimous.

7 MR. JOST: Well, I appreciate that.

8 Like I say, if at any time you are not a hundred
9 percent satisfied, you know, you can change.

10 MS. PINCAVAGE: It is good to have
11 consistency, instead of different appointed
12 counsel.

13 MR. JOST: Stability, there is
14 something to be said for stability, I guess.

15 The other thing is, I guess you
16 should designate the same newspapers that are used
17 by the City for any notices. So somebody want to
18 maybe make that motion?

19 REV. CARRINGTON: I will accept a
20 motion to designate, I guess the Home News and
21 the--whatever other are the.

22 MS. PINCAVAGE: Star Ledger.

23 MR. JOST: There is usually an
24 official paper then there is a Sunshine Law paper,
25 one or more Sunshine Law papers in addition.

1 Because usually Sunshine Law has to go into two
2 papers or at least they have to be noticed.

3 REV. RELLA: Do we know that--

4 MR. JOST: Why don't you just say
5 that-- somebody want to move to use the same
6 newspapers as the City utilizes for notices?

7 MR. JONES: I make a motion that we
8 use the same two newspapers, the Home News Tribune
9 and the Star Ledger, as for notice of our meetings
10 and correspondence.

11 MS. CARRINGTON: Is there a second?

12 BROTHER LASOTA: Second.

13 REV. CARRINGTON: Claribel?

14 MS. AZCONA-BARBER: Yes.

15 REV. CARRINGTON: Anthony?

16 MR. JONES: Yes.

17 REV. CARRINGTON: Brother Jude?

18 BROTHER LASOTA: Yes.

19 REV. CARRINGTON: Myself, yes.

20 Donna?

21 MS. PINCAVAGE: Yes.

22 REV. CARRINGTON: Reverend Francis?

23 REV. RELLA: Yes.

24 MS. CARRINGTON: So unanimous.

25 MR. JOST: I'm trying to think if

1 there are any other organizational matters that we
2 have to do.

3 MS. CARRINGTON: Do we have to set
4 our meetings?

5 MR. JOST: That's another thing we
6 should do is set your regular meeting dates. That
7 doesn't mean you have to meet. You can always
8 rearrange them, but you should put an annual
9 notice in the paper when your regular meeting
10 dates are scheduled for?

11 MS. PINCAVAGE: Would it be every
12 other month?

13 MR. JOST: I guess it is sort of
14 as-needed.

15 REV. CARRINGTON: I know at one
16 point we had them-- it was set and then if there
17 was no business then we would cancel them.

18 MS. AZCONA-BARBER: I think it was
19 every three months. I think if we had a case that
20 we have to work, at the meeting at that moment we
21 pick another date. Then we meet more often if we
22 need it.

23 MR. JOST: Sometimes it is easier
24 to set a meeting and cancel it, then it is try to
25 set a special meeting. Then you've got to call

1 everybody. Is there any particular-- are Mondays
2 good? I guess Mondays are the designated?

3 REV. CARRINGTON: Yes.

4 MR. JOST: So is there a particular
5 Monday of the month that's good or bad.

6 REV. RELLA: We're setting up for
7 February now, is that what we're doing?

8 MR. JONES: Probably April; right?

9 MR. JOST: Probably-- we do have one
10 matter coming up, so we are probably going to have
11 to schedule something within thirty days.

12 MS. AZCONDA-BARBER: The second
13 Mondays of the month are not good for me. We have
14 Planning Board meetings.

15 MS. CARRINGTON: Not the second
16 either.

17 MS. PINCAVAGE: This is the third?

18 MR. JOST: This is the third, I
19 guess.

20 MS. PINCAVAGE: When is Presidents?

21 REV. CARRINGTON: The third Monday.

22 MS. PINCAVAGE: If Presidents is
23 the third Monday, that won't work for next month.

24 MR. JOST: Maybe rather than try to
25 set regular meeting dates, maybe you should just

1 do it as you go along. Because you don't know
2 what's going to happen. You may not have any
3 business. Then again, we might have other
4 business coming down

5 REV. CARRINGTON: So if we set the
6 February 26, which is the fourth Monday?

7 MS. AZCONA-BARBER: That's fine
8 with me.

9 MS. PINCAVAGE: Fine with me.

10 MR. JOST: Maybe you want to ask
11 for a voice vote on that?

12 REV. CARRINGTON: All in favor of
13 February 26th at 5:30?

14 (Unanimous affirmative response)

15 Opposed?

16 (No response)

17 Okay. So our next meeting will be
18 February 26.

19 MR. JOST: Now, I guess Madam
20 Chairperson, we do have one matter, complaint
21 that's been filed with the Board.

22 The complaint was filed by Charles
23 J. Kratovil against-- concerning Council
24 President Fleming. Is that correct?

25 MS. CARRINGTON: Ah-hum.

1 MR. JOST: That's Glenn Fleming.

2 Now, under the procedure, of the
3 Board, if you look at the standard opening
4 procedures of the New Brunswick Ethics Board, it
5 talks about, under Roman Numeral III, Rules of
6 Specific Application, A3, it says, "The Board is
7 required to make a preliminary determination
8 pursuant to this section of the ordinance. In
9 order to carry out this responsibility in a timely
10 and informed manner, the Board adopts the
11 following procedure: A, upon receipt of the
12 complaint, the chair shall assign the complaint to
13 a subcommittee of two members of the Board to
14 evaluate the complaint and report their
15 recommendation to the full Board and Board counsel
16 at executive session not open to the public,
17 within thirty days of receipt of complaint".

18 So that's the preliminary
19 procedure. "If the report of the subcommittee
20 recommends that the Board lacks jurisdiction, or
21 that the complaint is frivolous or without
22 reasonable basis in fact, such recommendation
23 shall be on the agenda for the next open public
24 meeting and voted on by the Board. If the Board
25 declines to further consider a complaint or

1 enumerated reasons, it is shall memorialize that
2 decision and the reason therefore in writing,
3 within thirty days of such action, file the same
4 with the City Clerk and provide a copy of same to
5 the complainant".

6 "In the event"-- subparagraph C,
7 "In the event the Board determines that the
8 complaint is wholly conclusionary or lacks
9 specific factual allegations for it act, it may
10 direct the complainant to supplement or amend the
11 complaint to add such specific factual
12 information"--I'm sorry--"specific factual support
13 for the complaint".

14 And then it says, under
15 Subparagraph D, "Notice and/or service of process.
16 While subsection A and B are silent regarding the
17 service of a copy of the complaint on the accused
18 at the preliminary stage of the proceeding, it
19 should be noted that these events are usually
20 accompanied by public notice or knowledge and,
21 therefore, the Board adopts as policy that a copy
22 of the complaint be served on the accused by
23 regular mail upon initial receipt. Since no duty
24 to answer or defend arises until the appropriate
25 finding is made, pursuant to Section 2-25.10B, an

1 accused public employee or officer shall not be
2 required to file any response. Although if he or
3 she does, the Board may in its discretion consider
4 such submission in reaching a decision to hold the
5 public hearing".

6 So I guess we're supposed to send
7 a copy of this to, in this case, the City Council
8 members, but he's not required to file any
9 response at this point, unless he wants to.

10 REV. RELLA: How far back does
11 this complaint go? Because I saw when I was
12 reading it previously, it went back to 2015. This
13 is the same complaints or is it-- you know --

14 MR. JOST: It is alleging incidents
15 or facts that took place in 2014, 2015, 2016.

16 REV. RELLA: Then my question is,
17 was this complaint filed prior to this year, you
18 know. Is it?

19 MR. JOST: Apparently it was-- I'm
20 not sure, because I don't have specific knowledge
21 on that. I'm under the impression that something
22 was filed previously that was unsworn, therefore,
23 it was not formally considered.

24 REV. RELLA: It says here, "On
25 November 4th, 2015 Councilman Flemming

1 mischaracterized the outcome to this Ethics
2 Board's October 15th, 2015 Special Meeting,
3 telling the audience at a City Council meeting
4 that my August 5, 2015 letter was bogus." So it
5 was in a prior complaint?

6 MR. JOST: Yeah. There may be
7 issues of whether this is what we call a res
8 adjudicata, something that's already been
9 adjudicated in some way. We would have to
10 research that issue. Also whether there are is
11 any statute of limitations on this or not.

12 So there are some preliminary
13 issues that would have to be-- that's probably
14 what the subcommittee might be taking a look at.

15 REV. RELLA: If it's already been
16 adjudicated and settled, then why is it appearing
17 here? Or is this something brand new that was not
18 adjudicated before?

19 MR. JOST: We don't know.

20 REV. CARRINGTON: That will be part
21 of what the subcommittee does.

22 MR. JOST: It will be studied at the
23 subcommittee's studies. It may be necessary to
24 take some testimony on that issue. So we'll cross
25 that bridge when we come to it, I guess.

1 REV. RELLA: All right.

2 MR. JOST: So at this point we have
3 a complaint. It was filed in the proper way with
4 the City Clerk. It was sworn-- it IS sworn to. So
5 you have to respond in some way.

6 We will need to appoint a
7 subcommittee of two people and presumably they
8 would-- although it says they report back to the
9 counsel, I think counsel would work with them,
10 legal counsel, to evaluate that. And you'll have
11 another meeting presumably in approximately thirty
12 days, for the Board to determine where this is
13 going, if anywhere.

14 So that's the procedure. If the
15 Board wishes, I will send a copy to the Councilman
16 by regular mail as indicated in the standard
17 procedures. Unless-- yeah, obviously it should
18 come from me. So is that a request of the Board?

19 MR. JONES: Yes.

20 REV. CARRINGTON: Yes, all right.

21 MR. JOST: So we will follow that
22 procedure. And then, I guess, does the Chair want
23 to appoint somebody?

24 MS. CARRINGTON: I would ask for
25 two volunteers as opposed to appointing?

1 MR. JONES: I volunteer.

2 REV. RELLA: I'll volunteer.

3 REV. CARRINGTON: We have two
4 volunteers, Tony--

5 MR. JOST: Tony and Reverend Frank,
6 okay.

7 REV. CARRINGTON: Since we set our
8 meeting already, is it too late to change that to
9 an executive meeting to review the case?

10 MR. JOST: Well, we can do it-- you
11 can have an executive session at any meeting. So
12 presumably what you would do is, they would
13 report-- you would start with an executive
14 session, to discuss the matter in executive. And
15 then come out and take whatever action is
16 appropriate at that time.

17 MS. CARRINGTON: I guess the notice
18 that would go out would show that the meeting
19 would be--the first part of the meeting would be
20 the executive session and the second part would be
21 open to the public?

22 MR. JOST: Yeah. You don't have
23 to specifically notice that in the notice, but you
24 can if you wish to. But to go into executive
25 session, you can do that as the need arises during

1 a meeting.

2 Whenever you have an executive
3 session, you always has to start the meeting out
4 as a public meeting anyway. Then start the
5 meeting, go through the regular procedures and
6 then vote to go into executive session. You can't
7 just start with an executive session without
8 opening the meeting.

9 REV. CARRINGTON: We've done that
10 before.

11 MR. JOST: Yeah.

12 REV. CARRINGTON: We've gone down
13 that street before.

14 MR. JOST: We've followed that
15 procedure I'm sure. In the meantime, if the
16 Respondent wants to respond in any way, he's free
17 to do so. Or if he wants to wait until there is a
18 hearing, if it's even needed, he could do that.

19 So did we vote on Tony and--

20 REV. CARRINGTON: Yes.

21 MR. JOST: We did, okay.

22 MR. JONES: Voice vote.

23 MR. JOST: That's right. We had a
24 voice vote. So I'm not sure if there is anything
25 else that we need to do? There is something under

1 here called discussion. I don't know what
2 exactly--I guess if there is anything else that
3 the Board wants the discuss?

4 (No Response)

5 REV. CARRINGTON: All right. Then
6 we'll just open the meeting to any public comment.
7 Yes, Mr. Kratovil.

8 MR. KRATOVIL: Good evening members
9 of the Board. Happy new year. And
10 congratulations on making a great choice for your
11 regular counsel, and pleased to see that the Board
12 is taking another step in the right direction.
13 I'm very happy about that.

14 Just to address a couple of points
15 that came up. This complaint that I filed was
16 filed at the last Council meeting, so very
17 recently. It does bring up some of the same
18 matters that were brought up in a letter to this
19 Board. I believe that was 2015.

20 There are also new violations as
21 recent as last year's FDS form, where Mr. Flemming
22 did not list any real estate that he, at that
23 Council meeting, admitted to owning real estate in
24 New Brunswick. So I filed the complaint. I think
25 it's clear and straight forward. But if there

1 are any issues, obviously, I'll be happy to
2 explain them.

3 The only other issue is regarding
4 the complaint that first caused the Board to hire
5 Mr. Vignuolo again Benjamin Bucca. That matter has
6 been appealed to the Local Finance Board. The
7 Local Finance Board handed it over to the Office
8 of Administrative Law. It's been through a number
9 of telephone conferences. And it's my
10 understanding the Board is still represented by
11 Mr. Vignuolo in that matter

12 And for what it is worth, there is
13 a settlement conference scheduled for February
14 13th at the Office of Administrative Law, 33
15 Washington Street, seventh floor, Newark, New
16 Jersey. And I believe it's in the morning, maybe
17 10:00, 10:30 a.m.

18 Mr. Vignuolo said he's not going
19 to be able to make it, so he's sending one of his
20 law partners. And I just feel like he not only
21 dropped the ball and created the problem that
22 allowed the case to be appealed and caused it to
23 drag out so long, but his firm is continuing to
24 bill the City as he fights the appeal.

25 At this point, if he's not even

1 able to showup, there is not a real good case for
2 him to continue representing the Board on this
3 matter. I mean, you can make the case that he was
4 the one who handled the original matter, so he has
5 all of this knowledge and should be able to
6 continue to represent the Board on that. But if
7 he's not even going to be able to be there, you
8 might want to consider terminating the
9 relationship fully with Mr. Vignuolo's firm.

10 Obviously, it's your choice to do
11 what you want. But I think you have a great
12 regular counsel here. And rather than having Mr.
13 Vignuolo continue to, you know, cost the City
14 money to handle that matter, where he may have
15 some motivation to cover-up his own mistake rather
16 than do what's best for the Board, you may want to
17 consider substituting in the attorney that you've
18 already now hired to be your regular attorney.

19 And so that's just a suggestion.
20 Because I know it was a long time ago that this
21 case came up. I'd like to see it resolved as soon
22 as possible, so anything to move that forward. I
23 know Mr. Vignuolo was difficult to deal with.

24 REV. RELLA: Charles, I'm having a
25 little trouble connecting the dots here. I don't

1 know anything about that case. Not to chew
2 everything up again, but at the same time, how
3 does he represent us, that's what I'm not getting?

4 MR. KRATOVIL: So I appealed the
5 matter, because the Board passed a resolution that
6 was erroneous. It included points that were
7 factually inaccurate. I was able to get the Local
8 Finance Board to agree to send it to the Office of
9 Administrative Law. It is still ongoing to this
10 day. I'm amazed at how long it has dragged out.
11 It was not my intention to drag it out so long.
12 But part of that was that Mr. Vignuolo was being
13 difficult in trying to cover-up, you know, the
14 failures of his service to the Board from back in
15 2014. Rather than maybe just owning up to, okay,
16 we did screw this up, we did screw that up, and
17 let's get this over with. He's kind of being
18 difficult with this.

19 I think just in the interest of
20 taxpayers dollars I think it would be best--

21 MR. JOST: We're listening to your
22 allegations. The Board is not necessarily agreeing
23 with what you are saying in terms of Mr. Vignuolo.

24 REV. RELLA: I don't know anything
25 about --

1 MR. JOST: I know nothing about
2 this case. But for me to have to jump in
3 midstream, something like that you are going to
4 have pay me a ridiculous amount of money to go
5 through the entire file to try to figure out
6 what's going on.

7 REV. CARRINGTON: We're just
8 listening to Mr. Kratovil.

9 MR. JOST: I understand. And he has
10 the right to say what he's saying.

11 REV. RELLA: It is good that we
12 know your feelings about that as well.

13 MR. JOST: It's not something that
14 I'm anxious to jump into. It would be nice if it
15 got settled, but sometimes it is hard to do that.

16 MS. PINCAVAGE: So if he is not able
17 to be there will they be postponing this hearing?

18 MR. KRATOVIL: He'll be sending one
19 of his law partners.

20 MS. PINCAVAGE: What is the date?

21 MR. KRATOVIL: The 13th of
22 February.

23 MS. PINCAVAGE: In Newark at 10:00
24 a.m.?

25 MR. KRATOVIL: Yes. I believe they

1 did send a notice to Reverend Carrington about
2 that.

3 BROTHER LASOTA: It could be
4 settled then?

5 MR. KRATOVIL: Anything is
6 possible. They just switched to a new Judge. So
7 I don't know where it is at, really. That's all I
8 have. Thank you and have a great day.

9 REV. CARRINGTON: If there is no
10 further business?

11 MR. JONES: Motion to adjourn.

12 MS. PINCAVAGE: Second.

13 REV. CARRINGTON: All in favor?

14 (Whereupon, upon unanimous
15 affirmative response, the matter stands adjourned
16 at 6:10 p.m.)

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1 C E R T I F I C A T E

2 I, CHARLES R. SENDERS, a Certified
3 Shorthand Reporter and Notary Public of the State
4 of New Jersey, do hereby certify that prior to the
5 commencement of the examination, the witness was
6 duly sworn by me to testify to the truth, the
7 whole truth and nothing but the truth.

8 I DO FURTHER CERTIFY that the foregoing is
9 a true and accurate transcript of the testimony as
10 taken stenographically by and before me at the
11 time, place and on the date hereinbefore set
12 forth, to the best of my ability.

13 I DO FURTHER CERTIFY that I am neither
14 a relative nor employee nor attorney nor counsel
15 of any of the parties to this action, and that I
16 am neither a relative nor employee of such
17 attorney or counsel, and that I am not financially
18 interested in the action.

19

20 I:\Documents\TinyTranMD\Charles Senders.bmp

21

22

23 CHARLES R. SENDERS, CSR NO. 596

24

DATED: February 9, 2018

25

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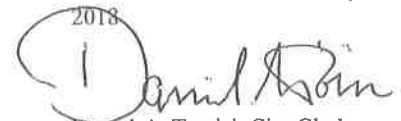


THE CITY OF NEW BRUNSWICK
CITY HALL . 78 BAYARD STREET . NEW BRUNSWICK, NJ 08901-2113
OFFICE OF THE CITY CLERK CITY OF NEW BRUNSWICK
PROOF OF INSERTION

State of New Jersey, County of Middlesex

I, Daniel A. Torrasi, do hereby certify that an advertisement, of which the annexed is a true copy, was published in The Home News Tribune, a newspaper published and circulated in the City of New Brunswick, County and State aforesaid, issue(s) as follow(s) to wit:
23 February 2018

Certified this 23 February
2018


Daniel A. Torrasi, City Clerk

CITY OF NEW BRUNSWICK
48 Hour Notice: A Meeting of the New Brunswick Board of Ethics will be held at 5:30 p.m. on Monday, February 26, 2018 in Council Chambers, New Brunswick City Hall, 78 Bayard Street, New Brunswick, New Jersey. Formal action may be taken. TK Shamy, City Attorney (\$484)
0002746891-01

**AD TEXT****Public Meetings**

CITY OF NEW BRUNSWICK 48 Hour Notice: A Meeting of the New Brunswick Board of Ethics will be held at 5:30 p.m. on Monday, February 26, 2018 in Council Chambers, New Brunswick City Hall, 78 Bayard Street, New Brunswick, New Jersey. Formal action may be taken. TK Shamy, City Attorney 2/23/18 \$17.05

Related Categories: Notices and Announcements - Legal Notice

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Ethics Bd 48 hr Notice

NEW BRUNSWICK BOARD OF ETHICS AGENDA

Monday, February 26, 2018

5:30 p.m.

**City Hall – Council Chambers, 78 Bayard Street
New Brunswick, NJ 08901**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

OPEN PUBLIC MEETING STATEMENT

ROLL CALL

OLD BUSINESS

- **Complaint filed by Charles Kratovil against Council President Glenn Fleming**

NEW BUSINESS

DISCUSSION

PUBLIC COMMENT

ADJOURNMENT

Next Regular Meeting - TBD