



State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
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TRENTON, NJ 08625-0803

PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lieutenant Governor

JACQUELYN A. SUÁREZ
Commissioner

March 27, 2025

Jonathan F. Cohen, Esq.
Plosia Cohen LLC
Chester Woods Complex
385 Route 24, Suite 30
Chester, New Jersey 07930

Re: Local Government Ethics Law
LFB Complaint C19-031
NOTICE OF VIOLATION

Dear Mr. Cohen:

The Local Finance Board (Board) has issued a **NOTICE OF VIOLATION (NOTICE)** regarding its findings in the matter of Complaint C19-031 filed against your client, Brian Kubiak. Enclosed is the **NOTICE** issued by the Board.

Please be advised that the **NOTICE** is not a final determination if your client desires to avail himself of the right to request an administrative hearing pursuant to N.J.A.C. 5:35-1.1(i). If a hearing is requested in accordance with the enclosed **NOTICE**, the Board will not issue a final decision until the completion of the administrative hearing process.

Should you have any questions regarding this matter, please contact Gina Picciano at (609) 815-3904.

Sincerely,

Michael F. Rogers, Chair
Local Finance Board

MFR:grp

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

In Re: Brian Kubiel, Councilman, Township Council of Toms River, LFB Complaint C19-031

This matter having come before the Local Finance Board (Board) pursuant to the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq., upon complaint that Brian Kubiel, Councilman, Township Council of Toms River, voted in favor of an ordinance modifying police department hiring practices when his son was an applicant to the affected police department, voted in favor of a resolution expediting the enactment of that ordinance, and inquired to the chief of police as to the score of his son's application to the police department in violation of N.J.S.A. 40A:9-22.5(c), N.J.S.A. 40A:9-2.5(d) and N.J.S.A. 40A:9-2.5(g); and

WHEREAS, the Board authorized an investigation of this complaint upon a determination that the allegations were within its jurisdiction, were not frivolous, and were based upon a reasonable factual basis; and

WHEREAS, Brian Kubiel served as a member of the Toms River Township Council in 2018; and

WHEREAS, Kevan Kubiel is the son of Brian Kubiel; and

WHEREAS, at the August 14, 2018 Toms River Township Council meeting, Brian Kubiel voted in favor of Ordinance 4599-18 at introduction, allowing the hiring of additional special law enforcement officers, allowing the chief of police to increase the number of entry-level police officers hired, and allowing for applicants to entry-level officer positions to supplement their score in the written exam; and

WHEREAS, at the August 28, 2018 Toms River Township Council meeting, Brian Kubiel voted in favor of the adoption of Ordinance 4599-18 on its second reading; and

WHEREAS, at the August 28, 2018 Toms River Township Council meeting, Brian Kubiel voted in favor of an emergency resolution allowing the immediate enactment of Ordinance 4599-18; and

WHEREAS, on September 8, 2018, the New Jersey State Chiefs Association administered the written test for entry level police officer applicants for the Toms River Police department; and

WHEREAS, Kevan Kubiel was notified in September of 2018 that he did not receive a score on the written exam that would allow him to advance to the next step of the application process; and

WHEREAS, on September 13, 2018, Brian Kubiel emailed Chief of the Toms River Police Department, Mitch Little, asking Chief Little to look into Brian Kubiel's son's score on the written entrance exam, taking Brian Kubiel's son's work experience into account; and

WHEREAS, the Local Government Ethics Law states:

N.J.S.A. 40A:9-22.5(c) No local government officer or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others;

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

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

WHEREAS, the Board having considered the matter and the relevant statements and information, as well as the written response to the allegations submitted by Jonathan F. Cohen, Esq., on behalf of Brian Kubiel, determined that Brian Kubiel used his official position to secure unwarranted privileges for himself or others by voting in favor of an ordinance modifying police department hiring practices when his son was an applicant to the affected police department, by voting in favor of a resolution expediting the enactment of that ordinance, and by inquiring to the chief of police as to the score of his son's application, constituting two unique attempts to use his official position to secure unwarranted privileges or advantages for himself or others, in violation of subsection (c) of N.J.S.A. 40A:9-22.5; and

WHEREAS, the Board having considered the matter and the relevant statements and information, as well as the written response to the allegations submitted by Jonathan F. Cohen, Esq., on behalf of Brian Kubiel, determined that Brian Kubiel used his public office for the purpose of securing financial gain for himself, any member of his immediate family, or any business organization with which he is associated by inquiring to the chief of police as to the score of his son's application, constituting an attempt to use his public office for the purpose of securing financial gain for himself, any member of his immediate family, or any business organization in violation of subsection (g) of N.J.S.A. 40A:9-22.5; and

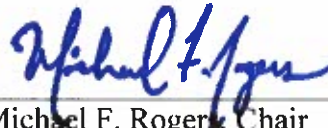
WHEREAS, the Board having considered the matter and the relevant statements and information, as well as the written response to the allegations submitted by Jonathan F. Cohen, Esq., on behalf of Brian Kubiel, determined that Brian Kubiel acted in his official capacity by voting on an ordinance modifying police department hiring practices and by voting on a resolution expediting the enactment of that ordinance when his son was an applicant to the affected police department, constituting acts in his official capacity in matters in which he has a direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence of judgment in violation of subsection (d) of N.J.S.A. 40A:9-22.5; and

IT IS THEREFORE DETERMINED that Brian Kubiel shall be assessed a fine in the total amount of \$400, consisting of a \$100 for each of the two violations of N.J.S.A. 40A:9-22.5(c), \$100 for the violation of N.J.S.A. 40A:9-22.5(d), and \$100 for the violation of N.J.S.A. 40A:9-22.5(g). Said fine shall be immediately payable to: Treasurer, State of New Jersey, and be submitted to: Michael F. Rogers, Chair, Local Finance Board, P.O. Box 803, Trenton, New Jersey, 08625. If payment of said fine is not received within 30 days receipt of this **NOTICE**, Brian Kubiel, is subject to additional fines as determined by the Board in accordance with its powers pursuant to N.J.S.A. 40A:9-22.10. Violations and Penalties.

NOTICE that Brian Kubiak is entitled to an administrative hearing in accordance with N.J.S.A. 40A:9-22.12 to contest this **NOTICE**. Any request for an administrative hearing shall be filed with the Local Finance Board within 30 days receipt of this **NOTICE**. If an administrative hearing is requested, the assessed fine shall not be due until such time that the Board issues a final decision at the completion of the administrative hearing process. Said hearing request shall be filed with Nicholas Bennett, Executive Secretary, Local Finance Board, Department of Community Affairs, P.O. Box 803, Trenton, New Jersey 08625.

3-27-25

DATE

A handwritten signature in blue ink, appearing to read "Michael F. Rogers", is written over a horizontal line.

Michael F. Rogers, Chair
Local Finance Board