

STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW
33 Washington Street
Newark, NJ 07102
(973) 648-7136
9 Quakerbridge Plaza / PO Box 049
Trenton, NJ 08625-0049
609-689-4030

FROM:

Department of Community Affairs
Local Finance Board

NAME OF AGENCY

101 South Broad Street - P.O. Box 803
Trenton, NJ 08625-0803

ADDRESS

Nicholas Bennett, Executive Secretary

TRANSMITTING OFFICER

609-815-3904

TELEPHONE NUMBER

CFB

OAL OFFICIAL USE

COUNTY

Ocean

*

JURISDICTION

South

*

THE FOLLOWING ADDITIONAL INFORMATION IS REQUIRED:

1. Nature of the case. Please include references to statutes or rules and briefly summarize the facts and law involved. Attach pleadings to this form.
2. Estimated time required for hearing.
3. Legal requirements (State or Federal) mandating a date for Agency Decision:
4. Is a court stenographer requested?
5. **Special features to be anticipated in this matter**, i.e., emergent relief, discovery motions, prehearing conference, conference hearing, remand, expedited hearings, location (county).
6. Is a barrier-free location needed?
7. Have the attached documents been exchanged between the parties?
8. Names of other agencies claiming jurisdiction over transmitted dispute:

Brian Kubiel

v.

Local Finance Board

Name of Contested Case or Short Title

C19-031

Agency Docket / Reference Number

Violation of the Local Government Ethics Law

See Attachment

One Days(s) or Hours

Yes X No If yes, please specify requirements and citation : REQUEST 45 DAY NOTIFICATION

Yes X No

Prehearing Conference, Conference

Yes No X Uncertain

X Yes No If no, the documents shall be served on or offered to the parties on: None

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Transmitting officer or other agency personnel to receive notices of hearing etc., pursuant to N.J.A.C. 1:1-8.2 (a) 13. This person need not be served by the parties with motions, correspondence, etc.

Nicholas Bennett, Executive Secretary

Department of Community Affairs

Local Finance Board

101 South Broad Street - P.O. Box 803

Trenton, NJ 08625-0803

Phone # 609-815-3904 Fax #

Email Address: Nick.Bennett@dca.nj.gov

SERVICE LIST

Parties Named in this Proceeding and their Representatives

For additional parties, attach names, addresses and telephone numbers of each party linked with that representative if any.

#1. PETITIONER

Brian Kubiel

TELEPHONE #

E-MAIL ADDRESS:

#2. RESPONDENT

Michael F. Rogers, Chair

Local Finance Board

101 South Broad Street, Box 803

Trenton, New Jersey 08625

TELEPHONE # 609-292-6613

E-MAIL ADDRESS: Michael.Rogers@dca.nj.gov

#3. OTHER

TELEPHONE #

E-MAIL ADDRESS:

PETITIONER REPRESENTATIVE

Veronica A. Acevedo

51 Gibraltar Drive

Suite 3B

Morris Plains, NJ 07950

TELEPHONE # (908) 888-2547

E-MAIL ADDRESS: vacevedo@pclawnj.com

RESPONDENT REPRESENTATIVE.

Nicole Adams, DAG

Hughes Justice Complex

Division of Law, P.O. Box 112

Trenton, New Jersey 08625

TELEPHONE # 609-376-2955

E-MAIL ADDRESS: Nicole.Adams@law.njoag.gov

OTHER REPRESENTATIVE

TELEPHONE #

E-MAIL ADDRESS:

(Please attach additional sheets for contacts as necessary and indicate representation)

To: Office of Administrative Law

From: The Local Finance Board

Re: C19-031 Township of Toms River (Ocean County)
Brian Kubiel, Councilman

The Local Finance Board (Board) issued a Notice of Violation (NOV) to Brian Kubiel (Kubiel) at its March 12, 2025 meeting. The Board found that Kubiel violated N.J.S.A. 40A:9-22.5(c), (d), and (g) when he voted on a resolution expediting the hiring of additional police officers, and by contacting the Chief of Police to inquire about his son's test score in the Toms River Police Department entrance exam. The Board assessed a fine of \$400 against Kubiel.

Kubiel was advised that he was entitled to an administrative hearing in accordance with N.J.S.A. 40A:9-22.12 to contest the NOV and that any request for an administrative hearing must be filed with the Board within thirty (30) days of receipt of the NOV. The NOV was mailed on March 27, 2025.

Kubiel requested an administrative hearing. The timely request was received on April 24, 2025.

The Board determined at its May 14, 2025 meeting to transmit the matter to the Office of Administrative Law as a contested case.



State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO Box 803
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

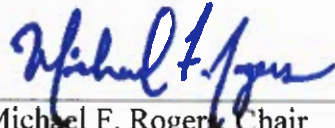
WHEREAS, the Board having considered the matter and the relevant statements and information, as well as the written response to the allegations submitted by Jonathan F. Cohen, Esq., on behalf of Brian Kubiel, determined that Brian Kubiel used his public office for the purpose of securing financial gain 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 Kubiel 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



Michael F. Rogers, Chair
Local Finance Board



Mail to:

James L. Plosia, Jr.
Jonathan F. Cohen
Donald S. Dinsmore
Veronica A. Acevedo

51 Gibraltar Drive,
Suite 3B
Morris Plains, NJ 07950
(908) 888-2547 (p)
(908) 888-2548 (f)
www.pclawnj.com

Monmouth County:
1129 Broad Street
Shrewsbury, NJ 07702

April 23, 2025

Via email and USPS

Mr. Nicholas Bennett
Executive Secretary
Local Finance Board
Department of Community Affairs
P.O. Box 803
Trenton, New Jersey 08625

Re: Notice of Violation: Brian Kubiel
LFB Complaint: C19-031

Dear Mr. Bennett:

Our office represents Brian Kubiel regarding Complaint C19-031 alleging violations of the Local Government Ethics Law. Please allow this correspondence to serve as a response to the Notice of Violation dated March 27, 2025.

Our client hereby requests an administrative hearing pursuant to N.J.A.C. 5:35-1.1(i) to contest the Notice of Violation. Please transmit this matter to the Office of Administrative Law to proceed with a hearing in accordance with N.J.S.A. 40A:9-22.12.

Please note that the March 27, 2025, correspondence was sent to our law office's previous address. Kindly address future correspondence to our firm's Morris Plains address as provided above.

Sincerely,

PLOSIA COHEN LLC

/s/ Veronica A. Acevedo
Veronica A. Acevedo, Esq.