

Ethics and Redevelopment in New Jersey

William J. Ward, Esq.

CLE International Conference

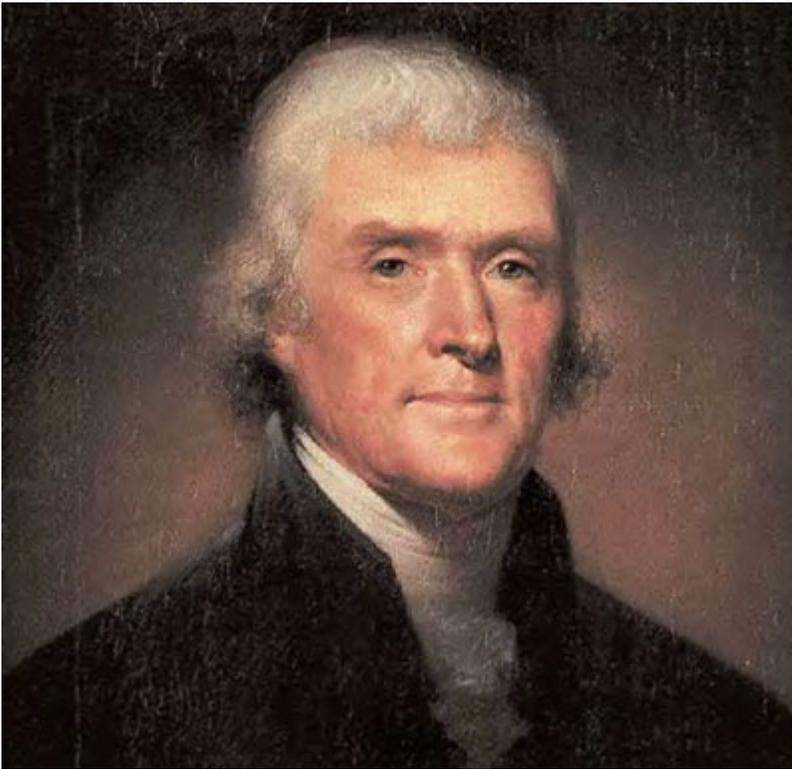
Princeton, New Jersey

October 15, 2007

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Take the Noble Path



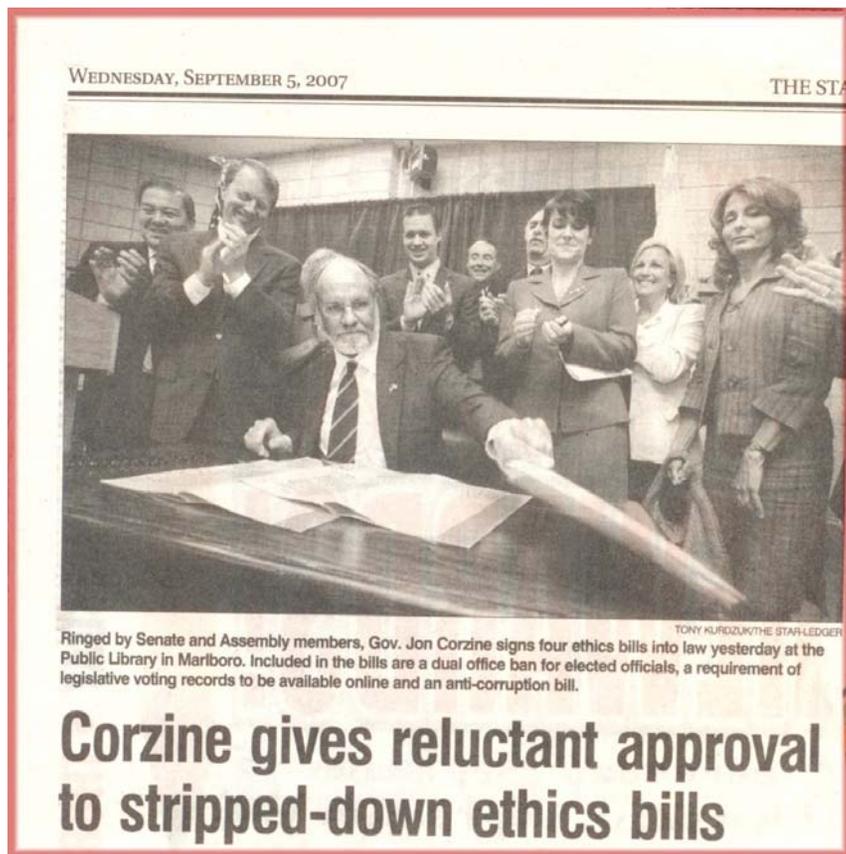
In every government on earth there is some trace of human weakness, some germ of corruption and degeneracy, which cunning will discover, and wickedness insensibly open, cultivate, and improve. Every government degenerates when trusted to the rulers of the people alone. The people themselves therefore are its only safe depositories.

-Thomas Jefferson
Third President of the United States

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First, the good news: Four ethics bills signed September 4, 2007



The Star-Ledger (Sept. 5, 2007)

- **S-1192** Makes it illegal for elected officials to misuse public resources for private gain
- **S-1318** Increases penalties for public corruption convictions
- **S-1662** Requires Internet postings of voting records of each lawmaker for two terms
- **A-4326** Bans holding dual office (but allows current legislators to keep local offices)

P.L. 2007, Chapter 158 [S-1192] *Establishes Crime of Corruption of Public Resources*

Sponsors: Ellen Karcher (D-Monmouth), John Adler (D-Camden)



“**Public Resource**” means any funds or property provided by the government, or person acting on behalf of the government, including:

- Money or equivalent paid by gov’t directly or indirectly to or on behalf of person or employer
- Transfer of assets for less than fair market price
- Fees, costs, rents, insurance/bond premiums, loans required in contracts but are reduced or waived or forgiven by gov’t
- Money loaned by gov’t and repaid on contingent basis
- Money loaned by an entity based on gov’t guarantee
- Grants awarded by gov’t or entity acting on its behalf
- Credits applied against repayment obligations

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P.L. 2007, Chapter 159 [Bill S-1318]

Public Corruption Profiteering Penalty Act

Ellen Karcher (D-Monmouth), Fred Madden (D-Gloucester)



- May be imposed when a person convicted of a crime or attempt or conspiracy to commit **a crime involving the negotiation, award, performance or payment of a local, county or state contract.** (subsection 1. c)
- Where the Attorney General or county prosecutor has established by a preponderance of evidence that defendant was convicted of these crimes:
 - (1) \$500,000 for crime of 1st degree
 - (2) \$250,000 for crime of 2nd degree
 - (3) \$75,000 for crime of 3rd degree
 - (4) 3 times the value of any property involved in crimes in subsection 1. c.

***P.L. 2007, Chapter 160 [Bill S-1662]
Concerning Legislative Information Available to
Members of the Public and amending P.L. 1995, c.319
Sponsors: Robert Martin (R-Morris), Loretta Weinberg (D-Bergen)***



The **Office of Legislative Services** shall make available to the public and maintain in electronic form the following information:

- Current official text of all statutes
- Text of all bills in current 2-year session, amended versions, sponsor statements, etc.
- All bills pending in the Legislature
- Bill-tracking data, including a complete voting record by Legislators
- Current calendar or events, committee meetings, and bills scheduled for legislative action

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P.L. 2007, Chapter 161 [Bill A-4326]

Concerning persons holding more than one elective public office simultaneously

Sponsors: Michael Panter (D-Monmouth), Linda Greenstein (D-Middlesex)



This act shall take effect on February 1, 2008.

- This bill prohibits the holding simultaneously of more than one elective public office in this State.
- The prohibition will not apply to an elected official who simultaneously holds more than one elective public office on the bill's effective date, as long as service in those particular offices is continuous following that effective date.

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*Now the bad:
There is a culture of corruption.*

The Star-Ledger

EX11+

FINAL EDITION

TODAY'S FORECAST: Sunny and seasonably warm with more humidity.



at 7 A.M. 69°

at 2 P.M. 85°

at 7 P.M. 81°

DETAILS, PAGE 37

FRIDAY, SEPTEMBER 7, 2007

50 CENTS

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THE NEWSPAPER FOR NEW JERSEY

Statewide sting catches 11 officials

His eyes moist, Passaic Mayor Sammy Rivera leaves the federal courthouse in Trenton yesterday after being arraigned on bribery charges.



TONY KURDZUK/
THE STAR-LEDGER

Orange, Passaic mayors among those arrested by FBI on bribery charges

BY JEFF WHELAN
AND MARK MUELLER
STAR-LEDGER STAFF

In a sweeping corruption scandal stretching from a small South Jersey school district to the corridors of power in the state's northern cities, federal agents charged 11 public officials yesterday with taking bribes in exchange for help securing public contracts.

The arrests, carried out yesterday morning, followed an 18-month FBI

probe that penetrated almost every layer of government.

Among those charged were state assemblymen, mayors, city council members, school board members and the chief of staff for Newark's city council president. A 12th defendant, a private individual, allegedly collected payments for one of the politicians.

"Today we witnessed another example of the disease that affects the state of New Jersey: the disease of public corruption," U.S. Attorney

Christopher Christie said.

Beginning in the Atlantic County community of Pleasantville, just west of Atlantic City, FBI agents were "taken on a corruption tour of New Jersey," Christie said, "almost as if there is a corrupt-public-officials underground."

The defendants include the mayors of two cities: Mims Hackett Jr., 65, of Orange and Samuel "Sammy" Rivera, 60, of Passaic. Hackett is also

[See **STING**, Page 17]

* The arrest of two legislators further tarnishes the Democratic Party. **PAGE 16**

* Those charged represent a broad cross-section of the state, from mayor, to clergy to school board member. **PAGE 17**

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Operation Cornered Lot: Newark feels the sting



- Indictment alleges Sharpe James misused positions as Mayor of Newark and State Senator to improperly favor Tamika Riley to obtain more than \$500,000 in money and property for her by steering sales of city owned property at steeply discounted prices through her company TRI.
- Riley “flipped” properties for lucrative profits without redeveloping them as required by her contracts with Newark.
- In 2004, James introduced and shepherded to passage a state law expanding his powers over land sales in Newark.

EDITORIALS

The judge draws a line

The words "Liberty and Prosperity" are inscribed on the state seal of New Jersey, but they might just as well be "Go Along to Get Along."

It's what we do in New Jersey, and it's a good part of why the state is in such a mess.

The "go along to get along" mentality plays out in campaign donations from law firms, engineers and other professionals who then get juicy contracts for government work.

It's why public officials help each other — be the gesture an appointment to another pension-padding post or a disinclination to pursue ethics charges in the Legislature. They never know when they might need a favor in return.

Another variation of "go along to get along" involves officials who get caught snarfing up tax dollars at the public trough. They get indicted — most often by federal authorities — and then plead guilty in return for light sentences. A few months in a federal lockup, a few more in a halfway house and then back to New Jersey and its forgiving ways.



WALLS

This week, a man named William Walls said enough is enough.

Walls, a senior U.S. district judge, rejected prosecutors' pleas for a lenient sentence for the former mayor of Ocean Township, who also happens to be a former city manager of Asbury Park. The request for a lighter sentence was made because Terrance Weldon has been cooperating in the investigations of other officials.

Walls wasn't moved.

Instead, saying he was amazed at the parade of New Jersey politicians "hell-bent on corruption," Walls ordered Weldon — who, in the words of federal prosecutors, ran his town with a "staggering degree of corruption" — to prison for nearly five years.

We understand the federal prosecutors' argument that offering a lighter sentence in return for cooperation helps them go after others.

But we like Walls' argument better: "Then tell those people not to commit crimes. And tell those agents to work harder."

For once, someone wasn't convinced that the best way to get along was to go along.

OPINION:

The Star-Ledger, Aug. 29, 2007

- October 30, 2002 - Asbury Park Councilman James Condos and Long Branch Developer Philip Konvitz indicted
- Konvitz provided Condos with \$35,000 in ongoing financial support and cash in exchange for Condos' votes on city council regarding hiring and firing of city attorneys and city manager, as well as oceanfront redevelopment.
- Konvitz facilitated \$50,000 bribe to Terrance Weldon.

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Asbury Park: A Tangled Web



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Pay-to-play, redevelopment & eminent domain



“**G**overnment’s powers in areas designated for **redevelopment** are nearly unfettered and include the power of **eminent domain**. It is important that redevelopment decisions are made in the broad public interest and not as a reward to large campaign contributors.”

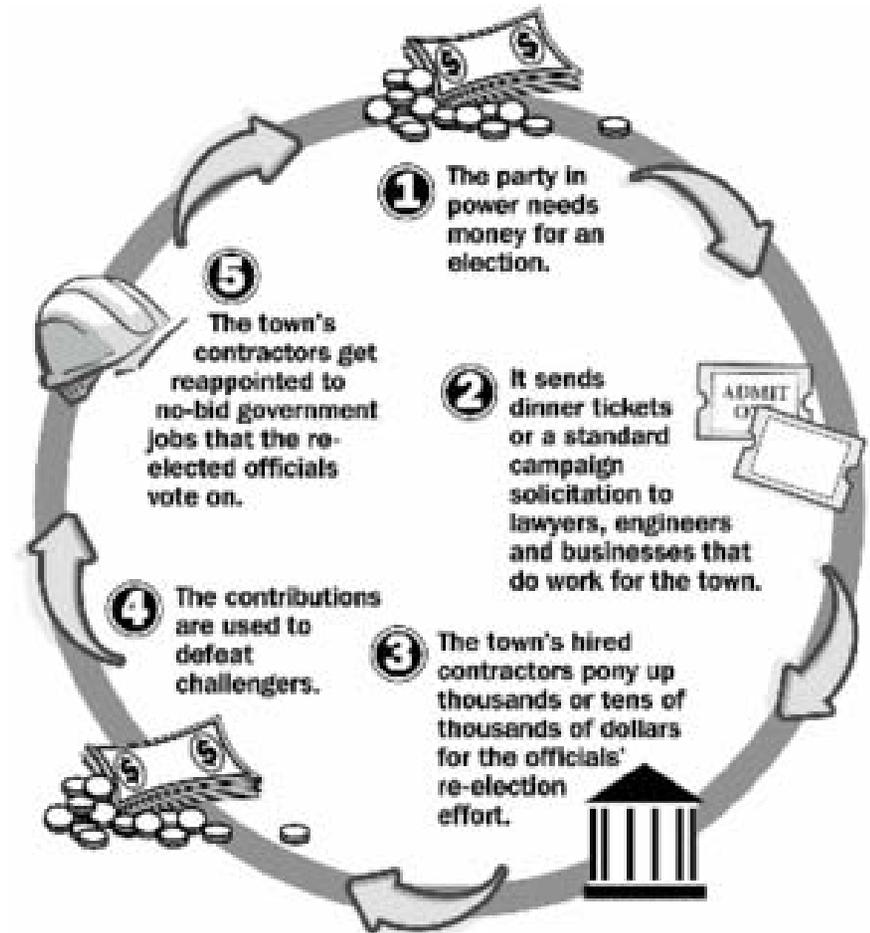
-Harry Pozycki

The Center for Civic Responsibility

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Political Action Committees and Pay-to-play



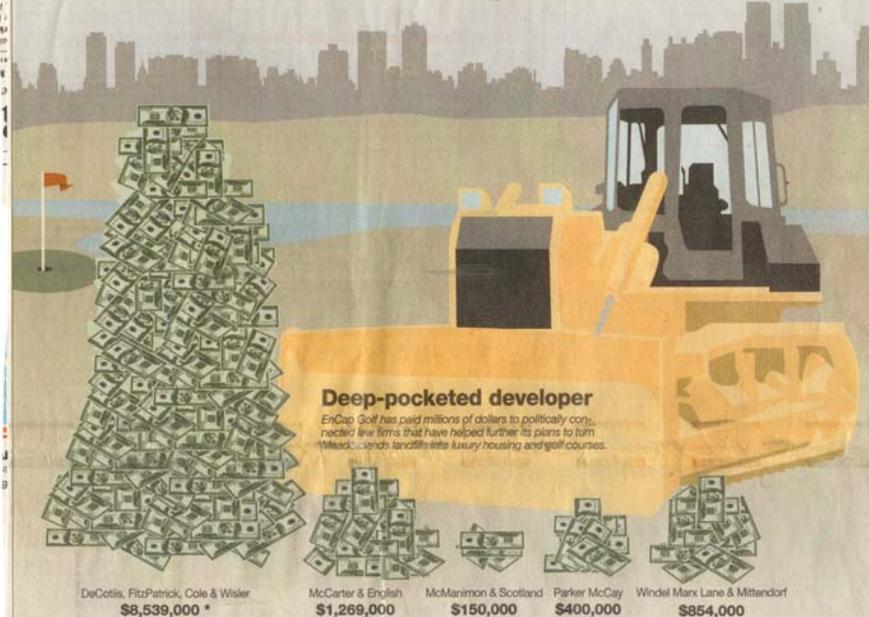
Pay to Play diagram at gloucestercitynews.typepad.com/.../09/index.html

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Pay-to-play's 'poster child?'

Politicians, law firms have reaped \$13M from EnCap



By **JOHN BRENNAN**
and **DAVE SHEINGOLD**
STAFF WRITERS

EnCap's controversial plan to transform old Meadowlands dumps into a luxury golf community has been a cash cow for some New Jersey politicians and the politically connected professionals who help finance their campaigns, state documents show.

The North Carolina-based developer shelled out more than \$13 million in professional fees and political contributions at the same time it was securing hundreds of millions of dollars in tax grants and other forms of public financing and backing from state officials.



Meadowlands for sale
An occasional series

Some of the beneficiaries have been the kind of firms whose political contributions were targeted by pay-to-play reforms enacted by the state in 2004 to address the appearance that government was for sale in New Jersey. But those reforms apply only to government contracts, not work commissioned by a private entity like EnCap.

Still, critics say the company's largesse and its remarkable record of securing government help for its development plan raises exactly the type of questions the reforms were intended to address.

"It's bound to raise suspicions on the part of taxpayers and residents of the community," said Heather Taylor, a spokeswoman for the
See **ENCAP** Page A-8

\$13.1 million

EnCap, its corporate affiliates and executives in those companies spent at least \$13.1 million on political contributions, lobbying fees and legal fees in New Jersey at the same time the company was winning significant public backing for its projects in the Meadowlands and elsewhere in the state.

Lobbying:	Political contributions:	Legal fees: \$11,200,000
\$1,662,000	\$314,000	(includes only billings over \$100,000)



Sources: New Jersey Election Law Commission, OpenSecrets.org R.L. REBACK/STAFF ARTIST

Answer to the EnCap trivia question



Margulies cartoon: <http://stopencapnow.com/>

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New Jersey Local Unit Pay-to-Play Law

- N.J.S.A. 19:44A-20.4 et seq. took effect on Jan.1, 2006
- Affects how municipalities, counties, local authorities, fire districts and all subsidiaries, boards, commissions and agencies award contracts in excess of \$17,500 for goods and services
- A municipal or county government agency cannot award a contract without using a fair and open process if the contractor...
 - ...is a contributor to a candidate committee or political party committee where a member of the party is serving in an elective public office of that municipality, county, and either...
 - ...Made “reportable” contributions (those in excess of \$300) during the year prior to the award, and/or...
 - ...makes contributions during the life of the contract.

State Ethics Commission

Paula Franzese and Daniel J. O'Hern



- Uniform Ethics Code governs conduct of State officers, employees in State agencies in the Executive branch of State Government.
- “Interest” means
 - Ownership or control of more than 10% of the profits or assets of a firm, association or partnership or more than 10% of stock in a corporation (other than a professional service corporation)
 - Ownership or control of more than 1% of stock in any corporation which is holder or applicant for, or a casino license or in any holding corporation or intermediary company with respect thereto as defined by the Casino Control Act. Provisions applicable to shareholders, associates, or professional employees of professional service corporation regardless of the extent or amount of their shareholder interest.

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Conflicts: *In re Christine Bator, Commissioner Board of Public Utilities (July 23, 2007)*



- Court determined there was a **disqualifying conflict of interest**
- State Ethics Commission (SEC) determined **an appearance of impropriety** existed in violation of N.J.S.A 52:13D-23 (e)(7) and N.J.A.C. 19:64:7-4.
- SEC adopted regulation requiring state officials to recuse themselves if they have **direct or indirect financial or personal interest** that is incompatible with discharge of official's public duties.



STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

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Conflicts of Interest:

In Re ACPE Opinion 705 (A-74-2006)

- RPC 1.11 prohibits former government attorney from representing private client in matters which the lawyer recently participated. Conflict is not imputed to law firm if disqualified lawyer is screened, does not share in fees, and written notice is given to gov't agency. Attorney John Van Dalen notified Div. L.& P.S. that former DEP-DAG Stephen Brower was screened from Harbor Cove matter.
- DEP said Van Dalen Brower firm must comply with New Jersey Conflicts of Interest Law, N.J.S.A. 52:13D-17: No former State employee may represent "...through any partnership, firm, or corporation in which he [or she] has an interest" any client other than the State in connection with a matter that the employee was "substantially and directly involved" with as a State employee.
- ACPE 705 opined that RPC "should prevail."
- N.J. Supreme Court (July 19, 2007) decides that **attorneys formerly employed by State must comply with both the Act and the RPCs.**

Conflict of interest or error in judgment?

COUNTY

MORE LOCAL NEWS INSIDE

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The Star-Ledger

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Judge clears attorney of ethics lapse

Inquiry concludes lawyer made an error in judgment

BY KEVIN C. DILWORTH
STAR-LEDGER STAFF

An ethics investigation into West Orange Township Attorney Richard Trenk found that he did not break any laws when he failed to disclose his interest in a group seeking to purchase property next to a redevelopment zone, but that he "committed an error in judgment."

The long-awaited 53-page report by retired Judge Gary S. Stein cleared the lawyer of any wrongdoing or impropriety, but con-

cluded he should not have become a member of a group seeking to buy an office building next to the site of a shuttered pharmaceutical plant that was being targeted for redevelopment.

"Prudence, caution and sound judgment also should be guides to the conduct of public officials," Stein wrote. "I am persuaded that Mr. Trenk committed an error of judgment in deciding to become a member of the purchasing group. I suspect that with the benefit of hindsight, he would have made a

different decision."

The report, released yesterday, focused on Trenk's involvement with a group that last year sought to acquire an office building on the sprawling Organon industrial, manufacturing and pharmaceutical office facility.

As head of the town's legal department, Trenk oversaw negotiations with Organon over the redevelopment zone, as well as a tax appeal that resulted in West Orange gaining an option to buy the part of Organon's former Mount



TRENK

Pleasant Avenue property.

Stein also recommended to the township that Trenk not provide any legal services

in connection with the redevelopment of the Organon site.

"I am pleased the matter is concluded, and look forward to continuing to vigorously represent the township," Trenk said in a written statement.

Trenk's attorney, Michael D. Sirota, said the report vindicates his

client.

"The township asked Justice Stein to determine whether the township attorney violated any law or rule of professional responsibility in his service to the township," Sirota said.

"Based upon an extensive investigation and thorough analysis of the operative rules and law, Justice Stein concluded that no violation occurred."

The report notes the probe included 16 personal and telephone interviews with township officials, various attorneys, investors and developers, as well as an examination

[See **LAWYER**, Page 34]

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Local Government Ethics Law

Provisions requiring compliance by local government officers, employees, N.J.S.A. 40A:9-22.5 (a, b)

- a. No local government officer or employee or member of his immediate family shall have an **interest** in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest;
- b. No independent local authority shall, for a period of one year next subsequent to the termination of office of a member of that authority:
 - (1) award any contract which is not publicly bid to a former member of that authority;
 - (2) allow a former member of that authority to represent, appear for or negotiate on behalf of any other party before that authority; or
 - (3) employ for compensation, except pursuant to open competitive examination in accordance with Title 11A of the New Jersey Statutes and the rules and regulations promulgated pursuant thereto, any former member of that authority. The restrictions contained in this subsection shall also apply to any business organization in which the former authority member holds an interest.

Local Government Ethics Law, continued

Provisions requiring compliance by local government officers, employees, N.J.S.A. 40A:9-22.5 (c,d,e)

- 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;
- 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;
- e. No local government officer or employee shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his independence of judgment in the exercise of his official duties;

Local Government Ethics Law, continued

Provisions requiring compliance by local government officers, employees, N.J.S.A. 40A:9-22.5 (f, g,)

- f. No local government officer or employee, member of his immediate family, or business organization in which he has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the local government officer has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the local government officer in the discharge of his official duties;
- 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;

Local Government Ethics Law, continued

Provisions requiring compliance by local government officers, employees, N.J.S.A. 40A:9-22.5 (h, i)

- h. No local government officer or employee or business organization in which he has an interest shall represent any person or party other than the local government in connection with any cause, proceeding, application or other matter pending before any agency in the local government in which he serves. This provision shall not be deemed to prohibit one local government employee from representing another local government employee where the local government agency is the employer and the representation is within the context of official labor union or similar representational responsibilities;
- i. No local government officer shall be deemed in conflict with these provisions if, by reason of his participation in the enactment of any ordinance, resolution or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to him as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group;

Local Government Ethics Law, continued

Provisions requiring compliance by local government officers, employees, N.J.S.A. 40A:9-22.5 (j, k)

- j. No elected local government officer shall be prohibited from making an inquiry for information on behalf of a constituent, if no fee, reward or other thing of value is promised to, given to or accepted by the officer or a member of his immediate family, whether directly or indirectly, in return therefore; and
- k. Nothing shall prohibit any local government officer or employee, or members of his immediate family, from representing himself, or themselves, in negotiations or proceedings concerning his, or their, own interests.
(L.1991,c.29,s.5.)

Joint Legislative Committee on Ethical Standards

- Standards of conduct for legislators and all State officers and employees in the executive and legislative branches are delineated in the **New Jersey Conflicts of Interest Law** (N.J.S.A. 52:13D-12 et seq.).
- In addition, legislators and legislative officers and employees are subject to the provisions and procedural requirements of the **Legislative Code of Ethics**, which is adopted anew by the Legislature for each two-year session. The **1982-83 Code of Ethics** has been temporarily adopted through the organizational resolution of the Houses. At present it has not been updated to comply with the more recent amendments to the Conflicts Law.
- Additionally **Joint Rule 19** of the Houses allows inquiry into any conduct of a legislator or legislative employee which reflects upon the good name, integrity, and reputation of the Legislature or any member thereof.
- Lawyer-legislators and lawyer-legislative employees should also familiarize themselves with *In the Matter of Advisory Committee on Professional Ethics Opinion 621, 128 N.J. 577 (1992)*, with regard to their ethical standards as lawyers and public officials.

Corzine must do more to stop contract corruption

BY HARRY POZYCKI

A couple of weeks ago, New Jerseyans were witness to what has become an all-too-familiar spectacle: the indictments of 11 public officials, including two state assemblymen, on political corruption charges. And as is the case more often than not, these officials were charged with taking bribes for influencing local government contracts.

This latest evidence of New Jersey's entrenched and persistent culture of corruption hammers home the point that it is now long past time for Gov. Jon Corzine to stop tinkering around the politically safe edges of the contract corruption problem and take real action.

New Jersey's government contracting problems aren't simply a matter of a few bad apples. At the heart of the matter is the fact that on the county and local levels, government contracts are still traded for political contributions — as opposed to selected on merit and cost-effectiveness.

County and local politicians have nearly unfettered power to select local and county professional service contractors such as attorneys, engineers and insurers and do so all too often as part of a political and contribution favor bank. This Wild West of local government contacting not only results in higher costs to taxpayers for lower-quality services but creates fertile soil for bribes and other illegal activity.

Corzine promised in his campaign to implement comprehensive pay-to-play reform that would sever the link between political contributions and lucrative government contracts. This reform would extend the contribution restrictions now in place for state contractors to counties, municipalities and school boards as well as close the remaining loopholes at the state level. To date, the governor has given this essential reform nothing more than occasional lip service.

Among a series of excuses for inaction

is the fact that there is not an appetite for this measure among the Democratic majority in the Legislature. However, if Corzine decides to put the interests of New Jerseyans ahead of party politics, there is a pay-to-play reform majority of reform-minded Republican and Democratic legislators.

While Corzine inherited the culture of corruption, it is no longer enough to point to minor ethics reforms that do not move the needle. The test of leadership for any governor is how he tackles the big problems facing the state and if he is willing to use political capital and the bully pulpit to accomplish big goals. To pass the test of leadership in the fight against contract corruption, the governor needs to step up to the plate.

And the governor can send a strong message to legislators that he means business by issuing an executive order immediately to close the remaining loopholes in

an otherwise strong state-level pay-to-play reform law. This order, called for by the Citizens' Campaign, would include a ban on contributions by consultants involved in redevelopment as well as a ban on state contractor contributions to municipal political party committees and legislative leadership PACs. It would also extend regulations to partners and officers of firms doing business with state government.

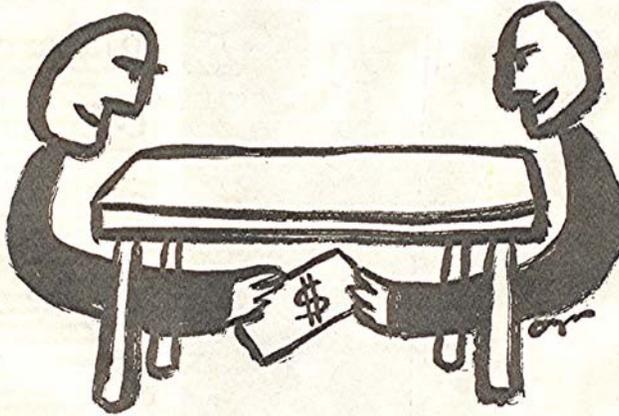
Under the state constitution, the governor is charged to manage the operations of state government effectively and fairly. An executive order to ensure the integrity of state contracts is well within the governor's authority.

Actions speak louder than words. It is time for Corzine to take executive action now.

Harry Pozyccki is chairman of the Citizens' Campaign, an organization that devises reform solutions and promotes citizen leadership.

Call to action: One Ethics Code for All

Ethics reform is here, just in too few places



Until rules apply to lawmakers and local officials, N.J. will be the what's-in-it-for-me state

BY PAULA A. FRANZESE

The time is now, ahead of the November elections, to advance a nonpartisan agenda that aggressively makes plain that cultures of corruption and the misuse of public office for private gain will be denounced and punished at every level of government. The arrests of 11 public officials, coming on the heels of the indictments of two more lawmakers, opens yet another window of opportunity for tougher ethics reform.

The template for making real the promise of good government is already in place. In 2005, in response to the report prepared by Gov. Richard Codey's Special Ethics Counsel (retired state Supreme Court Justice Dan O'Hern and me), the Legislature passed a sweeping reform initiative that created the newly empowered State Ethics Commission. The commission is armed with the muscle to enforce the stiffer ethics rules that are now in place thanks to the recently promulgated Uniform Ethics Code. These include zero tolerance for the acceptance of gifts, strict anti-nepotism laws, and strong standards on conflict of interest, post-employment and misuse of public office. Formidable penalties can be — and have been — meted out to those who betray the public trust.

To stop ethics lapses before they occur, clear, no-nonsense training is conducted on a daily basis. Ethics-compliance strictures are imposed regularly and effectively. A toll-free, confidential hotline is up and running to allow citizens to report instances of suspected abuse.

It would no doubt surprise a public that has grown understandably weary and wary to learn that this model of ethics reform has actually inspired and informed other states' efforts to rehabilitate government. Indeed, New Jersey's reform model has garnered national attention — and replication in places — for its clarity, precision and rigor.

The problem is, this template is in place only for the executive branch of state government. It does not apply to the legislative branch, whose ethics rules are administered by the Joint Legislative Committee on Ethical Standards or to local government, where a vast preponderance of less-than-ethical dealings is known to occur.

O'Hern and I recommended — and have continued to reiterate the need for — uniform ethics laws, expectations and penalties across all levels of government. The State Ethics Commission,

It would no doubt surprise the public that New Jersey's model of ethics has garnered national attention for its clarity, precision and rigor.

which works, should be the single, unifying enforcement authority for both the executive and legislative branches, as well as for New Jersey's counties, municipalities and school boards. Specifically:

■ The Joint Legislative Committee on Ethical Standards, responsible for investigating allegations of legislators' misconduct, should be merged into the State Ethics Commission.

■ Local government must be reined in and brought within the purview of the State Ethics Commission and the Uniform Ethics Code. The Local Government Ethics Law, which applies now at the local level, is hollow in significant part, and without any real enforcement or compliance mechanisms.

■ Mandatory ethics training, auditing and compliance protocol at every level of government

should be imposed.

■ The grandfather provision of the ban on dual officeholding must be eliminated to disallow incumbents from holding more than one government position at the same time. This will help to close the door to pension-padding and misuse of power. Similarly, as New Jersey Policy Perspective recently recommended in its excellent report, the practice of elected officials holding non-elected public-sector posts should be banned. Nearly 700 elected officials now hold such posts. This practice, which is not addressed by the recent ban on dual officeholding, creates the potential for significant personal enrichment at public expense and all sorts of influence-peddling.

■ Pay-to-play needs to be meaningfully banned at every level of government.

■ The promise of the Open Public Records Act and the Open Public Meetings Act must be made real at every level of government. Too often, citizens meet closed doors and "studied inaction" in response to requests for access and information. Corruption thrives in secret, and sunlight remains "the best disinfectant."

A fundamental principle of democracy is that a representative government must hold the public's trust. In our report, O'Hern and I lamented the development of a cadre of career politicians — of freeholders who have no life outside of politics.

Public office once was, for the most part, an uncompensated position. People did it to be of service and not to combine its emoluments with another public job. While the business of government may be more complex today, the basics remain the same. Politics should be about public service, not personal enrichment.

Paula A. Franzese is the Peter W. Rodino professor at Seton Hall Law School. She may be reached at franzepa@shu.edu. To comment on this column, go to NJVoices.com.

- Merge Joint Legislative Committee on Ethical Standards with State Ethics Commission (SEC).
- Bring local government within the purview of SEC and Uniform Ethics Code.
- Mandatory ethics training at every level of government
- Eliminate grandfather provision in dual office-holding ban.
- Ban pay-to-play at every level of government.
- Give teeth to OPRA and Open Public Meetings Act at all levels of government.

Paula Franzese, *The Star-Ledger* (September 27, 2007)

CARLIN & WARD

ATTORNEYS AT LAW
A PROFESSIONAL CORPORATION

Do the Right Thing.

Always do right. This will
gratify some people,
& astonish the rest.

Very
Yours
Mark Twain

New York, Feb. 16, 1901.

