

Teaneck Ethics Board meeting May 5, 2016

8:05 pm

Meeting in lower room 2

Ethics Board members present:

Leonard Fuld

Heidi Fuchs

John Faggello

Ken Katter

Angela Barker

Members of the Public present:

Tom Abbott

Mark Fisher

Barbara Sohn

Margot Fisher

Lois Raff Corwin

Call to Order and Compliance with Open Public Meeting Act

The meeting was called to order at 8:05 pm. According to Leonard Fuld ("Fuld") adequate notices of the minutes were provided on May 4th by the acting clerk. Notices were posted on website, Record and in the Suburbanite. Thereby the meeting is in compliance with the open public meeting act.

Approval of 2015 Minutes:

Fuld made motion to approve last year's May 27, 2015 minutes. The motion was unanimously approved.

New Business:

Tom Abbot ("Abbott") raised a concern that various members of the government (officers and employees) were late in filing and/or left out pertinent information of the filing of financial disclosures Affidavits. Moreover Abbott questioned the make-up of the Ethics Board ("Board"). According to Abbot two (2) members of the Board have to be public officials. Moreover, since Ken Katter does not live in Teaneck, Abbott states that he is not qualified to be on the Board.

Abbott also states that the matter regarding financial disclosure is the purview of the Ethics board and the Board should ensure that the financial forms were filed. Margot Fisher added that the Board must hear the complaint because it is her understanding that an ethics complaint cannot be made to the state if there is a local town ethics Board.

Fuld states that it is not clear as to whether the Ethics Board has the power to act on its own to investigate complaints not brought to the attention of the Board by third-parties. It has been the Board's understanding that it can only act on complaints that are brought to the Board's attention. Fuld will discuss this issue with an attorney.

Fuld noted that the Township clerk works with the Township to file financial disclosure forms and the clerk sent at least three reminders to complete the forms.

The Power of the Ethics Board:

Fuld stated that the ethics rules apply to financial disclosure complaints. However section 1993 1.2 makes clear that the rules can be relaxed and applied in a manner to achieve just results. Moreover in the absence of Township Rules the State Rules control.

It was determined that the Board has the ability to hire counsel and under rule 5.2, an investigation must be initiated within 30 days. Moreover under rule 5.3 the Board has to make a determination, in writing, regarding any ethical breach. The accused officer or employee must be provided with a chance to appear and answer.

The disciplinary power of the Board is limited to imposing a fine of \$200 - 500. However, the Board may refer ethical breaches to other agencies which can take further disciplinary actions. The Board discussed the need to bring in an attorney located out of Bergen County to advise the committee on the ethical issues raised. The Board told the Township residents present at the meeting that they will make a decision in executive session out of the presence of said residents.

Complaint against Alan Sohn:

There was an anonymous complaint submitted against Alan Sohn. Barbara Sohn, wife of Alan Sohn, appeared on this specific issue. The Board voted unanimously to not address the complaint due to its anonymous nature. More specifically the complaint, although written, was not signed.

Authorization of the ethics board to enter into closed session to discuss financial complaints regarding unfilled, late, inadequate financial disclosures.

The Board went into closed session. The Board discussed whether, if in the event outside counsel was required, to hire Edison township ethics board attorney, Stanley Fink to issue an opinion letter on various questions/concerns.

Amongst the issues that need to be addressed before proceeding are:

1- Regarding the public employees on the Board:

- a) Have they been appointed by the governing body, as it seems is required?
- b) If the answer to a) is negative, how can this be corrected?
- c) One of the public employees on the Board resides in Fairlawn, which seems to violate the requirement that they be Teaneck residents.
 - (1) Is this a violation?
 - (2) If yes to (1), how and when does this get rectified?

2- Is the Ethics Board supposed to initiate investigations/complaints or only react to complaints brought before it?

3- If the Board decides to assess fines against a violator of the rules, does the Board have any power to collect such fines?

a) If not, what process is there to impose and collect the fine?

4- Are we 100% certain that 100% of all persons who must file financial disclosure information are properly notified of their responsibility?

a) Is everyone informed when they accept their position?

b) Annually by email?

c) How does notification take place if the person's email address is unknown?

d) Are we aware of anyone not being properly notified?

The Ethics Board reopened at 9:40 pm.

Motion to hire an attorney, if needed, unanimously approved. The Board agreed to regroup after acquiring answers to the above questions. The meeting was adjourned at 9:42.