

**Agenda: 3/20/03**

**New Jersey Board of Public Utilities  
Code of Ethics**

**NEW JERSEY BOARD OF PUBLIC UTILITIES  
CODE OF ETHICS**

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# **New Jersey Board of Public Utilities**

## **Code of Ethics**

### **I. INTRODUCTION**

#### **A. Authority**

In accordance with N.J.S.A. 52:13D-23 *et seq.*, the Board of Public Utilities (Board) hereby promulgates this Code of Ethics (Code) to govern the conduct of all Board of Public Utilities Commissioners and employees.

#### **B. Purpose**

Every position of employment within the Board involves a degree of public trust and responsibility. To maintain the public's confidence in the Board and to ensure effective regulation of the public utilities conducting business within the State and the development of only appropriate relations between and among the Board, those utilities and other interested parties, it is imperative that the Commissioners and employees of the Board avoid conduct which is in violation of the public trust or which creates a justifiable impression to the public that such trust is being compromised. (N.J.S.A. 52:13D-23(e)) The purpose of this Code is to outline for the Commissioners and the employees of the Board the requirements and prohibitions which apply to public employees.

#### **C. Application**

This Code is applicable, without exception, to all Board of Public Utilities Commissioners and employees, whether in "classified" or "unclassified" titles and whether their employment with the Board has been deemed to be "temporary" or "permanent". Adherence to the provisions of this Code is a condition of employment and those provisions shall be deemed to have been accepted by any individual who becomes or who continues to be a member of the Board or its staff. If any section, subsection, paragraph, sentence or other part of this Code is overturned the remainder of this Code shall be in full force and effect. Modification of the Code shall be confined in its effect to that part of the Code ruled to be unconstitutional or invalid. This Code supersedes all previous Codes of Ethics adopted by the Board.

## **D. Questions and Interpretation Assistance**

It is recognized that, from time to time, Commissioners and employees may have questions of interpretation and judgment, which will arise as they attempt to abide by the provisions of this Code. Such questions and concerns should be discussed with the employee's supervisor, Division Director, or the Board's Ethics Liaison Officer. A Commissioner or employee of the Board may also request a formal opinion on any ethics concern or a response to an interpretive question from the State's Executive Commission on Ethical Standards (Executive Commission).

## **E. Definitions**

"Interested Party" means:

1. Any person, or employee, representative or agent thereof, who is or may reasonably be anticipated, to be subject to the regulatory, licensing or supervisory authority of the State official's agency.
2. Any supplier, or employee, representative or agent thereof;
3. Any organization that advocates or represents the position of its members to the State official's agency; or
4. Any organization a majority of whose members are as described in paragraph 1 through 3 above.

"Person" means any natural person, association, organization, firm, partnership or corporation.

"Personal funds" means funds of a State official. It does not include funds that are loaned, advanced, promised or reimbursed to a State official for any purpose by an interested party.

"Published work" means any tangible medium of expression, including, but not limited to, literary, pictorial, graphic and sculptural matter; sound recordings; and software,

"State official" means any State officer or employee or special State officer or employee as defined in the Conflicts of Interest Law, N.J.S.A. 52:13D-13(b) and (e).

"Supplier" means any private sector person or person that is providing or is seeking to provide or may reasonably be expected to provide goods and/or services to the State official's agency, including, but not limited to, consultants, vendors and lessors.

"Direct Benefit" means acceptance by a State official from the sponsor of an event or any

other person of travel, meals, accommodation, waiver of conference or event fee or any other costs associated with attending the event for which no payment is made by the State but is not intended to mean nominal refreshments such as nonalcoholic beverages and snacks (doughnuts, pastries and cookies).

“Indirect Benefit” means acceptance by a State official from the event sponsor or any other person of reimbursement for costs of travel, meals, accommodation, event fees, or any other costs associated with attending the event for which no reimbursement is made by the State but is not intended to mean nominal refreshments such as nonalcoholic beverages and snacks (doughnuts, pastries and cookies).

“Code” shall mean this Code of Ethics.

“Employee” shall mean any person in a classified, unclassified or appointed person employed by the Board of Public Utilities.

“Entity” shall mean any committee, corporation, partnership, firm or organization.

“Member of the immediate family” shall mean the spouse, child, parent or sibling residing in the same household as the person in question.

“Relative” means a spouse, parent, child, sibling, grandparent, grandchild, uncle, aunt, nephew, niece, father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, or first cousin, whether in whole or half blood, by marriage adoption or natural relationship, and the spouse of any such person.

“Regulated Entity” shall mean any corporation, partnership firm, organization, association, individual or person which or who’s subject to regulation by the Board and any affiliates, subsidiaries, co-adventures or partners thereof or any person or entity acting on behalf of same.

“Event” means a meeting, conference, seminar, speaking engagement, symposium, training course, ground-breaking, ribbon-cutting, meal, open house, cocktail party, fundraiser, holiday party, social function, or similar event that takes place away from the State official’s work location, is sponsored or co-sponsored by a non-State government source and the invitation for which is extended to the State official because of his or her official position.

## **F. Violations**

### **1. Enforcement**

The Executive Commission is responsible for enforcing and interpreting the provisions of New Jersey's Conflicts of Interest Law (*N.J.S.A.* 52:13D-12 *et. seq.*) which applies to all Commissioners and employees of the Board of Public Utilities. In the course of such enforcement, the Executive Commission has jurisdiction to conduct investigations and to initiate, receive, hear and review complaints concerning violations of the Conflicts of Interest Law or this Code. The Executive Commission is also authorized to render advisory opinions as to whether or not a certain set of facts and circumstances would constitute a violation of the provisions the Conflict of Interest Law or this Code

### **2. Appeal Process**

#### **a. Determinations of a State Agency or Ethics Liaison Officer**

If a decision is rendered by a State Agency or the Ethics Liaison Officer for the agency, that determination may be appealed to the Executive Commission. It is within the discretion of the Executive Commission to review said determination and affirm, reverse or modify the same. (N.J.A.C. 19:61-2.1)

### **3. Penalties Available to the Executive Commission**

#### **a. For General Violations**

Pursuant to *N.J.S.A.* 52:13D-21(i), any Commissioner or employee of the Board found by the Executive Commission to be guilty of a violation of any provision of this Code shall be fined not less than \$100.00 nor more than \$500.00 per violation and may be suspended from his or her office or employment by order of the Executive Commission for up to one year.

#### **b. For Willful and Continuous Violations**

If the Executive Commission finds that the conduct of a Commissioner or employee of the Board constitutes a willful and continuous disregard of the provisions of the Code, it may order such person removed from his or her office or employment and may further bar such person from holding any public office or employment in this state in any capacity whatsoever for a period not exceeding five years from the date on which he or she was found guilty by the Executive Commission.

## **G. Other Sources of Guidance**

The New Jersey Conflicts of Interest Law contains specific requirements for the conduct

of State employees and penalty provisions to be exercised in the event that those requirements or the requirements of this Code are violated. In order to avoid any activity or association which is or which appears to be in violation of the public trust, the Commissioners and employees of the Board are advised to familiarize themselves with the New Jersey Conflicts of Interest Law (*N.J.S.A.* 52:13D-12 *et seq.*) the regulations promulgated by the Executive Commission on Ethical Standards (*N.J.A.C.* 19:61-1.1 *et seq.*) and all provisions of this Code.

## **II. CONDUCT**

The competitiveness of the regulated utility industry warrants the utmost safeguards be employed by the Board to preserve the public trust. Accordingly, if a relative of a Commissioner or employee has made it known that he/she is engaged in any business with an interested party he/she must notify the Ethics Liaison Officer to determine whether or not he/she must recuse him/herself from participation in matters before the Board. At times it may be appropriate for a Commissioner or employee to recuse him/herself from all matters pertaining to an industry wherein a relative is employed if a sufficient nexus is established between the financial interests of the regulated entity and the functions of this Board.

### **1. A Commissioner or employee shall not;**

a. Knowingly act in any way that might reasonably be expected to create an impression among the public that he or she may be engaged in conduct that violates his or her trust as a Commissioner or employee.

b. Act in his or her official capacity in any matter in which the Commissioner or employee or any cohabitant or relative has a direct or indirect financial interest that might reasonably be expected to impair his or her objectivity or independence of judgment on any matter before the Board, or in the exercise of his/her official duties.

### **A. When Recusal is Required**

1. When a state official has a financial interest, direct or indirect, that is incompatible with the discharge of the State official's public duties; or
2. Any personal interest, direct or indirect, that is incompatible with the discharge of the State official's public duties.
  - (a) An incompatible financial or personal interest includes, but is not limited to, outside employment; a debtor/creditor relationship; a fiduciary relationship; a source of income; any matter pertaining to a relative or cohabitant; a relationship with a person providing funds, goods or services without compensation; any matter pertaining to a business associate or business

investment; a matter where the Commissioner or employee is an officer of a professional, charitable, educational, non-profit or trade organization which interest might reasonably be expected to impair a State official's objectivity and independence of judgment in the exercise of his/her official duties or might reasonably be expected to create an impression or suspicion among the public having knowledge of his or her acts that he or she may be engaged in conduct violative of his or her trust as a State official. (N.J.A.C. 19:61-7.4)

b) In reviewing the issue of recusal, the Ethics Liaison Officer will consider the position held by the cohabitant or relative employed by the interested party; the position held by the employee of the Board; and any other factors relevant to the determination whether or not recusal is appropriate.

## **B. Recusal Process**

(1) If a State official finds or is advised by agency counsel or the agency Ethics Liaison Officer, that an incompatible financial or personal interest exists on a matter, the State official must recuse himself or herself from that matter or seek advice from the Executive Commission on Ethical Standards. The recusal must be absolute, that is, the State official must have no involvement with the matter from which he or she has recused himself or herself.

### **(2) The following procedures must be followed:**

- a. To the extent feasible, meeting materials involving a matter from which the State official must recuse himself or herself should not be distributed to the State official;
- b. At the subject meeting, the State official must place his or her recusal and the reason for such recusal on the record prior to any discussion of the matter; and
- c. The State official must leave the room at a non-public portion of the meeting while the matter in question is under discussion.

## **III. ATTENDANCE AT EVENTS**

### **A. Events Sponsored by Interested Parties**

#### **1. Prior Written Approval Required**

Prior to accepting an invitation to attend or attending any event sponsored by any interested party i.e. public utility (or any representative thereof), any other entity regulated by the board (or any representative thereof), or any other interested party (or any representative

thereof), doing business with the Board, contemplating doing business with the Board, or whose conduct of business with the Board can be reasonably anticipated, any Commissioner or employee of the Board shall secure the written approval of the Board President's ethics approval designee, the Board's Ethics Liaison Officer. An attendance at event form should also be submitted for events sponsored by non-interested parties pursuant to the regulations when the event takes place on state time.

### **Request for Approval to Attend an Event Form**

Any Commissioner or employee wishing to attend or participate in such an event should fully complete, date, sign and submit to the Ethics Liaison Officer a *Request to Attend an Event* form.

#### **a. Consideration for Approval of Request**

Among the items to be considered and/or determined by the Ethics Liaison Officer in reviewing such forms are the following: (a) Who is the event sponsor? Is the sponsor an interested party?; (b) What is the purpose of the event?; (c) What other parties are expected to attend or participate in the event?; (d) is honoraria being offered by the sponsor to the Commissioner or employee?; (e) Are the character and value of any such benefit(s) and honoraria comparable to those being offered to other attendees? (f) Would a legitimate state purpose be served by attendance/participation?; (g) Would attendance/participation in the event assist the Commissioner or employee in carrying out his or her official duties and support the mission of the Board?; (h) Would attendance/participation in the event create a conflict of interest or the appearance of a conflict of interest pursuant to the Conflicts of Interest Law or applicable Executive Commission on Ethical Standard Guidelines?; (i) Would attendance/participation in the event be in compliance with this Code of Ethics? Would attendance/ participation in the event create a conflict of time?; (j) Should attendance/participation-related expenses be paid by the Board? The event sponsor(s)? The Commissioner or employee?

#### **b. Signatures Required**

*Request for Approval to Attend an Event* forms approved, signed and dated by the Ethics Liaison Officer shall be forwarded to a Chief Counsel for review and counter-signature.

### **2. Payment of Expenses-Generally**

In general, if attendance at or participation in an event sponsored by an interested party is approved as described above, the State shall pay the reasonable expenses of a Commissioner or employee associated with such attendance or participation. (N.J.A.C. 19:61-6.4(b)) In such cases, neither the State, nor the Commissioner, nor the employees shall receive any benefit, direct or indirect, from any other source. (N.J.A.C. 19:61-6.4(b)2)

### **3. Payment of Expenses - “Speaker Exception”**

Where an event sponsored by an interested party is designed to provide training, dissemination of information, or the exchange of ideas and the Commissioner or employee is making a speech, participating in a panel at the event or he or she is an accompanying resource person for the speaker and/or panel participant, the limitations imposed above may not apply. That is, subject to the reasonable approval of the Board President’s ethics approval designee, the Board’s Ethics Liaison Officer, a Commissioner/employee/panel participant may receive a direct or indirect benefit from the event sponsor, i.e., he or she may accept from the event sponsor, payment of any expenses associated with his or her attendance at or participation in the event. However, such benefit must be identical to the benefits imparted by the event sponsor to other speaker/participants. Finally, any approvals granted under this Paragraph shall be forwarded to the Executive Commission for review. (N.J.A.C. 19:61-6.4(c))

### **4. Use of Personal Funds**

A Commissioner or employee of the Board may pay his or her own expenses with his or her personal funds. (N.J.A.C. 19:61-6.4(d))

### **5. Prohibition Against the Acceptance of Honoraria or Fees**

Notwithstanding the above, a Commissioner or employee of the Board shall not accept an honorarium or fee for a speech or presentation made at an event sponsored by any public utility (or any representative thereof), any other entity regulated by the Board (or any representative thereof), or any other interested party (or any representative thereof), doing business with the Board, contemplating doing business with the Board, or whose conduct of business with the Board can be reasonably anticipated. (N.J.A.C. 19:61-6.4(e))

## **B. Events Sponsored Entities Other Than Interested Parties**

### **1. Prior Written Approval Required**

A Commissioner or employee of the Board wishing to attend or participate in an event sponsored by an entity *other than* an interested party on state time, shall complete, date, sign and submit to the Ethics Liaison Officer a *Request for Approval to Attend an Event* form. (N.J.A.C. 19:61-6.5(a)) Such *Request for Approval to Attend an Event* forms shall be reviewed by the Ethics Liaison Officer to ensure that attendance at or participation in the event by a Commissioner or employee of the Board does not create a conflict of interests or the appearance of a conflict of interests. Forms approved, signed and dated by the Ethics Liaison Officer shall be forwarded to the Chief Counsel (or his or her designee) for final review and counter-signature.

### **2. Payment of Expenses**

At the discretion of the President of the Board the State may pay the reasonable expenses of a Commissioner or employee of the Board associated with his or her attendance at or participation in an event sponsored by an entity other than an interested party or the Commissioner or employee of the Board may be permitted to accept a direct or indirect benefit for such attendance or participation. However, in no case shall a Commissioner or employee of the Board be permitted to accept a direct or indirect benefit from an interested party offered to facilitate the Commissioner's or employee's attendance at an event sponsored by an entity other than an interested party. (N.J.A.C. 19:61-6.5(b))

## **2. Acceptance of Honoraria or Fees**

Pursuant to Executive Order, no cabinet level appointee shall accept any compensation other than that paid to them by the state in the performance of their official duties. A Commissioner, other than Board President, or employee of the Board making a work related speech or presentation at an event sponsored by an entity other than an interested party may accept an honorarium or fee from the sponsor. (N.J.A.C. 19:61-6.5(c))

## **3. Use of Official Title for Fundraising**

In no case shall a Commissioner or employee of the Board permit his or her official title to be used for the purpose of fundraising for a private organization (N.J.A.C. 19:61-6.5(b))

## **4. Entertainment Collateral to the Event**

Under no circumstances shall a Commissioner or employee of the Board accept entertainment collateral to the event, such as a golf outing or meals, other than in a group setting with all other attendees or reimbursement therefore. In all such cases, if the Commissioner or employee of the Board attend he or she shall be personally responsible for the expenses associated with the collateral activity. (N.J.A.C. 19:61-6.5(e))

# **IV. GIFTS**

## **A. General Prohibition Against Acceptance of "Gifts"**

Pursuant to N.J.S.A. 52:13D-14, 13D-23(e) and 13D-24, Commissioners and employees of the Board of Public Utilities or members of his or her family are prohibited from accepting, directly or indirectly, anything of value offered by any public utility (or any representative thereof), any other; entity regulated by the Board (or any representative thereof), or any other interested party (or any representative thereof) with the intent to influence the Commissioner or employee, or which may be reasonably construed as an attempt to influence the Commissioner or employee, or which reasonably presents the appearance of a conflict of interest.

## **B. Disclosure of Offer Required**

Any Commissioner or employee of the Board who is the recipient of such an offer shall immediately make full disclosure of the offer to the Board's Ethics Liaison Officer.

## **C. Terms Defined**

For the purposes of this Code:

1. Direct means offered directly to the Commissioner or employee of the Board;
2. Indirect means offered to a member or members of the Commissioner's or employee's immediate family or to a designated organization; and
3. Things of value include, but are not limited to, cash, liquor, personal household or other goods or services, preferential rates for personal, preferential loans, discounts, gratuities, and the use of cars or lodging and other special treatment of favors.

## **D. Beverages and Entertainment**

*Of particular note*, acceptance of beverages or entertainment from any public utility (or any representative thereof), any other entity regulated by the Board (or any representative thereof), or any other interested party (or any representative thereof), doing business with the Board, contemplating doing business with the Board, or whose conduct of business with the Board can be reasonably anticipated, is specifically prohibited. This includes holiday parties, open houses or *any* social function.

This, however, does not include nominal refreshments such as non-alcoholic beverages and snacks, cheese and crackers, doughnuts, cookies, pastries served to a group at a meeting.

## **E. Retirement Gifts**

### **1. General Limitations**

The collection of funds for a gift for a retiring Commissioner or employee of the Board is generally permitted. However, contributions must be (1) voluntary and (2) limited to either (a) \$5.00 per contributor, with no maximum value set for the cost of the gift, or (b) no maximum per individual contributor, with a \$1,000.00 maximum total value for the gift.

### **2. Donations to Tax-Exempt Organizations**

If it is decided that the retirement gift will be given in the form of a donation to a 501

(c)(3) tax-exempt organization (as defined by the IRS Code) no limit shall be placed on either the amount to be contributed by an individual or on the total amount to be donated. In such cases, the person or persons organizing the collection activity shall provide the Board's Ethics Liaison Officer with a description of the organization to receive the donation, the total amount collected, documentation showing the total amount donated and documentation supporting the tax-exempt status of the organization.

## **V. USE OF BOARD FACILITIES, PERSONNEL AND EQUIPMENT**

Use of the Board's facilities, personnel or equipment for any purpose other than in connection with the performance of a Commissioner's or employee's duties is prohibited and shall be considered a violation of this Code.

## **VI. USE OF OFFICIAL POSITION OR INFORMATION**

1) No Commissioner or employee of the Board shall willfully disclose to any person, whether or not for pecuniary gain, any information not generally available to a member of the public which he or she receives or acquires in the course and by reason of his or her official duties.

2) No Commissioner or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others.

## **VII. POST-EMPLOYMENT RESTRICTIONS**

### **A. Continued Involvement in Board Matters After Employment**

No Commissioner or employee of the Board, subsequent to his or her employment with the Board, shall appear before the Board to represent, negotiate on behalf of, or agree to represent, appear for or negotiate on behalf of, whether by him or herself, or through any partnership, firm or corporation in which he or she has an interest, or through any partner, officer or employee thereof, any person or party other than the State in connection with any case, proceeding, application, or other matter with respect to which the Commissioner or employee shall have made any investigation, rendered any ruling, given any opinion or been otherwise substantially and directly involved at any time during the course of his or her employment with the Board. (N.J.S.A. 52:13D-17)

### **B. Appearance Before the Board as a Representative or Expert Witness (N.J.S.A. 14:1-3.3)**

#### **1. Matters in Which Former Commissioner or Employee was Previously Active**

No former Commissioner or employee of the Board shall appear before the Board in a representative capacity or as an expert witness on behalf of other parties in any matter at any time within six months after serving his or her association with the Board nor may he or she appear after the six month period in any proceeding wherein he or she previously took an active part when associated with the Board, absent written permission of the Board. (N.J.A.C. 14:1-3.3)

## **2. Other Matters**

As regards matters in which a former Commissioner or employee of the Board took no active part, a former Commissioner or employee of the Board shall not appear before the Board in a representative capacity or as an expert witness on behalf of other parties for a period of six months after serving his or her association with the Board.

## **VIII. SECONDARY EMPLOYMENT**

### **A. General Restrictions on Secondary Employment**

#### **1. Commissioners**

The Commissioners of the Board shall devote their entire time to the duties of the Board and shall not engage in any occupation, profession or other gainful employment. (N.J.S.A. 48:2-1b)

#### **2. Employees**

Employees of the Board are permitted to engage in outside employment. Notwithstanding, no employee of the Board shall undertake any secondary employment or service, whether with or without compensation, which might reasonably affect the proper discharge of his or her official duties or which might present a conflict of time or a conflict of interest. (N.J.S.A. 52:13D-23).

#### **3. Commissioners or Employees**

No member or employee of the Board shall have any official or professional relation or connection with, or hold any stock or securities in, any public utility operating within this state, or hold any other office of profit or trust under the government of this State or of the United States. (N.J.S.A. 48:2-8)

### **B. Annual Reporting Requirement**

#### **1. Commissioners**

While the Commissioners of the Board are prohibited by statute from engaging in employment other than with the Board, Commissioners must report if they are an officer of any professional, charitable, educational, trade or other non-profit organization on the Board's Secondary Employment Form.

## **2. Employees of the Board**

Annually, each employee of the Board shall complete a *Secondary Employment Disclosure Form* identifying any outside activities or businesses or if they hold an officer position in any professional, charitable, educational, trade, or other non-profit organization in which he/she is involved, whether with or without compensation. (N.J.A.C. 19:61.2.2) Part-time employment in retail merchandising, food sales or day care facility operations are excepted from this reporting requirement. A form must be filed by each employee indicating that they do or do not hold a position other than with the Board. If a change in employment status occurs within the year, it is the obligation of the employee to update his/her secondary employment form.

### **C. Special Reporting Requirements for Employees of the Board Engaged in Businesses, Professions, Trades and Occupations Regulated by the State**

Any employee of the Board who engages in business, trade, occupation or profession which is subject to licensing or regulation by an agency of the State of New Jersey shall file notice of such activity with the Board's Ethics Liaison Officer who shall report same to the Executive Commission on Ethical Standards. The *Secondary Employment Disclosure Form* provides an opportunity for each employee to provide such notice.

## **IX. OUTSIDE INTERESTS AND ACTIVITIES**

### **A. General Prohibition Against Outside Interests/Associations Creating Conflicts**

No Commissioner or employee of the Board shall have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activity, which conflicts with or presents the appearance of a conflict with the proper discharge of his or her official duties.

### **B. Interests in and Dealings with Public Utilities and Other Regulated Entities**

#### **1. General Prohibition**

No Commissioner or employee of the Board shall have any interest in any dealings or transactions in any capacity with a public utility, any other entity regulated by the Board or any other interested party, except as required in the strict performance of his or her official duties.

## **2. Exception for Personal Essential Services**

Nothing in this section shall preclude a Commissioner or employee of the Board from dealing or transacting in business with any such public utility, other entity regulated by the Board or interested party, when such activity is required in the ordinary course of arranging for, receiving, or discontinuing the delivery of essential services (i.e. for the purposes of this Code, identified as: electric, gas, water, sewer, telephone and cable television services) to the person or property of the Commissioner or employee of the Board.

## **3. Specific Prohibitions Against Financial Holdings**

No Commissioner or employee of the Board nor their spouse or immediate family member shall hold securities or other financial interests in any public utility, any other entity regulated by the Board or any other interested party.

### **a. Divestiture Required**

A Commissioner or employee of the Board, their spouse or immediate family member who possesses such an interest must divest him or herself of that interest and provide the Board's Ethics Liaison Officer with written evidence of such divestment within 60 days after commencing employment with the Board.

### **b. Consideration of Blind Trust**

Alternatively, and pursuant to the provisions of Executive Order a Commissioner or employee of the Board, their spouse or immediate family member holding such an interest may consult with the Board's Ethics Liaison Officer to explore the possibility of placing the subject interest in a blind trust. Such trust must receive the approval of the State's Executive Commission on Ethical Standards and must be constructed in a form approved by that body. Such trust may not be created in a natural person; the trustee of such blind trust must be a commercial entity. To ensure compliance with the requirements of this section, the Commissioner or employee of the Board wishing to establish a blind trust must work with the Board's Ethics Liaison Officer to have the proposed form of trust reviewed and approved by the Commission prior to execution. No spouse or immediate family member shall act as a trustee under any blind trust agreement described herein.

## **4. Representation Before and Contracts With the State**

### **1. General Restriction to Representation of State**

No Commissioner or employee of the Board, or any partnership, firm or corporation in which he or she has an interest, or any partner, officer or employee of such partnership, firm or corporation, shall represent, appear for, negotiate on behalf of or agree to represent, appear for or negotiate on behalf of any person or party other than the State in connection with any cause, proceeding, application or other matter pending before any State agency. (N.J.S.A. 52:13D-16(b))

## **2. Exceptions to General Restriction**

- a. The above restrictions do not prohibit a Commissioner or employee from representing, appearing for or negotiating on behalf of, any person or party other than the state including themselves in any matter:
  - (1) pending before any court of record of the State of New Jersey;
  - (2) regarding a claim for workers compensation under Chapter 15 of Title 34 of the revised statutes (N.J.S.A. 34:15);
  - (3) connected with the determination or review of transfer inheritance or estate taxes;
  - (4) connected with the filing of corporate or other documents in the Office of the Secretary of State;
  - (5) before the Division of Civil Rights or any successor thereof;
  - (6) before the New Jersey Board of Mediation or any successor thereof;
  - (7) before the New Jersey Public Employment Relations Commission or any successor thereof;
  - (8) before the Unsatisfied Claim and Judgement Fund Board or any successor thereof solely for the purpose of filing a notice of intention pursuant to P.L. 1952 c174 §5 (C.39:6-65) and
  - (9) before any State agency on behalf of a county, municipality or school district or any authority, agency, commission of any thereof except where the State is an adverse party in the proceeding and provided the Commissioner or employee of the Board is not holding any office or employment in the State agency in which any such proceeding is pending.

## **5. Political Activities**

### **1. Use of Official Position and Authority Restricted**

No Commissioner or employee of the Board shall use his or her official position or authority to influence or control, in any manner whatsoever, either directly or indirectly, another person's right to vote for the political candidates of his or her choosing, or to contribute or refuse to contribute to political parties or candidates.

## **2. Candidacy for Elected Office**

No Commissioner nor any employee of the Board whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the federal government shall be a candidate in any party or political election. 5 U.S.C. 1501 et. seq.

## **6. Casino-Related Restriction**

### **1. General Restriction**

Pursuant to N.J.S.A. 52:13D-17.2b, no Commissioner or employee of the Board, nor any member of the immediate family nor any member of any partnership, firm or corporation with which any Commissioner or employee of the Board is associated or in which he or she has an interest, nor any partner, officer, director or employee while he or she is associated with such partnership, firm or corporation shall hold, directly or indirectly, an interest in, or hold employment with, or represent, appear for, or negotiate on behalf of, any holder of, or applicant for a casino license, or any holding or intermediary company with respect thereto, in connection with any cause, application or matter.

### **2. Limited Special Exception to General Prohibition**

This prohibition shall not apply to a state officer or employee other than those subject to financial disclosure requirements set forth by Executive Order or law and a member of the immediate family of a state officer or employee, may hold employment with the holder of or a applicant for a casino license if deemed appropriate by the Executive Commission or Ethical Standards or the Supreme Court.

### **3. Casino Post Employment Restriction**

No Commissioner or employee of the Board subject to the requirements of financial disclosure, any member of his or her immediate family, any partnership, firm or corporation with which such person is associated or in which he or she has an interest, nor any partner, officer, director, or employee of such partnership, firm or corporation, shall, within two years subsequent to the Commissioner's office or employee's employment, hold, directly or indirectly, any interest in or hold employment with or represent, appear for or negotiate on behalf of, any holder of, or applicant for a casino license in connection with any phase of casino development, permitting, licensure or any other matter whatsoever related to casino activities.

### **4. Acceptance of Complimentary Service or Discounts**

No Commissioner or employee of the Board subject to the requirements of

financial disclosure pursuant to Executive Order shall solicit or accept, directly, or indirectly, any complimentary service or discount from any casino applicant or licensee which he or she knows or has reason to know is other than a service or discount that is offered to members of the general public in like circumstances.

## **5. Casino-Related Penalties**

Pursuant to N.J.S.A. 53:13D-17.2(h), any person who willfully violates the casino related restrictions of this Code is a disorderly person and shall be subject to a fine to exceed \$500.00 or imprisonment not to exceed six months, or both.

## **7. Other Outside Activities Permitted**

### **1. Publications**

A Commissioner or employee of the Board who plans to publish work(s) related to their employ or alternatively, not created as part of his or her official duties should report this activity to the Ethics Liaison Officer to determine whether or not this activity is in conformance with the New Jersey Conflicts of Interest Law, N.J.A.C. 19:61-6.6, N.J.S.A. 48:2-1, and other applicable law, including any relevant Executive Order.

#### **a. Prior Written Notice Required**

Before agreeing to undertake such activity, a Commissioner or employee of the Board shall provide written notice to the Board's Ethics Liaison Officer. Such notice shall include, but shall not necessarily be limited to, a detailed description of the proposed article or other writing to be published, the identification of the proposed publisher of and publication in which the writing will appear, an indication as to whether or not compensation will be received and if compensation is to be paid, the amount of same, whether or not the publication is work related, whether or not compensation is being offered by an interested party.