

October 18, 2005

Executive Commission on Ethical Standards
28 West State Street
Room 1407
PO Box 082
Trenton, New Jersey 08625

Via Hand Carry, email, facsimile, US mail

Re: clarification of supplemental information regarding request for review and determination regarding potential ethics code violations

Dear Commission:

I understand that the staff report is almost complete in this matter. Before completion of that report and preparation of recommendations to the Commission, I would like to clarify and expand upon the significance of my September 25, 2005 letter regarding the ethical implications of the Sunday September 11, 2005 Newark Star ledger article "***Protections for streams guard other interests***" (hereafter "article").

This article documents improper political intervention in the NJDEP, including the specific activities at issue in this matter. The implications are far broader than doing favors for Joe Riggs/K. Hovnanian.

In the article, Mr. Campbell, in on the record quoted remarks, admits to exercising his legislatively delegated regulatory powers to classify NJ water-bodies for overtly political purposes.

Specifically, Mr. Campbell admits that specific streams in Republican State Senator Lance's District were protected "to cultivate" and "to drum up" "bipartisan support". This is an abuse of regulatory discretion and delegated authority that creates the appearance of potential serious impropriety (quid pro quo). It documents that partisan politics and special favors drive DEP regulatory decisions. It undermines the scientific and professional credibility of NJDEP regulatory actions. It undermines the public trust and confidence, and it creates an embarrassing public appearance. All of this violates ethics codes.

Pursuant to the applicable NJDEP regulations @ NJAC 7:9B-1 et seq., these regulatory decisions are required to be based on science and water quality, not political considerations.

In the article, Mr. Campbell acknowledges that “generous campaign contributors” and “major contributors” had undue influence in DEP decisions by acting through former Governor McGreevey’s Chief Counsel’s Office. This acknowledgement, while laudable in its honesty, totally undermines the institutional and scientific credibility of the entire Department of Environmental Protection.

It creates and reinforces public perceptions that “pay-to-play” is a successful tactic in receiving favorable treatment and in determining regulatory outcomes. It documents that special favors are done for campaign contributors, and that these favors are not limited to merely the award of public contracts, but include regulatory actions that either confer specific economic benefits, or avoid the imposition of regulatory requirements that impose economic costs. In this case, the C1 designation could increase property values by preserving the landscape, or impose regulatory compliance costs. Allowing campaign contributors to influence these regulatory decisions is a violation of the public trust as well as the legislation, regulatory criteria and scientific standards governing the exercise of the Commissioner’s discretion in this matter.

I again request that the Commission address this matter during the next regularly scheduled meeting. I especially request that this matter be reviewed for conformance with the recent ethics Report and recommendations made to Acting Governor Codey.

Sincerely,

Bill Wolfe, Director
NJ PEER