

## Call to Action

### Investigate Corruption Culture, Empower Whistleblowers, and Bring New Transparency

The latest wave of indictments of NJ public officials demonstrates how developers are able to get what they want through a shadow system of campaign contributions, political connections, and outright bribery. The FBI's cooperating witness, Solomon Dwek, posing as a developer, provided cash donations to numerous unscrupulous municipal and state level officials in exchange for zoning changes, permit approvals and project support for new development. Just like the previous waves of corruption exposed by operation "bid rig," it is clear that environmental decisions are made within a "culture of corruption" in which developers are overly influential.

Is it any wonder that the Garden State is so over-developed?

Before another wave of corruption comes to light, we citizens of New Jersey concerned about the failure of our democratic institutions, call on Governor Corzine and the state legislature to immediately:

- **Investigate DEP operations and enforce ethics rules**
- **Empower DEP whistleblowers**
- **Bring transparency for citizen watchdogs**
- **Fix the campaign finance system and prohibit legislators from receiving outside sources of income**
- **Rein in recent developer initiatives**

#### Investigate DEP operations and enforce ethics rules:

Problem: According to the criminal complaints, Assemblyman Smith was bribed to exert political influence at DEP to secure clean-up approval to allow construction of a day care center on a toxic waste site in Jersey City.

Assemblyman Van Pelt accepted a bribe to expedite and secure DEP CAFRA (Coastal Area Facilities Review Act) and wetlands permits for a multi-use real estate development. He bragged that he knew the "right guys."

<http://www.usdoj.gov/usao/nj/press/press/files/pdffiles/Van%20Pelt%20complaint.pdf>

Solutions:

- 1) Because DEP was directly involved in the bribery scheme, to restore public confidence and trust in the integrity of the agency, an **independent investigation must be initiated** to determine what happened and how pervasive the problems are.

- 2) **Review Election Law Enforcement Commission as it applies to DEP** and attempts to influence government process. Implement rulemaking and enforcement measures, including disclosure of and limitations on the types of communication legislators can have with the DEP, and transparency and disclosure of all meetings between DEP and lobbyists, lawyers, engineers, and representatives of regulated industries.
- 3) **Extend current ethics law post-employment restriction** from companies seeking DEP approvals **from one year to five** (and perpetuity for any matter involving a company that the employee worked on), and strengthen, monitor and enforce the restriction.
- 4) Create a new office of **DEP Inspector General**
- 5) Restore the **Environmental Prosecutor's office** and the environmental function in the **Public Advocate's office**.

## **Empower DEP whistleblowers:**

**Problem:** To facilitate development projects, state legislators pressure DEP to improperly approve permits, sign-off on incomplete clean-ups and shelve enforcement actions. Typically, legislators deliver their messages to the DEP Commissioner or the Assistant Commissioners, who in turn direct staff. As one of the indicted lawmakers, state Rep. Daniel Van Pelt, who sits on the committee overseeing DEP, bragged to the FBI confidential informant, the DEP “worked for him.”

**Solution:** **DEP employees should be empowered to disclose wrongdoing** with stronger whistleblower protections that cover such areas as threats to public health and safety, waste and mismanagement, and manipulation of science and favoritism in permits and enforcement.

## **Bring transparency for citizen watchdogs:**

**Problem:** DEP and other government entities, like the Department of Community Affairs(DCA) and the Department of Transportation (DOT), which convene closed-door meetings where they make decisions on enforcement and other pollution control policies with lobbyists, legislators and other insiders with no public attendance or publication of meeting agendas. The DEP defends this secrecy as a matter of “executive privilege and the deliberative process privilege”; it shields appointment calendars to protect “the privacy interests” of attendees; and under current rules, agency scientists and other specialists are barred from speaking without prior approval from the agency Press Office. DEP says this is needed to enforce the chain-of-command.

# www.CleanGreenNJ.net

*Bayshore Regional Watershed Council, Environment NJ, NJ Environmental Federation, NJ Environmental Lobby, NJ PEER, NJ Sierra Club, Surfrider Foundation*

## Solutions:

- 1) **Notice all meetings** with outside entities, including developers and lobbyists
- 2) **Publish the calendars of top officials**, just as President Obama publishes his calendar online in real-time.
- 3) **Repeal DEP policy that allows political appointees to interfere in the drafting and public release of scientific reports.**
- 4) Fix **OPRA** (Open Public Records Act) to **end the denial of information to the public based on arcane and bogus legal pretext** including “deliberative” and “executive” privilege

## **Fix the campaign finance system and prohibit legislators from receiving outside sources of income:**

Problem: Government is supposed to protect the people from the special interests, instead NJ Government is protecting special interests from the public.

## Solutions:

- 1) **Strengthen state “pay-to-play” laws** to address wheeling and bundling.
- 2) Apply **“developer pay-to-play” reform at county and municipal levels**
- 3) **Prohibit legislators from accepting income from other sources.**
- 4) **Public financing of political campaigns**

## **Rein in recent developer initiatives**

Problem: In response to the recent downturn in the economy, the Governor and the Legislature have embraced a narrow and shortsighted policy agenda and enacted a series of laws designed to promote economic development. But they have done so in a way that fails to consider harms to the environment and that undermines citizen and government oversight. In fact, special interests have used the economic recession as a pretext for rolling back environmental protections and privatizing essential government functions, like the cleanup of toxic waste sites.

Solutions: The recently enacted Permit Extension Act, Licensed Site Remediation Professionals law; and economic stimulus package need to be amended by the Legislature to ensure that special interests do not hijack them to the detriment of the public interest. To do so, these initiatives must be subject to transparency, conflict of interest, and ethics reforms.

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