

Formal Advisory Opinion
No. 3 of 2009



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New Jersey State Legislature

JOINT COMMITTEE ON ETHICAL STANDARDS

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ALBERT PORRONI
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JAMES G. WILSON
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May 26, 2009

You have asked whether you are subject to the two-year post-employment restrictions as contained in N.J.S.A. 52:13D-17.2c, due to your employment as a full-time legislative aide to **[member's name deleted for confidentiality]**.

To determine whether casino related post-employment restrictions apply to a former legislative aide pursuant to N.J.S.A. 52:13D-17.2c, four determinations must be made: (1) whether a full-time legislative aide is a "special State officer or employee" or a "State officer or employee;" (2) whether a legislative aide has "responsibility for matters affecting casino activity;" (3) whether a full-time legislative aide is a "full-time professional employee" of the Legislature; and (4) whether a legislative aide is a "person" for purposes of N.J.S.A. 52:13D-17.2a so that two-year casino post-employment restrictions are imposed pursuant to N.J.S.A. 52:13D-17.2c.

The Joint Legislative Committee on Ethical Standards (Joint Committee) has previously determined that a full-time legislative aide is a "State officer or employee" and that a full-time legislative aide is not a "full-time professional employee" and, in fact, is an employee of the hiring legislator and not the Legislature as a whole.

Accordingly, we are left to answer the remaining two questions. The first which must be answered is whether you, as a legislative aide, had "responsibility for matters affecting casino activity." Based upon your representations in your original e-mail dated May 12, 2009,

Page 2
May 26, 2009

correspondence dated May 18, 2009, to Albert Porroni, Executive Director, which was sent as an attachment to an e-mail, and your affidavit dated May 19, 2009, it is the opinion of the Joint Committee that you did not have responsibility for matters affecting casino activity.

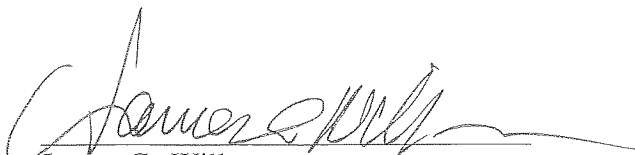
The remaining question is whether you are a "person" as that word is defined in N.J.S.A. 52:13D-17.2a. If you are not a person under N.J.S.A. 52:13D-17.2a, then you are not subject to the post-employment restrictions in N.J.S.A. 52:13D-17.2c. There are three ways a legislative State officer or employee may satisfy the definition of "person." The first is if the aide is a full-time professional employee of the Legislature which the Joint Committee has previously decided a full-time legislative aide is not. The second is if a State officer or employee is subject to financial disclosure under the law or executive order. Legislative aides are not subject to financial disclosure. The third is if the aide has responsibility for matters affecting casino activity. Based upon your representations and affidavit, the Joint Committee has determined that you did not have such responsibility. Accordingly, you are not a "person" as that term is defined in N.J.S.A. 52:13D-17.2a and, as a result, cannot be subject to the post-employment restrictions in N.J.S.A. 52:13D-17.2c.

This decision of the Joint Committee is highly fact sensitive. If any of the facts concerning your responsibility for casino matters set forth in your affidavit dated May 19, 2009, are not accurate, the Joint Committee reserves the right to reconsider this question. This opinion does not address the effect, if any, of the restrictions contained in N.J.S.A. 52:13D-17.

Very truly yours,

JOINT COMMITTEE ON ETHICAL STANDARDS

Albert Porroni
Counsel

By: 
James G. Willson
Assistant Counsel

AP/jas