



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO Box 803
TRENTON, NJ 08625-0803

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

RICHARD E. CONSTABLE, III
Commissioner

February 13, 2015

David Vanaman
[REDACTED]
[REDACTED]

Re: Local Government Ethics Law
Complaint #LFB-12-011
NOTICE OF VIOLATION

Dear Mr. Vanaman:

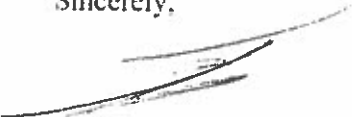
The Local Finance Board (Board) issued a **NOTICE OF VIOLATION** regarding its findings on the matter of Complaint #LFB-12-011 filed against you. Enclosed is the **NOTICE** issued by the Board.

Please be advised that the **NOTICE** is not a final determination if you desire to avail yourself of the right to request an administrative hearing. If a hearing is requested in accordance with the enclosed **NOTICE**, the Board will not issue a final decision until the completion of the administrative hearing process.

Additionally, you were advised via a letter dated October 9, 2014 that the Board dismissed the claim that you allowed an individual to serve as a volunteer on the Millville Fire Department despite criminal mischief charges filed against that individual in November of 2003. This claim was dismissed for having no reasonable factual basis.

Should you have any questions regarding this matter, please contact Nick Bennett at (609) 292-0479.

Sincerely,


Timothy J. Cunningham, Chair
Local Finance Board

C: Complainant
Enclosure

TJC/nb
02/13/15



**STATE OF NEW JERSEY
LOCAL FINANCE BOARD
NOTICE OF VIOLATION**

In Re: [David Vanaman, Commissioner, City of Millville, Complaint #LFB-12-011]

This matter having come before the Local Finance Board (Board) pursuant to the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq., upon the summarized complaint that David Vanaman, Commissioner, City of Millville, violated the Local Government Ethics Law when he simultaneously served as Public Safety Director as an elected member of the City Commission and as secretary to the Millville Volunteer Fire Department, in violation of N.J.S.A. 40A:9-22.5(a) and N.J.S.A. 40A:9-22.5(e); and

WHEREAS, the Board, having determined that the allegations were within its jurisdiction, were not frivolous and were based upon a reasonable factual basis, authorized an investigation of this complaint; and

WHEREAS, the Local Government Ethics Law states:

N.J.S.A. 40A:9-22.5(a) No local government officer or employee or member of his immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest;

N.J.S.A. 40A:9-22.5(e) No local government officer or employee shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his independence of judgment in the exercise of his official duties;

WHEREAS, the Board, having considered the matter and the relevant statements and information presented and having considered David Vanaman's written response to the allegations, concluded that Commissioner Vanaman simultaneously held the positions of City of Millville Commissioner of the Department of Public Safety and recording secretary in the City of Millville Volunteer Fire Department, a government scheme in which one office is subordinate to the other, establishing a substantial conflict with the proper discharge of the Commissioner's duties in the public interest and which might reasonably be expected to prejudice a Commissioner's independence of judgment in the exercise of his official duties, in violation of N.J.S.A. 40A:9-22.5(a) and N.J.S.A. 40A:9-22.5(e); and.

WHEREAS, the City of Millville operates under the Commission form of government, whereby each elected Commissioner possesses the executive, administrative, judicial and legislative powers and duties of a department as more fully described in N.J.S.A. 40:70-1; and.

WHEREAS, City of Millville Commissioner David Vanaman served as the Commissioner assigned to the Department of Public Safety, which oversaw the operations of the City's fire services; and.

WHEREAS, City of Millville Commissioner David Vanaman simultaneously served as the recording secretary in the City of Millville's Volunteer Fire Department; and.

WHEREAS, City of Millville Commissioner David Vanaman possessed the executive, administrative, judicial and legislative powers and duties over the City's paid and volunteer fire fighters while holding office with the City's Volunteer Fire Department resulting in the engagement of professional activity which is in substantial conflict with the proper discharge of his duties in the public interest; and.

WHEREAS, the Local Finance Board did not find that City of Millville Commissioner David Vanaman took specific action in his official capacity that may violate the Local Government Ethics Law, but did determine that the simultaneous holding of both positions creates the undertaking of services that might reasonably be expected to prejudice City of Millville Commissioner David Vanaman independence of judgment in the exercise of his official duties; and.

WHEREAS, City of Millville Commissioner David Vanaman is no longer holding an elected position with the City of Millville.

It is therefore,

DETERMINED that David Vanaman, Commissioner, City of Millville, shall be assessed a fine in the amount of **\$100.00** for his actions in violation of N.J.S.A. 40A: 9-22.5(a) and N.J.S.A. 40A:9-22.5(e) as related to having engaged in activities prohibited by the statute. Said fine shall be waived.

NOTICE that David Vanaman, Commissioner, City of Millville, is entitled to an administrative hearing in accordance with N.J.S.A. 40A: 9-22.12 to contest this **NOTICE**. Any request for an administrative hearing shall be filed with the Local Finance Board within 30 days receipt of this **NOTICE**. If an administrative hearing is requested, the Board will not issue a final decision until the completion of the administrative hearing process. Said hearing request shall be filed with Patricia Parkin McNamara, Executive Secretary, Local Finance Board, Department of Community Affairs, P.O. Box 803, Trenton, New Jersey 08625.

2/11/15
Date



Timothy J. Cunningham, Chair
Local Finance Board



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Commissioner

February 13, 2015

The Honorable Michael Santiago, Mayor,
And members of the City of Millville Governing Body
City of Millville
12 South High Street
Millville, New Jersey 08332

Re: Local Government Ethics Law

Dear Mayor Santiago and members of the City Commission:

The purpose of this letter is to inform you of recent action taken by the Local Finance Board on a complaint filed against a former City Commissioner in the City of Millville. The Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq., provides the Local Finance Board (Board) with the power to initiate, receive, hear and review complaints, and hold hearings with regard to possible violations of the Local Government Ethics Law.

In a recent complaint, it was alleged that a now former City Commissioner violated the Local Government Ethics Law because he simultaneously held the Public Safety Director position as an elected member of the City Commission and served as secretary to the Millville Volunteer Fire Department. As you are aware, in the Commission form of government, the commissioner assigned to each department has the executive, administrative, judicial and legislative powers and duties over that department, pursuant to N.J.S.A. 40:70-1 et seq. The City's fire protection services are provided by paid and volunteer fire fighters. The Director of Public Safety oversees both the paid and volunteer services.

Upon consideration of all the facts and circumstances presented to the Board in the course of its investigation, the Board voted to find the former commissioner in violation of the Local Government Ethics Law. The Board determined that the Local Government Ethics Law prohibits an individual from simultaneously serving in these incompatible positions. Please note that although the Board found a violation, it waived the assessed fine because he is no longer in office. (See enclosed Notice of Violation.)

Please be mindful of this existing potential conflict in making future assignments. The Board suggests that you consult with your municipal attorney to determine whether the departmental assignments of the current Commission is in compliance with the Local Government Ethics Law.



Should you have any questions regarding the Board's decision on this matter, please contact Nick Bennett at (609) 292-0479.

Sincerely,



Timothy J. Cunningham, Chair
Local Finance Board

C: Mr. Brock D. Russell, Municipal Attorney
Enclosure

TJC:nb
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