

May 2, 2013

Local Finance Board

Division of Local Government Services

Department of Community Affairs

101 S. Broad Street

P.O. Box 803

Trenton, NJ 08625-0803

Dear Board:

I write to formally request an investigation into the potential violation of the Local Government Ethics Law in Belmar. Because of the relationship between Mayor Doherty's wife, Maggie Moran, and the company awarded millions of dollars of no-bid storm clean up contracts, Ashbritt, I believe the Mayor has violated the provisions of law requiring compliance by local government officials and employees, specifically:

NJSA 40A:9-22.5(a) –No local government official 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.

As was well documented in the February 3, 2013 edition of the Newark Star-Ledger, Maggie Moran and her company were hired by Ashbritt, Conti and Ferriera Construction to provide marketing assistance to the three companies as they sought to obtain storm related clean up contracts all along the Jersey Shore. It has been alleged to me that Doherty joined Moran on at least one other occasion to market the cleanup companies to other municipalities.

The article details Moran's and Doherty's attempts to appear disinterested or voluntarily excluded from the decision making process regarding the Ashbritt no-bid contract. However, both Moran and Doherty were included on a November 7 email sent from Belmar Administrator Colleen Connolly making both aware the borough was moving forward with a contract with Ashbritt.

According to the article, Ashbritt was estimated to collect approximately \$2.67 million from its contract with Belmar. And of the first \$1.1 million paid out by the borough, Ferriera Construction received \$749,191. Moran admits in the article that she is a long time consultant for Ferriera Construction.

There are no exemptions in the local government ethics law for emergency circumstances. There appears to be no avenue to cure a violation of the law by abstaining from voting, recusing oneself from discussions or negotiations or being out of state and not communicating with anyone in the borough about how the cleanup process was managed. If the decision to contract with Ashbritt violated the Local Government Ethics Law, posting the contract, emergency purchase resolution, invoice and purchase orders on the municipal website cannot un-ring that bell.

It is unknown whether Moran and her company were compensated by Ashbritt, Conti, or Ferriera Construction on the basis of the number or size of contracts awarded by municipalities. Since these are private companies and the municipal contracts were made without any bidding process or disclosure prior to award, an investigation by the Local Finance Board would be necessary to determine whether or not there was additional financial compensation paid to the Mayor's household as a result of Belmar's choice to hire Ashbritt.

As a duly elected member of the Borough Council in Belmar, it is my duty to ensure that the decisions made by the local government officials or employees do not violate the ethics law and expose the municipal taxpayers to potential liability.

My decision to file this complaint did not come easily. But after reviewing a recent decision by the Board related to a Marlboro Councilwoman's business receiving municipal contracts, I felt forced to act. That decision cited an even earlier decision from 1992 and opined that:

The Board further stated that there is an aura of influence the local government officer may hold over the other members of the governing body or the appearance of impropriety on the part of the local government officer whose spouse submits a bid to a municipality. The Board concluded that the spouse of an elected official conducting business with the same municipality is an activity that should be avoided. "Any appearance of impropriety or tacit influence on others by an elected official impugns the standards set forth in the Local Government Ethics Law. (Advisory Opinion, LFB#92-014)

In the instant case in Belmar, the local government officer, Mayor Doherty, and his wife, Maggie Moran, undeniably hold influence over the local government officers. Because of their influence, it is my fear that taxpayers in Belmar, who suffered incredible losses as a result of Sandy, may not be getting the best deal for their cleanup dollars.

I also decided to file this complaint now, rather than wait until the next financial disclosure statement is filed by Mayor Doherty because I don't believe that the reporting is detailed enough to identify individual clients of Moran's business. Since having access to those documents would not be meaningful regarding the evidence available to determine a violation of the law, I felt compelled to file the complaint now.

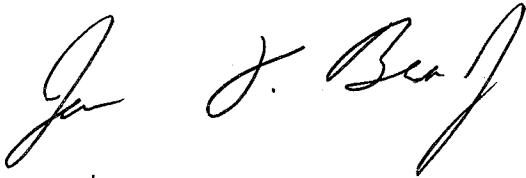
Thank you for your attention to this matter.

Sincerely,

James Bean

Councilman

Belmar

A handwritten signature in cursive script that reads "James J. Bean". The signature is written in black ink and is positioned to the right of the typed name.

5/2/13