

John O. Bennett, Esq.
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May 27th, 2014

Sheriff Golden,

In my more than 40 years of public service, I have learned, among many other things, that it is never productive to respond to an attack in haste or anger. I have therefore waited to directly respond to your statements which were published Thursday, May 23rd on the MoreMonmouthMusings website. Now that I have reflected upon your comments, and re-read the letter penned by Municipal Chairmen Steve McEnery and Anthony Graziano, I will state the following for the record.

First, the letter from Chairmen McEnery and Graziano is not a personal attack upon you, your politics or your personal ethics. The letter sets forth a legitimate question arising under the New Jersey Ethics Law, *N.J.S.A. 40A:9-22.5* and addresses your ability to simultaneously serve as Sheriff of Monmouth County, an elected, Constitutional Office, and Chairman of the Monmouth County Republican Party. It is a legal, not personal issue, plain and simple. There is no case that addresses this particular set of facts, regardless of what you have been told.

However, the Ethics Law, which was enacted in 1991 does, without question, address the risk to both you and the Freeholders should you hold both positions: every appropriation approved by the Board of Freeholders in connection with the Sheriff's Department, including the budget, will be attacked on the basis of bias and impropriety. Freeholders' actions must be insulated from compromise. However, if you are elected Chairman, you will have the power to provide or withhold from these very same Freeholders political support, including the line in elections, and political contributions. It is this appearance of impropriety and risk to the party that prompted Chairmen McEnery and Graziano to bring it to the attention of the County Committee. This is not about you or me, Shaun, and although I believe your intentions are pure, this is about preserving the Party's best interest. The issue gives everyone pause, and it should because there are long term implications for the Party. Let us never forget we live in a County where Democrats outnumber Republicans by 4,000 voters. We need stability and strong leadership at the Chairman's position, not unanswered questions.

Second, there was an opportunity to resolve this issue by seeking an advisory opinion. Instead, your first reaction was to become defensive, deflect and attack me. You stated:

This is a frivolous statement and the matter has been settled by numerous precedents, including John Bennett's multiple roles as a full time Borough Administrator and board of education legal jobs throughout Monmouth County, including legal work by his firm for the county which he pledged they would not do.

Make no mistake; this is a personal attack upon me. However, my experience in politics also taught me that it is better to address a person's arguments rationally, rather than engage in destructive tit-for-tat. If you had any reservations about me serving as a full-time Administrator or as a Municipal Attorney, why didn't you raise the issues with me last year when I was working day and night managing and funding your re-election campaign? I will state for the record that as of January 1, 2014 my daughter

Meghan not only became Managing Partner of the office, but also acquired my practice. As a result, I make no money from the firm's current clients, where I remain as "of counsel" only. It was Meghan who applied for and was unanimously approved by the Freeholders to be Special County Counsel. And in an effort to prevent an unwarranted attack on her and her bona fides, I suggest you actually do your due diligence on the issue and ask the Freeholders and County Counsel with regard to Meghan's ability. You will find that she is well regarded, and highly capable.

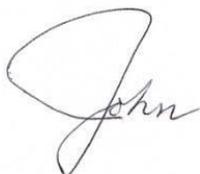
With regard to the legal "precedent" you cited on MoreMonmouthMusings when defending your capability to serve as Sheriff and Chairman – it is both outdated and irrelevant. The ruling in *Lanzo vs. DeMarino* was handed down 12 years prior to the adoption of the State Ethics Law. That fact alone indicates a review of your situation would be well advised. Furthermore, *Lanzo* involved a County Sheriff seeking to serve as chairman of a particular town, not a County Chairman. I agree with the *Lanzo* holding, should you wish to serve the party on the municipal level, no positional conflict exists. Moreover, the other examples you provide of elected officials who also serve as County Chairman do not provide you with a safe harbor. Each of those situations involves State Senators and an Assemblyman, not a County-level Officer who retains political power over the very Board he also serves. It is this positional parity between you and the Freeholders that creates the tension here. It should be recognized and resolved, not simply batted away.

You could have sought an advisory opinion from the State. You did not, and this issue lingers. Instead, you have chosen to appeal to sympathy by claiming to be personally attacked, and have also attempted to support your position by citing precedent that is not even remotely on point. These actions have done nothing to resolve this critical issue and I, along with many others, are disappointed with how this issue was handled. The fact remains that the County Committee members need to hear from the State about whether or not it would violate the Ethics Law for you to serve in the dual roles. However, even if the State initially says it is not a conflict, I agree with Chairmen McEnery and Graziano that it will still pose a risk to your political career and that of the Freeholders because to the public, the Freeholders will always appear to be compromised.

Finally, I also ask that you, and your supporters, stop the personal, malicious attacks against me and my family, online and elsewhere. As I said Shaun, this is a campaign about the issues, so let's keep it that way. I have asked all my supporters to keep their comments and activities positive and pertinent to the issues. I hope you will ask the same of yours.

Speaking of the issues, I believe the Party is best served by hearing directly from the candidates. I challenge you to a debate to which all County Committee members will be invited to. You name the time, and you name the place. I look forward to a vigorous discussion about the Party and our visions for the future.

Very truly yours,

A handwritten signature in cursive script that reads "John".

John O. Bennett III
Chairman
Monmouth County Republican Committee