



*State of New Jersey  
Commission of Investigation*

**LOCAL GOVERNMENT:  
CITY OF ORANGE TOWNSHIP**

***MAY 1998***

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*Commission of Investigation*

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State of New Jersey  
COMMISSION OF INVESTIGATION  
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May 1998

Governor Christine Todd Whitman  
The President and Members of the Senate  
The Speaker and Members of the General Assembly

The State Commission of Investigation herewith formally  
submits, pursuant to N.J.S.A. 52:9M, a report and  
recommendations based on its investigation into matters  
involving the City of Orange Township.

Respectfully,

A handwritten signature in black ink, appearing to read "Leslie Z. Celentano".

Leslie Z. Celentano

A handwritten signature in black ink, appearing to read "M. Karen Thompson".

M. Karen Thompson

## NOTICE

The investigation on which this report is based was completed in late 1995. Before the report could be issued, the Review Committee on the State Commission of Investigation recommended the enactment of new procedures that would give persons criticized in a Commission report the right to review it prior to release and to submit a responsive statement for inclusion in it. Although not bound to do so, the Commission decided to withhold release of this report until the Legislature and the Governor had acted on that recommendation.

Final legislative action on the Review Committee's recommendations, as well as renewal of the Commission's authorization, was not taken until late June 1996. In addition to adopting the notice provision, the legislation also reduced the level of protection against suits for defamation afforded the Commission since its creation in 1969. Together, these two provisions raised concerns that the Commission could be subjected to vexatious and potentially budget-draining lawsuits, based not only on its own statements, but also perhaps on those by third parties in responsive statements. That uncertainty occasioned further delay in the release of this report, as the Commission carefully considered the complex legal and practical implications of the changes in its statute.

The reader of this report should keep in mind that, with rare exception, the facts related in this report are those that existed over two years ago. Since that time, many changes have taken place in the City of Orange Township. Most significantly, the Mayor

was defeated in a bid for reelection in May 1996, which event resulted in the resignation or removal of several other high-ranking officials, including the Fire Director. Nevertheless, the Commission believes that it is important to expose the conditions that existed under the former Orange administration so that officials and citizens throughout the state can guard against the development of similar conditions in their own municipalities.

## TABLE OF CONTENTS

<b>NOTICE .....</b>	<b>i</b>
<b>EXECUTIVE SUMMARY .....</b>	<b>1</b>
Political Pressure .....	2
Campaign Finance/Reporting Irregularities .....	3
Abuse of Office .....	4
Misuse of City Property/Residency Violation .....	4
Bidding/Purchasing Violations .....	5
Violations of Financial Procedures .....	6
<b>POLITICAL PRESSURE .....</b>	<b>7</b>
Computerized Contributor Lists .....	10
Concealment .....	11
Creating the Pressure .....	12
Attempts to Influence Testimony .....	18
Pressure on the Business Community .....	20
Wielding the Pressure Within City Government .....	25
<b>CAMPAIGN FINANCE AND REPORTING IRREGULARITIES .....</b>	<b>28</b>
Reporting Discrepancies .....	28
Loan Irregularities .....	28
Misrepresentation of Fundraisers .....	29
Who Signed the Checks? .....	30
Failure to Report Cash Contributions .....	32
Missing Cash .....	32
Unaccounted Cash Withdrawals .....	33
Campaign Contributions/Brown's Law Office Rent .....	34
Tax Avoidance/The Robert L. Brown Civic Association .....	34
Inconsistencies in Reports Filed with ELEC .....	35
<b>MISUSE OF CITY PROPERTY/RESIDENCY VIOLATION .....</b>	<b>37</b>
<b>BIDDING/PURCHASING VIOLATIONS .....</b>	<b>39</b>
The Mayor's Car .....	40
Clerk's Office Computer System .....	41
<b>ABUSE OF OFFICE .....</b>	<b>42</b>
The Mayor's Law Assistant .....	42
The Mayor's Consultant .....	44
The Mayor's Chauffeur .....	47
The Tree Consultant .....	49

<b>THE CITY’S SPENDING HABITS .....</b>	<b>53</b>
<b>Trips, Gifts and Entertainment .....</b>	<b>54</b>
<b>Assignment of City Vehicles .....</b>	<b>59</b>
 <b>COLLAPSE OF FINANCIAL PROCEDURES .....</b>	 <b>61</b>
 <b>REFERRALS AND RECOMMENDATIONS .....</b>	 <b>66</b>
 <b>APPENDIX .....</b>	 <b>A-1</b>

## **EXECUTIVE SUMMARY**

The Commission's investigation of the City of Orange Township was triggered by allegations of irregular purchasing procedures and avoidance of public bidding laws. The focus soon expanded to include the political fundraising activities of Mayor Robert L. Brown after the Commission received complaints of pressure against city employees and businesses to contribute and reprisals against those who did not. At the investigation's conclusion, 58 witnesses had testified, more than 250 individuals had been interviewed and tens of thousands of documents had been examined.

Orange is an urban community, 2.2 square miles in size, with 423 municipal employees and a current annual budget exceeding \$34 million. It operates under a mayor/council form of government, with the mayor elected independently of the seven-member legislative council. As chief executive, the mayor appoints the business administrator and all other department directors and supervises all departments, but may delegate such authority to the business administrator.

In sum, the Commission determined that the city's operations have been burdened by run-away expenses, by the creation of unnecessary positions for political cronies, by payment of unreasonably high salaries, by lax financial procedures, by the absence of purchasing controls and by violations of the public bidding laws. Regarding Mayor Brown's fundraising activities, the Commission found evidence of widespread, high-pressure tactics used by Brown and others to extract contributions from public employees and private businesses. The investigation also revealed that Brown relied on campaign contributions to cover personal expenditures and that he misreported contributions and expenses to the



New Jersey Election Law Enforcement Commission.

The Key Findings:

### **Political Pressure**

The investigation disclosed a pernicious, city-wide atmosphere of pressure to support Brown's political ambitions. In essence, this community's government was converted into a mechanism to guarantee Brown a steady stream of financial support and a significant army of campaign workers. The pressure was directed at city employees and at the local commercial community, particularly vendors doing business with the city or seeking city contracts.

To administer the pressure, a network of select officials and employees utilized computer-generated lists setting forth the names of municipal employees by department and those of individuals and companies doing business with the city or located within the city limits.

The level of expected contributions was tied to each employee's position, with more expected from directors than staff. Employees were told to borrow if necessary; some took loans for this purpose from a credit union or from co-workers. Others were reminded of their provisional status or of a recent or anticipated raise or promotion. Phrases such as "it's in your best interest" and "you must show yourself to be a team player" became the code to compel support. Numerous employees feared retaliation for talking to the Commission; several complained of attempts to influence their testimony.

Principal administrators who exerted the pressure included Mayor Brown, Fire Director John Gamba, Police Director Charles C. Cobbertt, Business Administrator Thomas J. Morrison III, Chief Financial Officer John W. Kelly, and former Planning and Economic Development Director Hosea Harvey II. A number of rank-and-file employees also became instruments of compulsion. Even the mayor's wife, Donna Brown, was involved.

The pressure, at times, was exerted on a daily basis because of the number and frequency of Brown's fundraisers over the course of five political campaigns since 1988. Ticket prices ranged from \$10 to \$50 for fundraisers at a local lounge to \$1,000 for one held at Brown's home. Employees, vendors and businesses routinely received unsolicited tickets in the mail. Employees were expected to purchase one or two tickets, while directors and vendors were expected to purchase substantially more.

### **Campaign Finance/Reporting Irregularities**

The Commission found that Mayor Brown made loans to his political organizations, but reimbursed himself \$18,500 more than the total amount of those loans.

The investigation also revealed that Brown withdrew more than \$65,000 from his various political fundraising organizations, utilizing checks payable to cash or to individuals who returned the cash to him.

Moreover, substantial sums of cash contributions to Brown's political entities were not reported to the Election Law Enforcement Commission, as required by law.

### **Abuse of Office**

Mayor Brown abused the broad authority and powers of his office and converted the public trust into a private domain. At Brown's direction, the city's vehicle fleet was expanded via the assignment of cars to himself and others with attendant increases in costs for fuel, maintenance and insurance. The city did not report the taxable portion of this fringe benefit, even though the recipients were allowed to utilize the vehicles for personal purposes.

Brown provided himself with a chauffeur and dispensed favors to individuals in the form of jobs, some of questionable need, at taxpayer expense. He spent the city's money on the personal delivery of flowers, and he authorized excessive travel expenditures to conferences both in New Jersey and out of state. Brown also used municipal funds for expensive picnics, Christmas parties and annual secretaries' luncheons, at which alcoholic beverages were often served.

### **Misuse of City Property/Residency Violation**

A publicly-owned house located on property surrounding the city's reservoir in West Orange was treated by Mayor Brown as personal property. After directing its refurbishment at taxpayer expense, Brown allowed a political crony, Rudolph E. Thomas, to live there, even after he became a member of the Orange Council.

The city never issued Thomas tax forms for each year that he resided at the city-owned house. As a result, he paid no federal or state income tax on the benefit. Also, by living on a regular basis in the reservoir house and not in an apartment rented by him in Orange, Thomas violated a state law requiring that he reside in the city as a member of its Council.

### **Bidding/Purchasing Violations**

The Commission found violations and irregularities in the city's bidding and purchasing procedures. Officials failed to enforce a proper system for purchasing and provided little or no internal controls.

The city failed to solicit bids for a computer system purchased for the City Clerk's office. Further, a computer hobbyist was allowed to design and purchase the system without adequate supervision, with the result that an incomplete and unusable system was acquired containing pirated software.

The leasing of a 1993 Mercury Grand Marquis for Mayor Brown was concealed from the Council.

The hiring of a "tree consultant" at Mayor Brown's direction was incorrectly labeled a professional service, thereby circumventing the bidding laws.

### **Violations of Financial Procedures**

The Commission uncovered widespread failure to adhere to proper financial procedures dictated by statute and the Orange Municipal Code. Violations ranged from circumvention of the Council in issuing payments to routine reimbursement of employee expense vouchers that lacked receipts.

## **POLITICAL PRESSURE**

Robert L. Brown was first elected mayor of Orange in May 1988. Thereafter, he conducted campaigns for the General Assembly in the primary and general elections in 1991, for reelection as mayor in May 1992, and for the State Senate in the June 1993 primary. Brown again sought reelection as mayor in May 1996 but was defeated. To finance these campaigns, Brown held numerous fundraisers, usually at \$150 a ticket, at the Mayfair Farms; many at \$10 to \$50 a person at the Peppermint Lounge; a \$1,000-a-person fundraiser at his home for invited individuals in March 1992, and an affair in May 1993 at the Highlawn Pavilion in West Orange at \$500 or \$1,000 a person.<sup>1</sup>

Widespread improper measures were employed to obtain contributions from city employees, vendors and others doing business with the city. For Brown, the pressure paid off: These groups were largely transformed into the main base of financing for each of his campaigns after he first became mayor. Together, they accounted for more than 53 percent of his entire political war chest through June 1995. City workers contributed \$240,255 to Brown's various campaign organizations during that period - approximately 25 percent of his total campaign fund

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<sup>1</sup> Some of the attendees told the Commission that the cost was \$1,000 a person, while Mayor Brown claimed it was either \$250 or \$500, and Business Administrator Morrison stated that some were told \$250 and others \$500.

of \$956,662.<sup>2</sup> Contributions from vendors doing business with the city totaled \$363,311, or approximately 38 percent of Brown's campaign receipts. That figure climbs even higher when contributions from those dealing with the city for various permits and construction approvals are included.

In 1991, 71 percent of the staff employees of the municipal Finance Department made campaign donations to Brown and, in 1992, 80 percent of those employees contributed. City employees and vendors also accounted for 39 percent of all contributions to the Robert L. Brown Civic Association, Brown's nonpolitical fundraising organization, during its one year of existence from August 1992 to August 1993.

Of all the city employees, Mayor Brown's appointed administrators bore the heaviest financial burden in supporting his campaigns. Their donations constituted nearly one-quarter of the total employee contributions. Directors made the following contributions:

- Business Administrator Thomas J. Morrison III contributed \$19,660 between March 1988 and April 1995;<sup>3</sup>
- Former City Engineer/Director of Public Works Arlene Kemp contributed \$17,535 between November 1988 and June 1993;
- Police Director Charles C. Cobbertt contributed \$15,620 between February 1988 and April 1995;

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<sup>2</sup> The calculations are based on bank deposit records. Because numerous deposit slips, which may contain employees' and vendors' names, are missing, the figures may be higher. The actual figures may also be higher because there is evidence that not all cash contributions were deposited.

<sup>3</sup> Morrison told the Commission that prior to his employment with Orange, he gave only "[a] couple hundred dollars a year" in political contributions.

- Chief Financial Officer John W. Kelly contributed \$8,205 between January 1990 and April 1995;
- Fire Director John Gamba contributed \$4,690 between October 1988 and April 1995, and
- Director of Community Services/Health Officer Joseph Fonzino contributed \$5,085 between October 1988 and April 1995.

The contributions of the following employees are also noteworthy:

- Recreation Director Creft Hannibal contributed \$4,490 between November 1988 and April 1995;
- Department of Public Works Superintendent Alphonse Winston contributed \$4,160 between February 1988 and April 1995;
- Tax Assessor Barbara Brown contributed \$4,720 between December 1989 and April 1995;<sup>4</sup>
- Buyer Diletta Mutascio contributed \$1,305 between February 1990 and April 1995;
- Former Press Secretary Geraldine Dillon contributed \$3,810 between February 1988 and April 1995;<sup>5</sup>
- Stephanie Cosey, Mayor Brown's secretary, contributed \$1,375 between November 1989 and April 1995,<sup>6</sup> and
- Karen Lang, secretary to Business Administrator Morrison, contributed \$2,645 between October 1988 and April 1995.

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<sup>4</sup> Barbara Brown contributed \$1,500 in April 1993 to Mayor Brown's senatorial campaign. When asked by the Commission why she contributed such an amount, she responded, "If that's what he asked for, that's what I was supporting him with."

<sup>5</sup> The figure includes \$485 contributed by Dillon's husband, Emile Dillon, who provided photography services to the City.

<sup>6</sup> Prior to her employment with Orange, Cosey had never made a political contribution.



Beyond money, city workers also constituted a primary support base for Mayor Brown's campaign activities in other ways, both during and after official working hours. Employees addressed and stuffed envelopes containing fundraising tickets; carried ticket payments from the mayor's law office to City Hall for recording; maintained records of those who were mailed tickets, who purchased tickets and how many were purchased; made out the deposit slips; deposited the monies; sat at the door at fundraisers to collect the tickets and money; accompanied the mayor on his campaign walks in neighborhoods; posted campaign signs; made telephone calls to the electorate to urge support for Brown; obtained voter registrations; drove senior citizens to the polls; and staffed the campaign headquarters.

Mayor Brown acknowledged to the Commission that his "basic core" of campaign workers was "city government."

### **Computerized Contributor Lists**

Lists of contributors and contributions bearing the names of city employees and vendors obtained from the various city departments were the mainstays of Brown's fundraisers.

There were two repositories for these lists: a City Hall computer used by Karen Lang, secretary to Business Administrator Morrison, and a laptop computer used by Fire Director Gamba. After commencement of the Commission's investigation, an attempt was made to erase from each computer the database of information related to Brown's fundraisers. Lang testified that she maintained the

contribution data in her computer at City Hall after Gamba designed and installed the database. Lang said only she and Gamba knew the password to access the database.

Gamba told the Commission he never had contribution lists in his possession and had no knowledge of Lang using her computer at City Hall for fundraisers. He denied setting up the data-base for her.

### **Concealment**

Lang told the Commission that in the beginning of 1994, soon after commencement of its investigation, the fundraising database disappeared from her computer. Lang said she reported the disappearance to Gamba:

I just said, "John, everything is off of my computer."

Q. What did he say?

A. He said, "Yeah, I know."

Gamba told the Commission he did not recall Lang telling him the database was no longer on her computer.

The Commission issued a subpoena to the Fire Department for various computers, including the laptop. Upon examining the directories and files, Commission staff found no applications or data files. The examination indicated that an attempt had been made to remove the Windows operating system and its related files, but that one or more such files remained encoded within the machine's hard

drive. These files were found to contain names, addresses, dates and monetary amounts below the heading, "MAYOR ROBERT L. BROWN BALL ADS 1991."

The Commission then sought to reconstruct the files as originally set up. After contacting the National Computer Crime Squad of the Federal Bureau of Investigation for assistance, the Commission submitted the laptop to the FBI's Computer Assistance Response Team for examination by a certified forensics expert specializing in data recovery. The FBI expert concluded that the files had been removed intentionally from the hard drive. He also found evidence indicating that the computer had been used in connection with the recording of political contributions. He was able to recover a list of names of contributors and amounts of contributions, which were then reconstructed in organized format. These findings strongly suggest a deliberate attempt to destroy evidence.

When asked about the laptop computer, Gamba first told Commission staff that had no knowledge of it. Later, Gamba testified that he had not only used the computer but also maintained control over it. Gamba denied ever using it in connection with Brown's fundraisers, either for ticket sales or ad purchases. Gamba also denied knowing of any tampering with respect to Lang's City Hall computer.

### **Creating the Pressure**

The secretary to the city's business administrator provided an account of the inside operation of the fundraising machinery. The city's former engineer/director of Public Works depicted the

pressure applied to departmental directors. The city's former Urban Enterprise Zone coordinator portrayed a concerted effort applied to local business owners, who confirmed that regular campaign contributions to Brown amounted to the price of doing business in Orange.

**KAREN LANG** was hired in November 1970 and became secretary to Business Administrator Thomas J. Morrison III upon his hiring in October 1988.

As Morrison's secretary, Lang was assigned fundraising responsibilities in addition to her City Hall duties and became an intricate part of the network that orchestrated the fundraisers. Lang worked on all of the fundraisers at Mayfair Farms until April 1995, when her responsibilities were turned over to Stephanie Cosey, the mayor's secretary. According to Lang, preparations would commence six to seven weeks prior to a function, and approximately 2,500 to 3,000 envelopes would be mailed each time.

An assembly line of people addressing and stuffing envelopes at the mayor's law office became the format for issuing tickets for each fundraiser. Lists setting out the names of city vendors, city employees, attorneys, and civic and elected officials were typically on the conference table when Lang arrived. Other witnesses confirmed the existence of the lists. At such sessions, the participants always included city employees and directors and the mayor's wife, Donna Brown. Lang testified that assignments were usually made by Gamba and Mrs. Brown.<sup>7</sup>

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<sup>7</sup> Donna Brown admitted to the Commission that she was present at such sessions, but testified she did nothing - "I was there."

In addition to stuffing and addressing envelopes, Lang testified, she was assigned by Mayor Brown and Morrison to keep track of contributions and contributors. Lang said that, at first, she maintained the data on index cards, which were taken by Brown following each fundraiser. After the first two years, Lang said her system for recording the ticket-purchase information was changed when Gamba installed a database program on her City Hall computer. At that point, Lang said, Gamba instructed her to keep the information on the computer.

Lang explained that ticket payments were routinely delivered from the mayor's law office to City Hall by a city employee, usually the security guard, during the work day. The employee was dispatched to the law office when Brown's personal legal secretary notified Cosey or Lang that payments had accumulated. Cosey and Lang, at Gamba's direction, telephoned the law office to inquire whether payments had been received. City employees also brought their ticket payments to Lang.

Lang testified that the computer database was more sophisticated than the index card system in that it enabled her to record the check amounts along with additional data reflecting which employees in each department were participating. Following every fundraiser at Mayfair Farms, Lang said, Gamba would transfer the data to a floppy disk, which he took with him.

Lang stated that while most contributions came in by check, employees routinely gave her cash payments prior to each fundraiser. At Brown's direction, Lang testified, she completed deposit slips for the checks, but gave him nearly all the cash contributions without recording them on deposit slips.

Lang recalled only one occasion when Brown instructed her to record cash contributions on a deposit slip.

Lang said that when she recorded the ticket-purchase information on index cards she did the work at her home during the evenings, but that all of “[t]he computer work was done in the [City Hall] office.” Lang testified she used her “lunch hour...to just catch up on my normal work.”

Lang testified that Gamba maintained vigilance over the database:

John Gamba would come over to my office every day, late in the afternoon...put in his disk and copy all of the information out. And I would print him out a copy, a report of everything that was in the computer for that day. But see, it would update the prior day's computer records because it would be adding the new ones, so it would update that information.

At the same time, according to Lang, Gamba asked her to make several copies of the updated list, which consisted of about 20 pages. At times, Lang said, Gamba instructed her to print out lists by department. On a daily basis, she said, Gamba would telephone her to learn the number of checks that she received and who sent them.

Lang said Gamba exhibited particularly keen interest in the lists of employees of the police and fire departments. She explained that “there was like a competition between the two departments - who would buy more tickets.” Gamba “check[ed] the list to see if more police officers bought more tickets than his firemen and vice versa.”

Lang stated that Business Administrator Morrison and Chief Financial Officer Kelly showed special interest in the ticket purchases of the city's vendors. She said Kelly would routinely inquire whether the financial institutions - banks, bond companies and insurance agencies - had sent in checks for tickets.

About four or five times prior to each fundraiser, Morrison would ask to see the list of ticket sales. Each time, Lang said, she showed him the list she had printed out the previous night for Gamba. On a regular basis, Morrison asked Lang how ticket sales were proceeding and "wanted to know if the real big contributors had sent in checks." If checks had not yet been received, Morrison telephoned them or directed Lang "to call them...to remind them that the affair was a certain date and that we had not received their checks."

Lang testified that Morrison met with department directors individually and in groups in his office regarding ticket sales. Following the meetings, directors gave Lang handwritten lists of vendors they had contacted by telephone and Lang handed the lists to Morrison.

Lang testified that she also worked on the evenings of the Mayfair Farms fundraisers, assigned there by Gamba to sell admission tickets at the front door:

Q. About how much money was collected at the door?

A. Between eight and 10,000 [dollars] an affair.

Q. And was that by cash or check?

A. Some was by cash, some was by check.

. . .

Q. Any cash that was handed over the night of the affair, was that money recorded in your database?

A. No, I didn't record it, no.

Q. Did anyone?

A. I was the only one that was doing it.

. . .

Q. While you were taking the money, where was John Gamba?

A. Right behind me, over my shoulder.

Q. Was he taking the cash immediately, or as it came in or at the end of the evening, did he just take all of the cash?

A. The cash, I had a cash box and I would put the cash in the cash box, and he would take the cash box. The checks and everything would be put in the cash box and he would take it.

Q. Approximately how much cash came in at each fundraiser the night of the event?

A. I would say 50 percent of the take at the door would be cash.

Q. About how many individuals attended each of the fundraisers at Mayfair Farms?

A. Anywhere from 450 to 600.

Gamba testified that he "didn't see any" cash paid at the door during Brown's fundraisers, and he denied any role in handling any of the collected payments.

Lang testified that Morrison stated that "each director is expected to buy 10 tickets." She said he expected the "employees, like clericals...to buy one ticket at least." Employees who could not afford a ticket were expected to "make a donation." Some individuals told the Commission that the



“donation” had to be one-half of the ticket price.

In addition to buying tickets, employees were expected to purchase ads for the fundraiser advertising journals. Lang testified to the financial burden placed on employees. Several requested that she hold their checks until their bank accounts contained sufficient funds, while others, including Lang, borrowed from the credit union to pay for the tickets.

### **Attempts to Influence Testimony**

Lang related two attempts to influence her testimony - one by Mayor Brown and the other by Business Administrator Morrison. The first occurred on October 10, 1995, after Lang had been served with a subpoena to testify before the Commission. She was called into Brown’s office at City Hall:

He [Brown] asked to see the subpoena, and I brought the subpoena over there. And he looked at it and he said it was a subpoena that everyone had received....And he asked me several questions.

Q. What did he ask you?

A. ...[H]e stated that the only possible questions they would ask me are questions about...[an individual] giving me cash. And he said to me, “What are you going to testify to?” And I told him, “The truth.” And he said, “Well, what is the truth?” And I told him that. . .I gave the cash to him, the mayor or to John Gamba. And he said, “You’re not going to say that.” And I just looked at him. And he said, “You’re going to say that you put the cash on a deposit slip. And if you didn’t do it, you gave the cash to Stephanie.” And I just looked at him, and I just didn’t say anything else.

Lang also testified that five days before her appearance before the Commission, Morrison approached her and stated:

..."You have nothing to fear." He said, "You did nothing wrong."  
That was his first conversation.

On the day before her appearance, Lang said she and Cosey were at Lang's desk when Morrison  
"walked out of his office" and spoke to them. Lang related his instructions:

"You did none of the work at City Hall. You did it at his office like on  
your lunch hours or after work."

. . .

Q. When Tom Morrison referred to "his office," whose office was he  
referring to?

A. Mayor Brown's law office.

Q. What did you understand to be the work that he was referring to?

A. That tickets were sent out from that office and we did all the work  
connected to the campaign in that office.

Q. Did that include maintaining the list of contributors?

A. He didn't come right - he just said all the work. It wasn't - he didn't  
break it down what he meant.

Q. Did you understand him to mean the work that you did at your desk at  
City Hall, you were to represent that it was done from Mayor Brown's  
private law office?

A. That's what I understood, yes.

Both Brown and Morrison denied attempts to influence testimony by Lang or by anyone else.

**THOMAS V. HENDERSON** was coordinator of Orange's Urban Enterprise Zone from  
August 1989 until January 1993. He had served as coordinator for Brown's 1988 mayoral campaign.

Henderson paid cash for the tickets to the Mayfair Farms fundraisers and handed the cash to

Gamba, Morrison or Lang. He said it was typical before each fundraiser for him and other directors to be questioned by Morrison and Gamba about the progress of ticket sales - “[n]inety percent of it was during office hours.” He further testified that Morrison and Gamba also sought a list of those who had purchased tickets. Pressure was then exerted by supervisors on their employees to purchase them. Henderson said many employees complained to him:

One of the balls always came in December just before Christmas. They expected all the employees to buy a ticket or two tickets, and they are saying, “Why at Christmastime would they put this kind of pressure on us, it is not fair. I cannot afford it.”

### **Pressure on the Business Community**

As the Urban Enterprise Zone Coordinator, Henderson developed a good working relationship with the local merchants. He witnessed - and participated in - the pressure brought upon local merchants to purchase tickets to Brown’s fundraisers:

The pressure tended to increase as time went on. I think the first mayoral ball was more of a festive, congratulatory kind of an affair. But each succeeding one tended to be centered more on how much money can we raise as a fundraiser for future campaigns...and with that the pressure continued to increase.

I know there was increased pressure upon me and my staff to approach the businesses that we do business with to see to it that each and every one had tickets, and followed up how many they needed to purchase, and did they want somebody to come and pick up the money, and et cetera. There was pressure to get the merchants to support and participate.

Henderson described the reaction of Gamba and Morrison when ticket sales were low:

“We have to push these tickets. The money is not coming in like it was.” This would not only be said to me, but we would have directors meetings. That’s the kind of message that was given. Along with that, there were individuals. You would see somebody in the hall, or you would meet downstairs about ticket sales - “this person did not buy this time, they bought last time.”

Henderson testified that lists maintained in connection with the fundraisers detailed which merchants purchased tickets and how many. He said all such data was maintained on Lang’s City Hall computer at Gamba’s direction.

Local business owners told the Commission that supporting Brown’s fundraisers became a cost of doing business in Orange. Merchants and business people operating in the city or interacting with the city in various permitting, contracting and other official approval processes became prime targets for political fundraising pressure. The Commission found questionable tactics in connection with the levying of penalties such as monetary fines by the Fire Department’s Fire Prevention Bureau and the fostering of an atmosphere in which political contributions became the catalyst to advance building and construction projects.

Morrison acknowledged that he asked Henderson to “promote ticket sales” among Orange merchants but denied ordering or pressuring him to do so. Asked if he ever received cash payments from Henderson for the sale of tickets to Mayor Brown’s fundraisers, Morrison responded, “I don’t recall.” Morrison also told the Commission that he could not recall asking Henderson for a list of individual ticket buyers or pressuring Henderson’s secretary, either directly or through Henderson, to

solicit local merchants for ticket sales.

Gamba denied pressuring Henderson to promote the sale of fundraising tickets. Gamba testified that Henderson never paid him cash for fundraising tickets, and he denied ever asking or talking with Henderson about how ticket sales were going among local merchants.

**ARLENE KEMP** served as Orange's city engineer and director of public works from October 1988 to May 1994, reporting to Business Administrator Morrison and Mayor Brown.

During her employment with Orange, Kemp received tickets to each of Brown's fundraisers either by mail or from Morrison. Kemp first received tickets in the mail "right after I got started" - "a month maybe." She purchased the two tickets, totaling \$300, and did not consider it "that big of a deal." However, "the first time that I got 10 tickets in the mail...I was very alarmed." Kemp testified that the next time she received 10 tickets, she spoke to Morrison, who "made it clear" that she had to purchase them. At Morrison's direction, Kemp said, she also attended the \$1,000-a-person fundraiser at Brown's home on March 12, 1992, and purchased three tickets for a total of \$3,000. She said Morrison also told her that the directors were expected to attend the fundraisers.

Kemp said that when she or another director complained about the cost, Morrison typically retorted:

"Well, you only have to purchase 10. You know, I had to purchase 12," or "I had to purchase 15" or something.

Commissioner Louis H. Miller questioned Kemp about any “consequence which was stated or implied if you didn’t cooperate with the program”:

THE WITNESS: That you would be gotten rid of, you would lose your influence, that there would be severe consequences.

COMMISSIONER MILLER: Is there any doubt in your mind that that loss of a contact or whatever was associated with the failure to contribute?

THE WITNESS: No.

In addition to buying tickets, Kemp occasionally purchased ads for the advertising journals that were issued in connection with some of the bigger fundraising events. She testified that she did so only when telephoned and urged to do so by Fire Director Gamba.

Kemp said that at Morrison’s request, she also participated in evening meetings at Brown’s law office to discuss the sale of tickets prior to each fundraiser. Kemp revealed what was discussed at the meetings and confirmed the existence of computer-generated contribution lists:

COMMISSIONER MILLER: Who conducted the discussions?

THE WITNESS: Well, John Gamba was in charge of the tickets really. He would have computer printouts of who had purchased tickets with like little X’s next to their names if they had purchased tickets, and how many they had purchased. And the lists were split up among all of us depending upon our sphere of influence....For instance, Jack Kelly might have a listing of banking people and accounting firms that the city had dealt with...as well as his employees, so he would know which of his employees had purchased tickets and how many they had purchased. As well as the accounting firms or...the bonding firms or things like that....I would have a list of contractors and consultants, people that I dealt with, as well as my employees that had

purchased tickets. Somebody else would have listings of the other people that they dealt with and who had purchased tickets. And these, the computer printouts, were distributed so that we would know who we had to call. And, you know, who we had to try to get more money from.

Kemp related what she understood was expected of her as a department director in terms of promoting ticket sales prior to the fundraisers:

We were supposed to make calls to people who they felt we had some sort of a connection with, whether they were consultants or contractors, in my case, and employees. We were supposed to make contact with them and ask them to purchase tickets.

Morrison said he could not recall if he asked city employees if they were going to attend Brown's fundraisers. He said he was interested in the ticket purchases only out of "general curiosity." Morrison said he never told Kemp or any other department director or employee that each was expected to purchase at least 10 tickets apiece - only that "it would be nice if she [or he] did."

### **Wielding the Pressure Within City Government**

Pressure on city employees to finance and advance Brown's political ambitions spanned the entire spectrum of city government in Orange - in the departments of Finance, Planning and Economic Development, Public Works, and in the Mayor's Office itself. City police officers and firefighters became the foot soldiers in the Brown fundraising machinery. Many employees complained of having

been recruited into the political apparatus against their will and, once there, of being forced to toe the party line or face consequences that ranged from disciplinary action to dismissal.

Nowhere was the atmosphere of pressure more intense than in the Fire Department, where Fire Director Gamba wielded it like a sword. Approximately one year after Gamba became director in November 1990, participation by firefighters in Brown's fundraisers more than quadrupled.

Support for the mayor's fundraisers and campaigns was integral to promotions and favored assignments. "Are you an 'I' or 'O'" - an "inny" or an "outy" - became a common question to distinguish between those who supported the mayor's political activities and, therefore, would be taken care of, and those who did not. An unspoken competition between the Fire Department and the Police Department in terms of turnout of support for the mayor was fostered by the department directors, and Gamba's tactics assured him preeminence. Police officers, who out-number firefighters, had contributed more to Brown's fundraisers until Gamba became director in November 1990. Thereafter, from 1991 through 1993, firefighters contributed more. Newly hired firefighters, on probation for the first year of their employment, were prime targets of the pressure. Both Brown and Gamba took advantage of their vulnerability.<sup>8</sup>

More than a dozen firefighters told the Commission of incidents in which:

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<sup>8</sup> In responses appended to this report, Brown and Gamba note that 52 firefighters signed statements denying that they were subjected to any political pressure. These statements were solicited by a private investigator hired by the Brown administration in connection with a lawsuit against the city, Brown and Gamba by former and current firefighters, and were not tested by cross-examination.



\* Demonstrating concrete political support for Brown, either through cash contributions or campaign foot-work or both, became a condition for employment and a prerequisite for promotion. In numerous instances, uncooperative firefighters were passed over on the departmental promotions list because they had not demonstrated an acceptable level of political support for Brown.

\* Newly hired firefighters were told that their duties would include a political component involving overt support for Brown. Typically, on the morning of their scheduled swearing-in, new recruits would be summoned to the mayor's office where Brown would lecture them on the importance of political loyalty. Those who later failed to heed the message, either by refusing to purchase fundraising tickets or ignoring orders to put in time at Brown campaign headquarters, were subjected to harassment in the form of trumped-up disciplinary charges.

\* Firefighters were solicited for cash donations to Brown's fundraisers while on duty in the city's central firehouse. In one instance, Fire Director Gamba took advantage of circumstances surrounding an actual fire call to have firefighters lend assistance at Brown's campaign headquarters during the 1993 primary race for State Senate.

Likewise, in the city Police Department, Police Director Charles C. Cobbertt constantly espoused a theme to officers and detectives that they were not doing enough to support the mayor and that he was embarrassed by their poor showing at fundraisers in comparison to the firefighters.

As a result, Cobbertt repeatedly exhorted police personnel - both individually and in organized groups - to go to bat politically for Brown. In one instance, Cobbertt demoted two officers in an effort to coerce a greater turnout of support.

## **CAMPAIGN FINANCE AND REPORTING IRREGULARITIES**

Since 1987, Robert Brown has operated one continuing political committee, five candidate committees and one civic association. The Commission examined reports filed by Brown with the New Jersey Election Law Enforcement Commission (ELEC) and the bank account records of the entities, which the Commission obtained primarily from the banks. Brown provided few original bank records or other materials to document expenditures.

The Commission found numerous irregularities in Brown's operation of his organizations.

### **Reporting Discrepancies**

A comparison of bank deposit records with ELEC filings for the period from October 1987 to June 1995 revealed a discrepancy of \$89,601.76 - the difference between the total reported to ELEC (\$1,209,839.16) and a lesser total amount actually deposited (\$1,120,237.40). In addition, there were numerous discrepancies as to identities of contributors between the reports to ELEC and the corresponding bank deposit records.

### **Loan Irregularities**

The Commission found that Brown loaned his political entities \$33,500 from his law office account and \$500 from his personal account. He then reimbursed himself \$52,500 - \$18,500 more

than he had made in loans. In addition, after three of the loans were repaid, he nevertheless continued to report them to ELEC as outstanding on 40 amended reports. Brown claimed that \$10,000 of the \$18,500 in reimbursements represented repayment of a loan to him from City Attorney Michael Critchley.<sup>9</sup>

### **Misrepresentation of Fundraisers**

Numerous individuals told the Commission they believed their contributions to Brown, whether to his political entities or his civic organization, were for the purpose of supporting his candidacy for political office.

Contrary to this understanding, a political account, “Friends of Robert L. Brown,” financed expenses unrelated to his campaigns. These expenses included more than \$7,000, according to Brown, in connection with his civic association or with HB Galleries, an art gallery that Brown established in the basement of the building that houses his law office; more than \$7,400 on furniture for his civic association or HB Galleries; more than \$4,000 for law office equipment; \$1,250 for a used stereo set; more than \$300 in donations to non-charitable organizations; and \$400 for membership in the Berkeley Tennis Club in Orange. In addition, funds from Committee to Elect Robert L. Brown (Senate) were used to pay \$800 for artwork and The Brown Mayoral Elec financed \$500 in artwork framing.

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<sup>9</sup> This \$10,000 loan is the subject of a complaint filed by ELEC, which alleges that it constituted a contribution by Critchley in excess of the \$1,500 allowed by law.

## **Who Signed the Checks?**

Brown exercised control over all bank records and the issuance of checks related to his political and civic association accounts. Even though he was not authorized to sign checks for the Friends of Robert L. Brown account, the Commission found evidence that he signed the name of the secretary who was authorized to sign checks.

After Teal Hilliard Barth became Mayor Brown's executive secretary, she was also designated secretary of The Friends of Robert L. Brown. Although Brown characterized the organization as "a hybrid" - part political committee, part civic organization - the entity, based upon its use, constituted a continuing political committee under state election law. Barth testified that her sole function as secretary was to sign checks, which she did at Brown's direction from a checkbook that was kept at Brown's law office. Barth said she never saw the canceled checks or monthly statements and was never requested to do the reconciliations.

Barth related two incidents that caused her to become suspicious that someone was forging her signature on checks.

The first occurred when Barth discovered a piece of paper bearing signatures purporting to be hers on a table in the mayor's office. She testified that several people, including Brown, were in the office that day. Barth took the paper, which she produced for the Commission. When she asked Brown about the paper, without showing it to him, Brown professed no knowledge of it. Shortly after

finding the paper, Barth was summoned to the bank to verify her signature on a check from the Friends account. When Barth examined the check, which she took possession of, she knew that the signature was not hers.

Brown's legal secretary, Denise Overton, testified that she observed Brown sign Barth's name to Friends checks on occasion. Overton said she also saw Brown practice Barth's signature "to get it exactly the way she signed":

When he could not get the signature right, if he messed up on the signature, he would void [the check] and try it again.

Asked if there were ever any instances in which he saw Overton observe him signing Barth's name to checks, Brown testified, "That's possible. I don't remember any occasions, but it's possible."

Barth identified 61 checks, dated between April 1990 and January 1992, bearing signatures that she said were not hers. Of these checks, two were written in the total amount of \$2,000 to Denise Overton, and one for \$2,000 was written to Lance Webb, Brown's driver at the time. Both Overton and Webb testified that they cashed the checks in question at Brown's direction and gave the cash to him. Making the checks payable to these individuals, who were not the recipients of the money, resulted in inaccurate reports of expenditures to ELEC.

Shown the checks in question, Brown was asked by the Commission whether he signed Barth's name to any of them. He testified, "Some of these I could have signed. I'm not sure about all

of them, but it's possible that I could have signed some of them.”

### **Failure to Report Cash Contributions**

A deposit slip for the account of Committee to Elect Robert L. Brown, dated December 10, 1993, indicates a deposit of \$500 in cash from two named individuals, although election law at the time limited cash contributions to \$200 per person. The contributions were not listed in any report filed with ELEC.

### **Missing Cash**

The Commission found evidence that substantial amounts of cash contributions were not deposited to Brown's political accounts at all. The bank records for his six political entities disclosed cash deposits of only \$4,782. The actual figure may be slightly higher because the bank was unable to furnish nine deposit slips to explain deposits of \$1,950. Consequently, it is impossible to determine whether any portion of this amount was cash.

Overall, however, the cash figures recorded on the available deposit slips are startlingly low in light of the amounts of cash reported by numerous witnesses to have been routinely collected on the evenings of the Mayfair Farms fundraisers. For instance, Karen Lang estimated that 50 percent of the \$8,000 to \$10,000 collected at each fundraiser was in cash. Nevertheless, the only cash deposited in close proximity to the dates of the fundraisers was \$5 to the Committee to Elect Robert L. Brown (Senate) account on March 18, 1993, and \$500 deposited to the same account on December 10, 1993.

In addition, a number of witnesses who testified to purchasing fundraising tickets or ads with cash, in amounts that exceeded the reporting threshold, were not listed on any reports filed with ELEC as having made these contributions.

### **Unaccounted Cash Withdrawals**

The Commission found that Brown received a total of at least \$78,575 from checks made out to cash or to other individuals and payable through his campaign accounts.

Of that amount, Brown received a total of \$38,875 from nine checks made payable to cash from political organization accounts and cashed by his secretary, Stephanie Cosey, (\$38,000); or made payable to cash and cashed by his chauffeur (\$875). There is no documentation to support how the proceeds of these checks were spent.

Also, of the \$78,575 total, Brown received at least \$29,950 in cash through political organization checks made payable to other individuals. Although the checks contained notations on how the money was purportedly spent, Brown could produce no supporting documents.

Brown's legal secretary, Denise Overton, related that she cashed a check in the amount of \$9,750 on November 5, 1991, from the account of Committee to Elect Robert L. Brown (Assembly). Overton testified that Brown drove to a bank on that date with plans to cash a \$10,000 check. She said she returned the check to Brown after being advised by a bank teller that she would have to



complete a Currency Transaction Report, which federal law requires for cash transactions of \$10,000 and more. Overton said Brown then voided the check and wrote another for \$9,750 bearing a notation indicating election-day expenses. Overton said she then cashed the check and gave the money to Brown. The Commission examined the check register showing “VOID” written over the check number payable to Overton for \$10,000, followed by an entry for a check payable to Overton for \$9,750 for “election day expenses.”

### **Campaign Contributions/Brown’s Law Office Rent**

The Commission’s examination of the bank records established that between November 1989 and April 1994, Brown’s political entities paid \$6,625 and his civic association paid \$2,000 towards the rent for a private law office suite leased by Brown at 339 Main Street in Orange. In addition, of the \$22,050 paid for the conference room leased by the Friends of Robert L. Brown at the same location, the political entities paid for all of the rent except \$1,000, which was provided by the Robert L. Brown Civic Association. Although the political entities paid for most of the rent, testimony established that the conference room was also used in connection with Brown’s law practice, in violation of state election laws after April 7, 1993.

### **Tax Avoidance/The Robert L. Brown Civic Association**

Brown testified that he formed a civic association “to promote...various civic activities....” During its one year of existence from August 1992 to August 1993, the Civic Association awarded two scholarships of \$1,000 each to high school students.

From August 12, 1992, to August 12, 1993, the Robert L. Brown Civic Association received \$142,061.19 in income, but never filed federal or state income tax returns. Because the organization never sought tax-exempt status, it was required to file income tax returns.

Moreover, the association did not exist as a legal entity. It was never established as a corporation or partnership, or registered as a charity with the New Jersey Division of Consumer Affairs. Further, the association was never registered with the Office of Legalized Games of Chance, Division of Consumer Affairs, when, in December 1992, it conducted a raffle of a fur coat.

Income deposited to the Civic Association account may, in fact, have constituted personal income to Brown that he should have been required to report for tax purposes. For example, Brown spent more than \$69,000 of Civic Association monies on design, construction, artwork and frames for HB Galleries. Although HB Galleries was incorporated on November 10, 1993, as a “domestic nonprofit corporation,” there is no documentation, including inventory records, to substantiate that the artwork is owned by the corporation and not by Brown and “on loan” to the gallery. Further, the corporation never applied to the IRS or the State of New Jersey for nonprofit status.

### **Inconsistencies in Reports Filed with ELEC**

Brown repeatedly amended the 49 reports that he was required to file for his six political

entities with ELEC.<sup>10</sup> The reports filed for these entities, except Committee to Re-elect Robert L. Brown, were amended a total of 53 times. For example, the 16 reports for Friends of Robert L. Brown were amended 39 times and the nine reports for Committee to Elect-Assembly were amended four times.

The identities of contributors and the amounts of contributions repeatedly changed from amended report to amended report. In addition, the total contributions and expenditures amounts reported on particular filings frequently were not properly supported by the attached schedules. The Commission also found that contribution checks made payable to one political entity and reported as such to ELEC, were often deposited into the accounts of other political entities without being reported to ELEC as transfers of funds, contrary to state election laws.

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<sup>10</sup> In December 1994, ELEC issued a complaint against Friends of Robert L. Brown and its treasurer, Michael Critchley. On February 17, 1995, a final decision was rendered and a penalty imposed. In March 1995, ELEC issued a complaint against Friends of Robert L. Brown, a.k.a. Brown PAC, and its treasurer, Michael Critchley. An amended complaint was issued in June 1996. In September 1997, a consent order was approved for all but one count and a penalty imposed. In April 1997, ELEC issued a complaint against Brown, Critchley and Stephanie Cosey for the 1993 primary election for State Senate. In June 1997, a complaint was issued against Brown and Critchley, as treasurer, in connection with the 1996 municipal election. These two complaints and the one count from the September 1997 amended complaint are pending before the Office of Administrative Law.

## MISUSE OF CITY PROPERTY/RESIDENCY VIOLATION

The Commission examined an allegation that Rudolph E. Thomas, an Orange Council member since May 1992, was not domiciled in the city during his Council tenure and, therefore, was not qualified to hold the position. The Commission found that although Thomas maintained an apartment at 12 Canfield Street in Orange, Mayor Brown allowed him to live on a regular basis in a house on the grounds of the Orange reservoir in West Orange from at least the fall of 1990.<sup>11</sup> Consequently, Thomas failed to meet the residency requirement when he was appointed in May 1992 and elected in May 1994. At no time during this period did Thomas file a statement of dual residency.

Thomas' unrestricted occupancy of a publicly-owned house also reveals improper accounting by the city and possible tax avoidance by Thomas. A detailed review of utility records established that substantial gas, electric and telephone charges for the house were billed to the taxpayers during Thomas' residence there. Despite this financial benefit to Thomas, the city failed to issue him appropriate tax forms, thereby enabling him to avoid possible state and federal income tax liability.

Thomas, who was active in Brown's 1988 campaign for mayor, began occupying the house while still employed as a toll collector for the Garden State Parkway. Brown's largesse extended to

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<sup>11</sup> It was not until the election of a new administration that Thomas was asked to vacate the house.

his close friend and city employee Alphonse Winston, who testified that Brown allowed him to occupy the house during periods of marital strife.

In 1989, extensive renovations were undertaken at Brown's direction. Restoration of the house cost the taxpayers in excess of \$15,000 and was accomplished by city workers and outside vendors.

In an interview with Commission staff, Thomas acknowledged that he had lived at the reservoir house since 1988 pursuant to an arrangement with Mayor Brown. He asserted that the only improvement to the reservoir house, prior to his moving there, was its painting. He admitted that his furniture filled the house. Thomas stated that he used the Canfield Street apartment for "political entertaining." Despite portraying himself as the caretaker for the reservoir house, he was unable to delineate any responsibilities that he was required to perform.

## **BIDDING/PURCHASING VIOLATIONS**

The Commission, in an examination of records far more comprehensive than the sampling used in annual municipal audits, found evidence suggesting repeated violations of the Local Public Contracts Law in the course of Orange's fiscal operations during the Brown administration. The bidding threshold - the level of public expenditure at which bidding is required by state law - was ignored and proper purchasing procedures were circumvented. Further, the city failed to implement uniformly a 1984 administrative order establishing regulations for centralized purchasing.

Frequently, the city's failure to bid for purchases and contracts stemmed from a failure to heed laws designed to trigger the bidding threshold in cases where cumulative transactions in similar categories occur during the same fiscal year. Chief Financial Officer Kelly told the Commission that he understood this requirement, but placed responsibility for it elsewhere.

For every year beginning with 1990, the city's auditors made written recommendations that items purchased in excess of the statutory threshold be advertised for public bid, and that quotes be obtained for items purchased in excess of \$1,000, as required by law. In disclaiming responsibility, Kelly ignored his obligation under the Orange Municipal Code, which dictates that the finance director submit to the mayor, Council and business administrator monthly and quarterly reports that are to include "appropriate analysis, explanations and forecasts of income, expenditures and surplus in relation to the budget."

Additionally, the Commission found serious violations in the city's leasing of a vehicle for Mayor Brown and in its purchase of a computer system for the Clerk's Office.

### **The Mayor's Car**

In August 1993, a fully-equipped 1993 Mercury Grand Marquis was obtained for the mayor in a manner that lacked Council approval and contravened municipal and state purchasing procedures.

By contract dated August 6, 1993, the city, through Business Administrator Morrison, entered into a 24-month, advance-payment lease in the amount of \$9,787.52. Because the figure was under the threshold amount of \$11,100 requiring public bidding, the vehicle did not have to be bid. Three quotes were properly obtained, but following this step, purchasing procedures were ignored.

Although the voucher was signed by the business administrator, it did not bear the necessary signatures of the vendor or of Chief Financial Officer Kelly. Also lacking was a certification by the chief financial officer that public funds were available, as dictated by law. Absent such a certification, no contract may be entered into or executed.

A manually-written, or "hand," check, dated August 9, 1993, was utilized to make the advance payment under the lease. While use of a hand check under these circumstances is questionable, the payment was clearly prohibited because it never appeared on any bill list submitted to and approved by the Council. Both state law and the Orange Municipal Code mandate Council approval, by resolution,

of all payments of claims. Further, the amount was charged in the city's accounts to office supplies under Administrative Services of the Department of Administration. These actions strongly suggest an attempt to conceal from the Council the vehicle's acquisition.

### **Clerk's Office Computer System**

The acquisition of a computer system for the Clerk's Office contravened proper bidding and purchasing procedures under both the Local Public Contracts Law and the Orange Code. The Commission found that Business Administrator Morrison allowed a computer hobbyist to design and purchase the system and then failed to maintain proper supervision over the purchase. As a result, the city paid \$9,600 for a system that remains incomplete to this day and has not been utilized since its installation in the summer of 1993. Moreover, the system contains software identified by experts as having been pirated.



## **ABUSE OF OFFICE**

Mayor Brown told the Commission, “I hire everybody” who works for the city. Brown has been responsible for a number of hirings of questionable need based upon favoritism and personal benefit to himself. His largesse in providing patronage positions has not served the city’s interests and has added to its financial burden.

### **The Mayor’s Law Assistant**

Vera E. Carpenter, a pool attorney for the Public Defender’s Office since early 1992, served as assistant city attorney from January 1992 to October 1994. She received an annual salary of \$34,650 for the part-time position and was paid an additional \$6,800 for work on personal injury cases. During approximately the same time period, Carpenter also worked on JUA/MTF insurance cases for Brown in connection with his private law practice. The city paid Carpenter; Brown did not. This raises serious questions about whether Brown placed Carpenter on the city payroll as part of an explicit or implicit arrangement for personal gain. Brown denied placing Carpenter on the city payroll for any such purpose.

In explaining his private arrangement with Carpenter, Brown described her as “like an associate” who worked on JUA/MTF cases assigned to him. In fact, Brown listed Carpenter as the “Associate handling JUA and/or MTF matters” on a questionnaire filed with the New Jersey Department of Insurance. Brown considered that providing Carpenter with free office space and

equipment for the conduct of her own law practice was fair compensation for the work she performed on JUA/MTF cases. However, Brown had rented one of his offices to another attorney at a rate of \$300 a month. If Carpenter had been required to pay the same rent to Brown, she would have met the rent by working only four hours each month on his cases, based on a calculation of \$75 an hour.<sup>12</sup> From an examination of the files in the possession of Brown and the insurance carriers, as well as interviews of present and former staff in Brown's law office, the Commission concluded that Carpenter routinely worked far more than four hours a month on the more than 54 JUA/MTF cases assigned to Brown. Indeed, the files indicate that Carpenter had significantly more contact with the carriers than did Brown himself.

Because this arrangement benefitted Brown far more than it did Carpenter, the Commission scrutinized Carpenter's duties as a city employee, and found that they were minimal.

Carpenter stated that she devoted only about 15 hours a week as a salaried employee of the city, depending on her trial schedule as a pool attorney with the state Public Defender's Office. According to a personnel form signed by Carpenter and dated January 6, 1992, she was required to work 20 "weekly work hours." Therefore, based upon the difference between the number of hours required of her and the number she actually worked, Carpenter deprived the city of the equivalent of 174 days of work. Further, based on the Commission's analysis of work performed by Carpenter for

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<sup>12</sup> The Department of Insurance paid Brown \$75 an hour for work performed by him or an associate.

the Public Defender's Office, Brown and the city, the bulk of her time was clearly devoted to the Public Defender's Office.

According to records, Carpenter attended only two Council meetings during the period of her employment with the city. With respect to Council resolutions, she admitted to reviewing them only after they had been prepared. On a few occasions, she also substituted for the municipal prosecutor.

Carpenter's termination from her city position coincided with the Insurance Department's suspension of JUA/MTF referrals to Brown.

### **The Mayor's Consultant**

Mayor Brown repeatedly selected Leon Bridges, an architect based in Baltimore, Md., for various city projects. At the same time, Brown contracted with Bridges to provide private consulting services for his law office and art gallery.<sup>13</sup> Between October 1991 and December 1994, Bridges received \$369,052.11 from the city and was paid \$1,500 by Brown. During that period, he contributed \$6,250 to Brown's campaigns. Brown denied that his personal payment to Bridges was related in any way to the campaign contributions or to the fact that he directed city work to Bridges.

In June 1991, Bridges was selected to determine whether code violations at the municipal court/police headquarters building could be corrected and, if so, to estimate the cost of renovations, as

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<sup>13</sup> Records subpoenaed by the Commission indicate that Bridges was the only architect hired by Brown for his law office and art gallery. Brown also engaged an interior architectural designer for the gallery and paid him \$720 with a check from his Civic Association. The Commission obtained the check from the bank, not Brown.

well as the cost of expanding the courtroom facilities. The rehabilitation project was originally estimated at \$500,000. Contrary to state law, Bridges was paid \$9,807.24 before any Council resolution authorizing his hiring was passed. Bridges provided the evaluation, but initial plans to renovate the building were abandoned in November 1991 in favor of constructing a separate complex projected at \$3,463,000.

Brown chose Bridges for the new project, despite concerns and objections expressed by Business Administrator Morrison and then-City Engineer Kemp, who had experienced delays with his small architectural firm. Kemp told the Commission that Brown was adamant about selecting Bridges and against soliciting other architects. The cost of the project rose steadily and is currently projected at \$7 million. Bridges was paid a total of \$295,651.32 between October 2, 1991, and November 18, 1994.

Bridges was also chosen by Brown in 1992 to design the bleachers and fieldhouse for Bell Stadium. The Council awarded the fieldhouse contract to Bridges by resolution dated December 1, 1992, for an amount not to exceed \$45,000. An amended resolution on July 5, 1994, authorized an increase to \$68,296. From December 14, 1992, to December 5, 1994, Bridges was paid a total of \$57,094.37.

Brown also selected Bridges in approximately December 1992 to design Umoja House, a recreation facility for youth that has not yet been constructed. Construction costs were initially set at \$1,379,500. Bridges was deeply involved in the initial design before the Council passed a resolution,

dated April 6, 1993, awarding him a contract not to exceed \$49,000. Between May 6, 1993, and October 25, 1993, Bridges was paid \$16,306.42.

The city repeatedly paid Bridges by manual check.<sup>14</sup>

During the period he was receiving fees from the city, Bridges was engaged privately by Brown to provide architectural services for the mayor's future law office and art gallery at 425 Main Street in Orange. Bridges' own files document that from July 1992 to September 1993, he met and corresponded with Brown and performed work on the project. For architectural consulting services, Brown paid Bridges only \$1,500 of the agreed-upon \$4,500. Brown denied that the partial payment was in any way related to the steering of city work to Bridges.

When first interviewed by Commission staff, Bridges stated that the services provided were "primarily on a pro bono basis." Subsequently, in an attempt to explain the discrepancy between the agreed-upon fee of \$4,500 and the \$1,500 actually paid, Bridges stated:

I don't know if there was a change in the agreement. There must have been some sort of understanding, though, if we just stopped billing.

. . .

I provide services now. If [Brown] gave me a call and asked me, "Leon, would you come up here and look at this," I would say, "Yes, I'll come up there and look at it."

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<sup>14</sup> The City's overutilization of manual checks is discussed at page 61 of this report.

Bridges stated that he was never pressured to contribute to Brown's fundraisers. However, he acknowledged receiving follow-up calls for ticket purchases.

### **The Mayor's Chauffeur**

Not only did the city provide Brown with a vehicle, but it also provided a chauffeur. From July 1988 until October 1990, when he resigned, Roger Monel was Brown's driver. Lance Webb served as his driver from December 1990 to February 1992. Marchand McReynolds chauffeured Brown for periods during 1992 and 1993, while on vacation from college.

Brown hired Monel as his "confidential aide," a full-time position at an annual salary of \$15,000. When he resigned 27 months later, his salary was \$34,500. For the period of approximately two years and three months that he worked for the city, Monel received \$74,141.42 in gross salary.

Monel told the Commission that his chauffeuring of the mayor was divided roughly in half between official business and personal business. He drove Brown to campaign functions, to state and federal courthouses in Newark and Camden in connection with his private law practice, to political functions held in the evening, to art shops or galleries in South Orange and Montclair, and to the Berkeley Tennis Club. While Brown served as co-counsel in a 22-month federal trial of reputed organized crime members, Monel usually drove Brown to the federal courthouse in Newark.

Monel testified that in a typical day, he picked up Brown in the morning and drove him to City Hall or his law office. The city-owned vehicle was kept at Brown's home. When Monel drove Brown

to a location on city business, he did not serve as an aide once there. On a rare occasion, Brown had Monel serve a proclamation - he recalled one in Newark, another in Orange - when Brown was unavailable.

Monel told the Commission that he also accompanied Brown to several conferences. The city paid Monel a total of \$3,345.20 for expenses related to his attendance at conferences between September 1988 and September 1990. The purpose of his attendance, however, is unclear.

Monel accompanied Brown on the New Jersey State Chamber of Commerce Train Ride to Washington, D.C., in January 1990; to the U.S. Conference of Mayors Convention in Chicago, Illinois, in June 1990; and to the National Conference of Black Mayors Convention in New Orleans, Louisiana, in April 1990. Monel echoed the same reason for attending each of these conferences: "The mayor wanted me to go. Anytime he traveled usually I went." Monel provided no assistance to the mayor, but attended the workshops - "If I see him, I see him. If I don't see him, I don't see him."

Brown gave the Commission the following explanation for having Monel accompany him on out-of-state trips:

Well, I mean at a lot of things you have people run errands and look after things and that kind of thing. I'm one for losing my plane tickets, my keys and my passports and everything else. So normally I travel with somebody who I can give that stuff to, so I can get back home.

\* \* \* \*

Lance Webb, whose wife told the Commission that she is Donna Brown's cousin, stated to Commission staff that he typically chauffeured Brown to Trenton, to art galleries and displays, and to frame stores. Webb ceased being Brown's driver in February 1992, when he was transferred to the Department of Public Works. Webb requested the transfer, despite the resulting salary cut of \$6,359.28, because he no longer wanted to drive the mayor around.

\* \* \* \*

Marchand McReynolds was hired as Brown's driver during college breaks. Brown hired him because his "driver had quit" and he "didn't have a driver or confidential aide." According to Brown, McReynolds did "[t]he usual gopher stuff." He was paid a total of \$12,491.78 for the summers of 1992 and 1993 and other periods in 1990 and 1993. His salary was charged first to the Recreation Department, then to the business administrator's office and finally to the mayor's office.

### **The Tree Consultant**

Harold "Skippy" Whelan, hired by Brown as the city's "tree consultant" in 1989, testified that he has known the mayor's wife since childhood and has occasionally provided services to their residence, usually free of charge. Brown did not look beyond Whelan for the position. Later, when payment of Whelan's consulting fees were delayed by Whelan's own failure to comply with proper purchasing procedures, Brown placed him on the regular city payroll. The Commission's investigation raised serious questions about whether the "consulting" work actually performed by Whelan - who



conducted himself with virtually no supervision - justified the amounts of money paid to him through a retainer and part-time salary.

As a consultant, Whelan was paid \$1,000 a month, for a total of \$42,000 from August 1989 through January 1993. During the same period, he received an additional \$6,638.72 for “other” services, such as tree pruning.

Whelan was placed on the city payroll as a part-time employee in January 1993, and through 1995 was paid an average of \$11,900 per year. Because of his continuing employee status, the taxpayers of Orange also were burdened with underwriting his Medicare and Social Security benefits.

Whelan was the city’s first “tree consultant” and reported to Arlene Kemp when she was city engineer. When Kemp was asked if Whelan performed any service that could not have been done by her department, she identified only one - the trimming of some trees in Military Park whose height surpassed that of her department’s bucket truck. According to Kemp, Whelan was not required to work a set number of hours each month. Kemp experienced difficulty in paying Whelan because although he demanded payment of his \$1,000-a-month fee, he refused to submit the requisite bills to trigger the payment process. Whelan submitted bills only a few times, but never itemized the services provided. The problem of paying Whelan was resolved finally when Brown hired him as a part-time employee with no change in duties.

Commission staff examined Whelan’s files on Orange. The only major projects undertaken by

Whelan appeared to be a survey of the city's trees, which began in 1989 and was concluded in 1991, and a 1991 survey of trees recommended for removal. Whelan's files revealed several instances where he proposed himself to do the work that he was recommending as a consultant.

Only a few handwritten records in Whelan's files established the hours of work performed: a total of 21 hours between August and December 1989 and a total of 235 hours for 12 months in 1990.

Mayor Brown told the Commission he knew Whelan through his (Brown's) wife and has paid Whelan for tree work at his residence. Brown said he hired Whelan for city work to start a tree care and planting program in Orange. He admitted that no one else was considered. Brown also acknowledged that despite Whelan's complaints about delayed receipt of consulting fees, Kemp did inform him that Whelan was not submitting the proper paperwork.

Brown's testimony also confirmed that Whelan defined his own responsibilities. When pressed about Whelan's duties as a \$1,000-a-month consultant, Brown answered:

I had no understanding of what he would get paid for with the consultant fee. Apparently, that was something that was worked out between him and the Public Works director.

- Q. Are you aware that he was paid for services outside of the consultant fee?
- A. As a matter of fact, no.

## **THE CITY'S SPENDING HABITS**

City officials in Orange have engaged in spending practices that range from imprudent to irresponsible. Highly questionable judgment was exercised by the mayor in authorizing expenditures, by the business administrator in implementing them, and by members of the Council in approving them - when, that is, they were made aware of them.

This pattern of fiscal irresponsibility has occurred against the backdrop of intense budgetary adversity. In 1990, five city employees were laid off, one provisional employee was terminated and four employees were demoted. In 1994, the fiscal squeeze resulted in the layoffs of 19 employees, the termination of nine provisionals and one demotion. In 1995, two employees were laid off and two provisionals were terminated. At the same time, yearly spending freezes were imposed from 1991 through 1995.

Meanwhile, conferences, both in New Jersey and out-of-state, were treated as junket opportunities for municipal officials and employees. Cars were provided to an array of top officials, complete with free fuel and maintenance and no restrictions on their use. Moreover, taxpayers during this period were burdened with financing annual lunches for officials and their secretaries, coffee for employees, employee picnics and Christmas parties, and delivery of gift flowers on behalf of the mayor.

The Commission's examination of the city's accounts yielded 11 categories of questionable or improper expenditures. In calculating the total expenditures for the categories listed in two through 10

below, the Commission scrutinized only the accounts related to administrative services, mayor, council, business administrator, finance and clerk - 35 of the city's more than 1,000 accounts. Therefore, it is likely that the total of questionable expenditures in each of these categories would be greater if the remaining accounts had been included in the analysis.

### **Trips, Gifts and Entertainment**

#### **1. Conferences, seminars and travel:**

From July 1, 1988 through January 31, 1995, \$190,263.93 was spent for conferences and seminars, with more than \$70,000 spent in 1993 alone. A substantial number of city employees have attended the state League of Municipalities conventions in Atlantic City each year. These conventions constituted 14 percent of the total expenditure.

Two out-of-state trips are notable - one to Orlando, Florida, at a cost of \$1,751.60, and the second to Anaheim, California. Both trips were made to examine a concept advanced by Chief Financial Officer Kelly, an avid golfer, to construct a golf driving range, known as an aquarange, atop the city's reservoir in West Orange.

At his own suggestion, Kelly attended the Orlando conference from December 9 to 14, 1992 on designing and operating a golf driving range over water. Kelly made the trip "with the thought of - there was a potential of putting a driving range over the reservoir." Kelly termed the expense "a worthwhile investment," but when asked if the information could not have been obtained another way,

responded: “I don’t see - I don’t know - I wouldn’t know who have - I don’t know who I would have called to obtain that - that information.”

Kelly was accompanied on the Florida trip by a friend at no additional expense to the city. They stayed an additional two days beyond the conference. Kelly “probably played golf one day” and visited one aquarange on the other.

Kelly did not seek reimbursement for his expense of \$1,751.60 until June 1994, about 18 months after the trip. His explanation: “procrastination, combined with just forgetting about it.” The expenditure was never submitted to the Council for authorization of payment, but was paid by manual check at Kelly’s direction. Although he told the Commission that the check was later included in a list of manual checks approved by the Council, no evidence to support that contention has been found.

Kelly also traveled to Anaheim to discuss and view a driving range over a reservoir. Mayor Brown accompanied him on that trip. Kelly recalled being there “[p]robably two years ago” for “just a few days.” Because Brown had been invited to the White House for a presentation on trade just before the scheduled trip, Kelly accompanied him to Washington, D.C., and from there, they flew to California.

The Commission subpoenaed the receipts for the Anaheim trip, but the records could not be located, according to Kelly. Consequently, the Commission has been unable to determine the cost of the trip, precisely when it occurred and whether the Council approved the expenditure.

Kelly testified that the aquarange concept “just [has] not been pursued.”

## 2. Flowers:

From July 1, 1988 through April 30, 1995, \$19,344.53 was expended on flowers. Of that total, \$6,689.30 was incurred by the mayor’s office - \$4,365.40 charged to the mayor’s account and \$2,323.90 to administrative services. The latter account was charged an additional \$3,600.95, with the business administrator accounting for \$681.75. Another \$8,372.53 was attributable to the city counsel, clerk, planning board, community services, city attorney and reserves for “Other Expenditures-Physical Damage.” The invoices from florists revealed that typical occasions for the delivery of flowers were birthdays, funerals and illnesses. In November 1992, fruit baskets costing \$500 were delivered to the mayor’s office.

The majority of the \$6,689.30 incurred by the mayor’s office indicates that taxpayer-subsidized flowers became a particular personal expression for the mayor. The delivery greeting cards included the names of Brown and his wife and son. One flower arrangement, costing \$57, was delivered to Brown’s aunt in Albany, New York, for her birthday.

## 3. Meals/Alcohol

Between 1990 and 1993, \$2,661.65 was billed to the taxpayers for annual lunches for secretaries, accompanied by their supervisors. Alcoholic beverages were itemized on bills for 1991 and 1993, while the bills for the other years contained no breakdown.

Each year, the luncheon was charged to a different account: Mayor-Miscellaneous in 1990; Business Administrator-Miscellaneous in 1991; Administrative Services-Supplies in 1992, and Administrative Services-Professional Services in 1993. The Commission was told by employees that annual lunches were also held in 1988 and 1989, but the expenses were not identified as such in the six accounts examined.

4. Employee picnic:

The city paid \$3,494.20 for an employee picnic in 1992 and \$3,282 for the one in 1993.

5. Plaques/Trophies:

From July 1988 through 1995, the city paid \$100,202.57 for items such as plaques, trophies, tee-shirts and nameplates.

6. Artwork materials:

From July 1, 1988 through April 30, 1995, the city expended \$4,553.65 for frames and matting. Of this amount, \$2,693.35 was charged to the mayor's account and \$1,860.30 to Administrative Services-Supplies. In 1989, a frame was purchased for \$155 for the mayor's portrait, which itself cost \$771 to produce.

7. Employee coffee:

Between July 1988 and June 30, 1994, \$17,109.24 was spent for the purchase of coffee. Of this amount, \$9,882.86 was charged to Administrative Services-Supplies and \$7,226.38 appeared

under the accounts for Police Department, Planning, Municipal Court, City Clerk, Community Services, and Community and Economic Development.

8. Promotional/Publicity Photography:

Between July 1988 and March 31, 1995, \$70,839.68 was spent on photography. Of this figure, \$23,260.69 was incurred by the Council, Mayor, Business Administrator, Clerk, Finance Department and Administrative Services. The remaining \$47,578.99, which was charged to various departments, is understated because the figure was obtained from the vendor history records and not the accounts of the specific departments.

9. Car Phones

The city paid \$46,092.09 for car phone charges from July 1, 1988, through December 31, 1994, for the Mayor's, Business Administrator's and Administrative Services accounts.

Of the total cost, \$44,087.69 was incurred by the mayor, of which only \$1,822.52 was charged to his account, while \$41,669.28 was billed to Administrative Services-Communications, \$437.87 to Finance-Miscellaneous, and \$158 to Administrative Services-Supplies.

Although it is almost certain that at least a portion of the mayor's extensive car phone expenses were attributable to personal calls, the Commission found no instance where he reimbursed the city. Questioned by the Commission, Brown retorted that he never charged the city for telephone calls made from his home.



10. Christmas Parties:

From December 1988 through April 1995, the city spent \$36,576.66 for Christmas-related expenditures, including office parties, entertainment and decorations. Of this amount, \$23,525 was expended on employee Christmas parties, which ranged in price from \$2,000 to \$5,000 and included payment for wine. There were additional costs of between \$300 and \$700 for a DJ or live music.

11. Holiday Observances:

Between November 1988 and December 1994, \$28,571.38 for holiday observances, including parades, for Columbus Day, Easter, Halloween, St. Patrick's Day and Memorial Day.

**Assignment of City Vehicles**

At Mayor Brown's direction, city cars were assigned to him, Business Administrator Morrison, Fire Director Gamba, Police Director Cobbertt, Chief Financial Officer Kelly, former City Engineer Kemp, Tax Assessor Brown, and Recreation Supervisor Hannibal. At times, a city vehicle was the only vehicle that an individual had. No restrictions were placed on use of the vehicles, which were fueled and maintained at taxpayer expense. Indeed, individuals were told that they could use the vehicles for personal reasons. No record-keeping was ever required to segregate business, personal and commuting mileage, thus making it impossible to calculate the taxable portion of the benefit. Consequently, W-2 forms were never issued, and tax liability was probably avoided.

Mayor Brown enjoyed use of a city vehicle starting in June 1989. Orange is one of only five Essex County municipalities that assign vehicles to mayors on a full-time basis. The others are Newark and East Orange, whose mayors are full-time, and West Orange and Irvington, whose mayors are part-time. Only Newark and West Orange issue W-2 statements for the value of this benefit.

Under the Orange Municipal Code, officials who reside outside the city may use assigned vehicles for commuting, as may department directors “who have an emergency responsibility.” “Emergency responsibility,” however, is not defined. As a result, the mayor has broad discretion to place his own interpretation on the term. Moreover, Mayor Brown has exceeded the dictates of the municipal code by permitting individuals to use vehicles for personal purposes apart from commuting. In addition, because there are no requirements for logs reflecting official and non-official use or for reimbursing the city for non-business use, it fell to the taxpayers to fund the fuel and maintenance costs for the personal use of city vehicles.

## **COLLAPSE OF FINANCIAL PROCEDURES**

An examination of the city's financial apparatus revealed lax or non-existent oversight procedures, serious deficiencies in internal controls and repeated apparent attempts to circumvent the Council on various spending matters.

The Commission notes the following problem areas:

**Off-line, or manual, checks, also referred to as hand checks, have been overutilized and not reported to the Council for proper approval:**

Manual checks are to be issued not as a routine practice, but in those occasional instances where payment must be expedited. A primary risk of issuing such checks on a frequent basis is that they will escape the computerized accounting system, thus clouding the accuracy of the current expenditure budget. In Orange, manual checks became routine. For example, for the three-month period from June to September 1994, a total of 923 manual checks were issued, totaling more than \$6.1 million for such regular expenses as postage, consultants' fees, garbage disposal, office machines and supplies, and telephone service.

In addition to overusing manual checks, the administration failed to report all such expenditures on bill lists for the Council's approval, contrary to repeated recommendations by the city's auditors.

As already noted in this report, the method for paying the lease for the mayor's 1993 Grand

Marquis and the purchase of a computer system for the Clerk's Office are egregious examples of the inappropriate use of manual checks and of the failure to submit those expenditures on bill lists for the Council's approval.

**Expenses have been charged to the wrong accounts:**

At the least, such a practice makes it impossible for Orange to budget properly for the following year. At worst, it can be used as a mechanism for concealing charges to avoid the notice of the Council and the public.

The following are examples of expenditures that were charged to improper accounts:

- A. \$25,233.31 in expenses related to older adults was charged not to Older Adult Services, but to the Mayor, Business Administrator and Administrative Services for years 1989 through 1991 and 1993. If the expenses had been properly charged, then Older Adult Services would have substantially exceeded its budget in all years except 1991.
- B. The Administrative Services-Office Supplies account was employed repeatedly to include expenses that belonged elsewhere. The following are but a few examples:
  - 1. \$7,481.74 was charged for a planner on behalf of the Department of Planning and Economic Development;
  - 2. \$3,000 was charged for parking meters on behalf of the Department of Public Works;
  - 3. \$9,700 was charged for the mayor's car;
  - 4. \$2,000 was charged for Christmas trees and lights on behalf of the Department of Public Works, and

5. \$4,850 was charged for a used van for the Department of Community Services.

Other examples appear in this report under **The City's Spending Habits**, at page 53.

**Funds were not routinely certified before the expenditures were made, as required by law:**

Chief Financial Officer Kelly testified that he never certifies the availability of funds on the regular bill lists, either by stamping the lists themselves or by attaching certifications. And, while the law allows availability of funds to be certified on individual purchase orders, Kelly admitted that “there may have been” instances when he failed to use even that method.

**Vouchers for purchases were routinely paid despite the absence of supporting documentation:**

Of the more than 2,124 vouchers examined by the Commission, at least 448 lacked supporting documentation. For example, there was no back-up documentation for the city's payment of \$2,650 for furniture and accessories for the mayor's office in September 1993.

In every annual report since 1988, the city's auditors have recommended “[t]hat all vouchers be properly signed and completed with supporting documentation, in the form of invoices or other appropriate information, attached.”

When Chief Financial Officer Kelly was questioned by the Commission on whether he reviews the vouchers prior to payment, he sought to disclaim responsibility:

Q. Do you review these documents at all before payment?

A. Rarely.

. . .

COMMISSIONER MILLER: Why do you review them rarely?

THE WITNESS: Why? Because it's not my responsibility to review those....It's only - it would be a duplication of my efforts for me to review a document that's already been reviewed by two department level people, the department director and the city administrator. And it's basically an administrative type function left by the accounts payable clerk to make sure that the signatures are on the document, that an invoice supports the total on the document, and - and prepares it for - for payment.

COMMISSIONER MILLER: So, you're saying that the buck stops somewhere else rather than with you?

THE WITNESS: That's - that's correct. Again, I'm responsible for the oversight and the audit....

Even if Kelly delegated these responsibilities to the accounts payable clerk, he was not relieved of his responsibility to assure that proper procedures were followed. Moreover, since 1988, the city's auditors have continually recommended "[t]hat vouchers be reviewed and audited internally with greater care."

**Expenses of officials and employees routinely were reimbursed under vouchers that lacked supporting documentation. Further, the city lacks written procedures governing the reimbursement of expenses.**

**Vouchers for reimbursement for attendance at conferences were paid despite obvious errors:**

For example, one voucher that was submitted by and paid to a city administrator in connection with attendance at the 1989 League of Municipalities convention in Atlantic City included a receipt for \$137.26 in food and beverage from a West Orange restaurant, dated October 4, 1989. A receipt attached to another employee's voucher contained a white-out of the number of guests, which was two, and the handwritten number of one. Further, the Commission discovered instances where the meals for spouses were included in receipts or submitted by officials for reimbursement, and paid at taxpayer expense.

**Following cash advances, typically made in connection with attendance at conferences, reconciliations with supporting documentation were routinely lacking.**

## **REFERRALS AND RECOMMENDATIONS**

The Commission refers the results of its investigation to the following agencies of government for review and whatever action is deemed appropriate:

- \* Office of the Attorney General
- \* Election Law Enforcement Commission
- \* Division of Taxation
- \* Division of Local Government Services
- \* United States Internal Revenue Service

The Commission makes the following recommendations:<sup>15</sup>

### **1. Soliciting political contributions:**

The Legislature should consider the broadest possible restrictions on government officials' ability to solicit political contributions from subordinates and employees or from vendors with whom they deal in their official capacities. While constitutional considerations may preclude absolute prohibitions, at minimum there should be a ban on such activities during official working hours and on government premises. Violators should be subject to criminal penalties.

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<sup>15</sup> The Commission is sending a copy of this report to every municipal government unit in New Jersey, and urging each unit to review these recommendations carefully and implement any that are applicable to it.



In addition, the City Council of Orange Township should investigate and take appropriate action against administrators and employees who exerted pressure and/or exacted reprisals in connection with demands for political campaign contributions. Contributions to political causes must not be an adjunct of employment or the price of doing business with the city. Accordingly, the Council should establish a clear, written and appropriate policy to prevent future abuses of this nature.

## **2. Municipal ethics board:**

In order to promote public confidence in the integrity of government officers and employees and to provide clear and enforceable standards of ethical conduct, the Commission recommends that the City Council establish a municipal ethics board, which would then promulgate a municipal code of ethics, pursuant to the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq. The code of ethics should include provisions which prohibit: the solicitation of any contributions or money by officials or employees during working hours or on municipal premises; the hindering of promotions or the enhancing of promotional opportunities for municipal employees based upon their political and/or financial support of elected officials campaigns, or lack thereof; the solicitation of any contributions or monies from city vendors or beneficiaries by officers or employees who deal directly with such vendors or beneficiaries; the expenditure of public monies on office functions, such as holiday parties, retirement parties and picnics; the personal use of municipal vehicles; and the unreimbursed personal use of city telephones.

The Code should also address appearances of impropriety, where public officials' associates benefit from their personal or professional relationship with those officials, even in the absence of a

clear quid pro quo.

### **3. Questionable campaign expenditures:**

The Commission recommends that the state Election Law Enforcement Commission adopt clear, written regulations requiring that whenever campaign checks are not made payable to an entity actually providing a service, candidates must document the expenditures. The Commission's investigation revealed that numerous checks payable to cash or individuals were drawn on the accounts of several political entities, ostensibly for the purpose of paying campaign-related expenses. In many instances, however, there was no written record detailing how the proceeds were actually spent.

### **4. Improper financial, bidding and purchasing procedures:**

In order to provide adequate fiscal accountability and oversight, the City Council should take immediate action to review thoroughly, revise and adhere to clear and effective written procedures and controls for purchases, submissions of vouchers for payment and proper reimbursement of employee expenses. Further, there must be strict adherence to the Local Public Contracts Law for bidding, to guidelines for obtaining quotations where bidding is not mandated, and to statutes for certifications of funds and for proper and timely enactment of Council resolutions related to expenditures.

### **5. Improper public expenditures:**

The City Council should establish and adhere to clear and effective written procedures for scrutinizing the justification for expenditures before approving them, and must set a strong policy of

fiscal restraint. Specifically, expenditures of public funds for employee entertainment, including the purchase of alcoholic beverages, is not sound policy and should be eliminated. Bills for city telephone usage should be carefully reviewed and all officials and employees should reimburse the city for the cost of personal calls. In addition, approval for attendance at conferences, especially at out-of-state resorts, should be closely monitored to ensure that the city and the taxpayers will benefit from this type of expense.

#### **6. Internal control deficiencies:**

Several of the internal control deficiencies noted in this report have been called to the city administration's attention on previous occasions in its annual audits. Although federal and state regulations require that municipalities file a corrective action plan for addressing such issues when they are raised by auditors, Orange has failed to do so. Unfortunately, the state's severely understaffed Division of Local Government Services is able to address only a handful of similar delinquencies each year. While new computer technologies are expected to enhance the Division's capabilities in this area, municipal governing bodies in Orange and elsewhere should on their own insist that their executives and administrators submit and implement plans for remedial action when necessary.

As far back as its September 1992 report, "Local Government Corruption," the Commission recognized that audit recommendations often are ignored. At that time, the Commission recommended enactment of a statute requiring that any local government unit which fails to implement recommendations contained in its annual audit must publish a resolution in local newspapers stating the reasons. The Commission repeats that recommendation here.

**7. Questionable hiring practices:**

Government positions should be created and filled only when they serve a legitimate and necessary purpose. Clearly questionable positions - such as a “tree consultant” - must be examined and modified or eliminated where appropriate. At the same time, there must be a determination of whether certain positions, such as that of “recreation supervisor,” are properly classified as full- or part-time and whether the salaries are commensurate with the responsibilities of such positions. The Council should aggressively assert its authority with respect to the employment and retention of City employees.

The Commission also recommends that existing law exempting “professional services” from public bidding be amended by the Legislature to define that term with precision. The current vagueness of the statutory language invites abuse, such as that which is evident from the present investigation and findings.

**8. Abuse of city vehicles:**

The Commission recommends reduction of the City’s motor pool through the elimination of exclusive assignment of vehicles to officials whose duties do not require them. Individuals deemed by City Council to warrant such assignments should be required to record their business and non-business mileage, and the value of any personal use should be reported to state and federal tax authorities, as required by law.

## APPENDIX

N.J.S.A. 52:9M-12.2, effective June 28, 1996, provides that

[w]hensoever a proposed State Commission of Investigation report is critical of a person's conduct, a copy of the relevant portions of the proposed report thereof shall be sent to that person prior to the release of the report. Upon receipt, the person criticized shall have 15 days to submit a written response of a reasonable length which the commission shall include in the report together with any relevant evidence submitted by that person.

The following materials are the responses submitted pursuant to that statute.

When the Commission sends a portion of a proposed report to a person, it is accompanied by a letter advising the recipient that disclosure of the report, except as necessary to facilitate the preparation of a response, could be a violation of N.J.S.A. 52:9M-15a, punishable as a crime of the third degree. When the Commission receives evidence that an unauthorized disclosure has occurred, the matter is referred to the Attorney General as required by N.J.S.A. 52:9M-8.

In considering the responses that follow, the reader should note that they are not in all cases under oath and, in some cases, may not even be a statement by the affected individual himself.

RECEIVED

96 AUG 16 AM 10:37

To whom it may concern;  
Matthew Brooks is writing  
you to give any information I can  
truthfully give to help an on going  
investigation I received this document  
from you on Thursday August 8, 1996.  
I have not discussed this matter  
to anyone but a close co-worker name  
Jamie Anderson. He told me "Matt  
you have nothing to lose now the  
former Mayor Brown can't touch  
any of us now" He's right! I did  
in fact run envelopes back and  
forth to the former Mayor's law  
office and deposited money to the  
bank like I was told to do. I didn't  
ask any questions I was just doing  
what I was told to do. Stephanie  
Cosey and Karen Lang would call  
upstairs to Public Works and have  
me to come to the former Mayor's  
office. They would give me papers  
to take over to the former Mayor's  
law office for his signature. I'd  
walk to the law office and get

the papers signed by the former Mayor Brown and bring the papers back to Stephanie Corey or Karenhang at City Hall. Sometimes a lot of times there would be tickets for the former Mayor's Ball and other events. A lot of people would not have money to buy these tickets at \$25000 dollars a ticket but were informed to give a donation but, if you didn't do so you would get a waste job to do or something. I once had no money to purchase a ticket but, was told that if I have money for music equipment, I have money for a ticket to the former Mayor's Events. He's the one who signs your check and don't you forget it! So I just did what I was told to do from then on.

There were tickets many times that had to go back and forth to the former Mayor's Office in City Hall. If you didn't do what these people told

you to, you wouldn't have a job.

I have a wife and four (4) children to feed and raise I can't afford to lose my job. I told Jamie this he told to hang in there it will be okay. So, I am giving you this information as stated from Karen Lang that the information and these papers is true and I was only doing what I was told from Stephanie Casey. When the time came to vote there was a lot of pressure on everyone at City Hall if you didn't do what the former Mayor Brown, Stephanie Casey and Karen Lang you would get in trouble.

I once could not make it to the Election Headquarter's help and was told from Stephanie Casey "Matthew you're a married man that's what you have a wife for

I got very upset with myself because for the past 7 years I've worked at City Hall I didn't really see what was going



on with these people at City  
Hall till now. If I can be of  
any more help to the investigation  
feel free to call me at 673-7696  
or write to 325 Mechanic St apt  
Orange N. J. 07050

Sincer  
Matthew Brooks

April 29, 1998

Leslie Z. Celentano  
Chair  
Commission of Investigation  
State of New Jersey  
CN 045  
Trenton, NJ 08625-0045

Re: Notice of Proposed Report

Dear Ms. Celentano:

Reference is made to material supplied on April 18, 1998. Initially, it must be emphasized that the attempt of the SCI to include me in allegations of "political pressure" and "creating the pressure" is both false and absurd.

I am, of course, limited in my response to the dissected parts of the material upon which you have permitted me to comment.

You allege that certain members of Orange government "became instruments of compulsion." You gratuitously add as a last sentence, with no foundation, "Even the Mayor's wife Donna Brown was involved." **The conclusion is unwarranted and false.** In the eight years of my husband's tenure as Mayor, I visited City Hall approximately three to four times. I rarely went to political functions/events and never socialized with anyone. I disliked being the spouse of a politician and all that came with it, while others like Karen Lang resented me for it and went to great lengths to destroy me.

You indicate on page 2 that "Lang testified that assignments were usually made by Gamba and Mrs. Brown." **At no time did I make the so called assignments as set out in your report.** Your footnote while purposely obtuse, struggles to reach the appropriate conclusion. **Namely, at no time during my presence at meetings did I make "assignments."** My response to Karen Lang's testimony that "assignments were made by Gamba and Mrs. Brown" is as follows -- Karen Lang is a woman that will do and say anything to be perceived as "important" to get attention. Lang's vindictiveness is the motivation for her to make false statements about me. Lang's covert activity through the years was made painfully clearer to me when I found photos of her performing oral sex on a Black man I believed to be my husband. The recorded event took place November of 1993 in a hotel room at the League of Municipalities Convention in Atlantic City. I found these pictures the same day they returned and devastated, I called her at her home very late that evening to confront her. Caught by surprise, our conversation was brief. However, a week later she told me that the person was not my husband but "some Black guy she met in Atlantic City from East Orange Recreation." Lang further stated "we're like family" as we had known each other many years. Lang also said my husband had "saved her ass" many times before and she was happy he was able to "get the

Page 2

Response cont.

pictures from the guy" and save her again. Lang would later "brag" to a friend that she had done something with someone "big." Lang had a need to compete with me as well as compete with others for the attention of my husband. She has lied to him about others as well as lied to him about me. Lang controlled quite a bit and made many decisions on her own. Lang was the person that made the so called "assignments" as well as gave directives. Lang was also the person that notified everyone (including me) when a meeting was scheduled. Lang took great pride in these pedestrian tasks. Lang also had keys to my husband's law office in order to let everyone in for meetings. Lang would be there when I got there -- I did not have keys.

In conclusion, I cannot let Karen Lang continue to malign my reputation with false testimony without this very painful, truthful response. It is abusive what you attempt to achieve by including me in this report.

Sincerely,

A handwritten signature in black ink, appearing to read 'Donna Brown', with a large, looping flourish at the top.

Donna Brown

**McDONALD, ROGERS & RIZZOLO**

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April 30, 1998

Ms. Ileana N. Saros  
State Commission of Investigation  
State of New Jersey  
28 West State Street  
CN 045  
Trenton, N J 08625-0045

RECEIVED  
MAY - 1 AM 9 53

Re: Robert L. Brown

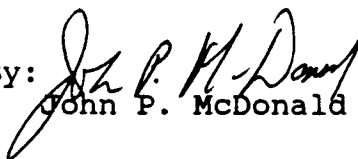
Dear Ms. Saros:

Enclosed you will find former Mayor Brown's written response to the second SCI report which Mr. Brown has asked me to forward to you.

Thank you for your kind attention to this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

McDONALD, ROGERS & RIZZOLO

By:   
John P. McDonald

JPM/jj

cc: Robert L. Brown, Esq.

**FORMER MAYOR ROBERT L. BROWN'S RESPONSE  
TO THE SECOND DRAFT SCI REPORT**

**I. EXECUTIVE SUMMARY**

This is the second proposed report by the SCI. The first report contained names of numerous witnesses who made allegations. Most of their names disappeared from the second report while the SCI maintains some, but not all, of their naked accusations unsupported by any proof.

Brown's proposed response to the first report showed these people as completely political liars, vengeance bound and poor city employees. The SCI knew they could not fool the public and justify probably millions spent on an investigation like this - a total waste of taxpayers' money.

To save themselves, we now have a second proposed report with most of the political rats, malcontents and lousy city employees in hiding. As the old adage goes, "Let me just say it enough times without proof and maybe someone will believe it".

By the way, the SCI just writes reports to justify their existence and they never have had anything good to say about anybody they investigated.

The investigation by the SCI was a political and racial one which distorted or ignored critical facts. The conclusions were reached before the evidence was complete.

There is no greater prospect for real corruption than to be investigated by a group which thinks it might be out of business

unless it can point to evildoers as a result of their work. Anyone could predict the results of their investigation after the SCI spent hundreds of thousands of the public's dollars on the words of Orange's worst employees and known liars. To suggest Mayor Brown ever pressured anyone to support his campaign is an outrageous, bold-faced lie.

In short, the SCI was fed a host of lies by past and present employees who had multiple personal reasons to slander this administration including getting their old positions back at higher salaries. The present administration has hired campaign workers at higher salaries and twice the number. Many of these are the SCI witnesses who have been repaid for their part in the new mayor's campaign and for their misrepresentations to the SCI. This administration did no more than exercise its Constitutional right to seek office and raise funds therefor.

#### **Political Considerations**

During the course of the interview of Councilwoman Marion Silvestri, the SCI investigator told her that Mayor Brown had made a large mistake by running against Senator Richard Codey. Silvestri demanded to know what that had to do with this investigation. The SCI investigator gave no specific response, but the clear intent of his statement was that this was, in part, a pay back for running against Codey.

#### **Racial Considerations**

On two separate occasions, the SCI questioned white individuals about their motivation for being aligned with a black

mayor in a black town. When the SCI interviewed Jack Kelly, the investigator questioned why a white man like Kelly would be working for a black mayor in a black town, suggesting that this was unacceptable behavior for a white person. Mr. Kelly felt that this was a clear racist message. During an interview with Councilwoman Silvestri, this same investigator, during his comments about the Mayor's senate campaign, also asked why a nice Italian woman like herself would associate with a black guy like Brown. She took it to be a completely racist comment. The SCI report fails to disclose any of these disturbing comments.

#### **Disgruntled Employees**

Perhaps the best example of the political nature of this investigation is the hiring of Mr. Roger Monel. The Mayor is severely criticized for hiring Mr. Monel as a confidential aide at the salary of \$34,500.00. The SCI fails to report that Mr. Monel had a falling out with Mayor Brown's administration and then supported Mims Hackett when he ran for mayor against Brown. Hackett's administration rehired Mr. Monel at a salary in excess of \$40,000.00, about 20% more than Brown paid him, to perform essentially the same duties as he performed for Mayor Brown.

#### **Gross Distortion of Spending Practices**

The SCI report is replete with criticism of the administration's spending practices without any comparison whatsoever to other municipalities. The report throws out figures in an irresponsible manner. An example of this distortion is the spending for flowers.

The SCI refers to \$19,344.00 spent on flowers, but does not clearly point out this was an expenditure over an eight-year period as opposed to the suggested one year. It should be noted that approximately 50% of that total was spent on laying wreaths on the grave sites of Orange's war dead on Memorial Day. This expenditure was a long-standing tradition as a form of respect to Orange's veterans and war dead. The Council approved this expenditure for eight years and they commonly visited the grave sites and participated in the wreath laying ceremony on Memorial Day with the Mayor. Some council members are veterans themselves. Mayor Brown, like virtually all of the mayors before him, was more than happy and grateful to participate in this way. The other 50% was spent for occasions where flowers were used to decorate the halls and event sites for a multitude of programs and events, many involving senior citizens. There were some isolated instances where the death of an individual would result in flowers being sent to the deceased's wake site.

The SCI goes through great pains to attempt to embarrass Brown about some flowers sent to his deceased aunt, but never tells the public that he had two flower accounts at the same florist - one personal account and one city account. The SCI looked at both accounts. Brown sent flowers at his own expense with respect to his personal affairs. For official matters, the city account was used. It appears that in countless transactions conducted by his office over an eight-year period, one mistake was made in charging the wrong account - probably a \$20.00 error.



The public can rest assured that if there was even one other mistake of this nature, the SCI would have highlighted it.

### **Reporting Discrepancies**

The SCI report criticized the financial reporting practices of Mayor Brown's mayoral campaign. It failed, however, to state that the vast majority of the few innocent mistakes on these numerous reports (which contained thousands of data entries) were cleared up with the filing of amended ELEC reports.

### **Political Cash Contributions**

The SCI report reveals that Mayor Brown's election committees reported cash contributions on a regular and continuing basis. The report hints that the campaigns may have collected additional cash contributions but there is absolutely no credible evidence to support that suggestion. Indeed, the SCI report does not even attempt to suggest a total amount for these supposed unaccounted cash contributions.

## **II. PRESSURE TO RAISE POLITICAL FUNDS**

The SCI report constantly distorts the atmosphere of fundraising in Orange. The fact is that a fundraiser was given on an average of once a year. Volunteers worked on a fundraiser for two to four weeks out of a year. The biggest task was the mailings which were all done at night. The second largest task was arranging for seating, food, entertainment, flowers and deciding on a program. This was usually done at the Mayor's home at night. The remaining task was receiving contributions. The

majority were received by mail. They would then be deposited in the bank. This was done at the law firm office or on people's personal time whenever that might be. Bank hours are from 9:00 a.m. to 4:00 p.m., therefore, deposits were consistent with that schedule. No one spent hours on end to perform that task.

For each event, the campaign might receive anywhere from 250 to 350 deposit items. Any suggestion that the work involving fundraising deposit was a hellish, all-day affair is a completely false. All available lunch or personal time easily allowed these tasks to be accomplished by numerous volunteers.

#### **Fire Department**

The SCI's allegations about taking unfair advantage of firefighters for fundraising purposes is patently false. The SCI's willingness to entertain wild tales by people at least one of whom was fully discredited in a related civil lawsuit is simply astonishing. Firefighters and police officers are entrusted with the lives of the residents of the town and it is the mayor's duty to personally meet with those who were given this responsibility. People were hired from an employment list usually in order unless an unusual reason existed to do otherwise. Any interview would have been short (5 minutes or less) and general in nature. It seems clear that of the large numbers of people hired in the police and fire department, we only have a disgruntled handful with these tales of pressure unsupported by anything other than hearsay.

Most people hired did not work on Mayor Brown's campaigns

nor did any personal favors for the organization. Those who did, did so for their own individual reasons and goals and not because they were compelled. The only favor Mayor Brown asked of all employees was not to embarrass the city by doing a poor job and set a good public image. None of the people cited by the SCI were ever a factor in Brown's political affairs. For the most part, the mayor did not even know them other than to see them around. Only a few employees were involved in any of these campaigns.

In a pending lawsuit, to which the SCI staff had full and complete access, there were 52 sworn statements by firefighters denying these types of allegations. Thirteen of those firefighters were recently hired. The SCI chose to ignore this favorable information and only report the allegations of wrongdoing made by a handful of disgruntled firefighters. Every firefighter that made these charges had an ax to grind and personal problems (i.e., not promoted, fired, retired reluctantly, drug or alcohol abuse, etc.).

#### Police Department

For eight years, all promotions were done in order without anyone ever being passed over. The Mayor promoted when he felt the need to do so. He promoted those he knew, those he did not know, those who supported me and those who were known enemies of mine. It did not make any difference. The record bears that out although the SCI makes certain not to mention that. Whether one contributed or not, they were promoted if qualified.

### The Mayor's Office

The secretary to the Mayor's office made these unsubstantiated charges. She was excessively absent and not very competent with her clerical and computer skills. She felt doing her fingernails, talking on the telephone and looking for a husband were her job requirements. She had an assistant and still could not perform adequately. The Mayor fired her, hired her assistant and never had a problem after that. Her replacement did not ask for or require an assistant. The truth is that her assistant was doing all of the work in the office in the first place. Fired employees often make "sour grapes" charges and allegations.

### Planning and Development

The SCI makes bare accusations in that there is no credible proof or basis for their allegations.

### The Finance Department

There were specific allegations about someone coming to the Mayor about an incident regarding tickets is a complete lie. This complainer was a personnel problem during Brown's administration and was eventually laid off. Her ire is the reason for her misstatements about the matter.

Another complainer was the most political woman who worked in City Hall. She was continually communicating her ties to a large Hispanic voting block in town and she was their leader. This rhetoric got her a job in the Monacelli administration and a seat on the Board of Elections. She was demoted from her

accountant title because she failed the civil service exam. The Mayor refused to give her a title that she did not deserve - political or not. She ultimately received an accounting assistant title for which she was qualified.

The new administration has rehired her and given her the title of accountant even with her record of failing the exam. This is pay back for her work on the present mayor's election campaign and her testimony before the SCI. She operated completely for her own interests and had been doing so long before Brown became Mayor. No larger political animal existed in City Hall.

#### Attempts to Influence Testimony

At no time did Mayor Brown attempt to influence the testimony of anyone. Of course, there were countless conversations about the SCI subpoenas and rumors around City Hall as to what was being said and the anxiety of the city employees being put through this ordeal (i.e., being followed and generally harassed, cars blocked). For a period, there was daily talk around City Hall about the SCI, people testifying, the rumors resulting therefrom and the various newspaper articles.

The only attempts to improperly influence anyone's testimony were by the SCI. Two (2) witnesses interviewed by the SCI were solicited to give false testimony to help the investigation. Robert Jandoli was told by the SCI investigator that they were out to get his boss "Gamba" and they wanted his testimony to get him. Even after countless statements to the SCI that he knew

nothing Gamba did wrong, the SCI investigator offered to get Jandoli relief from a lawsuit he was in if he would give some testimony against Gamba. This same investigator also interviewed firefighter James Burke and suggested certain wrongdoings. Burke unequivocally denied the allegation stating it was false. Burke gave testimony consistent with his recollection of the facts and was threatened by the SCI that if he did not testify to what they thought was the truth, they might take some actions to cause him to lose his job. The investigator claimed his boss (Saros) was mad and demanding action be taken because the testimony was not what she wanted. All Burke did was tell the truth. He was told essentially that they did not want to hear the truth, but rather their theory of the facts.

**Tax Avoidance/Robert L. Brown Civic**

Brown testified about two recipients of money from his allocation, however, there were countless recipients of all different ages and sexes over the years. To understand the mean-spirited objectives of the SCI in doing this work, a college student recipient called me and said an SCI investigator asked him if he had been given a monetary scholarship and did he give any of the money back to Brown. He wanted to know who were these people and where was their problem with making a baseless, false and defaming statement like that.

It should be noted that the SCI made numerous and baseless charges about the my civic association in their first proposed report and had the same investigated by another agency. An

investigation was conducted by an independent agency at presumably the SCI's insistence and the same were dropped by that state agency.

### III. CAMPAIGN FINANCE & REPORTING IRREGULARITIES

The SCI report notes that Mayor Brown raised over \$1,200,000.00 for numerous elections during an eight-year period. The report correctly notes that he personally loaned his campaign money on many occasions, but incorrectly concludes that he paid himself back \$18,500.00 more than he loaned the elections committees.

The SCI ignore the fact that it was presented with compelling documentary evidence showing that the difference was, at best, \$3,500.00 and not \$18,500.00. The SCI report also ignored legitimate and documented expenditures for the campaigns borne by Brown personally. The logical conclusion from all of the evidence is that Brown loaned the campaigns and civic activities more than he received back. The SCI report also fails to mention that Brown continues to personally pay campaign and civic activity expenses even though he is no longer holding political office.

There were some accounting errors that required reports to be amended. At least Mayor Brown always attempted to correct, clarify and provide the information sought. The SCI made errors all the time in this investigation and could care less about changing same.

#### Brown Law Office Rent

Brown paid for the office space for his law office and the political entities also paid rent for the least in their name (FRLB) of an additional space.

Brown used the conference room once or twice, but the committee incurred expenses for the telephone, supplies and clerical support the political entities never paid for. The costs to Brown for the expenses were much more costly than any occasional sitting down at their table.

#### **Misrepresentation of Fundraisers**

The SCI criticizes Mayor Brown's fundraisers for "misrepresenting" their true purpose. The report states that "numerous individuals" supplied information to this effect.

The SCI fails to mention just how many people were interviewed regarding their understanding of the purpose of fundraisers. It is submitted that only a handful, out of hundreds of donors questioned, ever mentioned any misunderstanding of the purpose of their donations. In fact, the purposes of each particular fundraiser was clearly conveyed both in print and orally.

The SCI refuses to release the names of any of these "numerous individuals" and refuses to disclose how many people gave favorable information regarding the fundraisers. The SCI criticizes the fact that substantial amounts of money were used for an art gallery in Orange open to the public on an invitation basis. In fact, the SCI refused the Mayor's invitation to visit the gallery and observe its activities.



### **Lies About Brown's Wife**

The SCI, in its cowardly way in order to bring one down, drags your family into the matter. The SCI lied and misrepresented the truth as Brown knows it. His wife's chief involvement was taking citizen complaints at home and following up for a solution when Mr. Brown could not. Mrs. Brown did not orchestrate or run her husband's campaign. Of all the lies told by the racist and fascist organization, this angered Brown most. When the lynch mob feels they have to stir up your family in order to be happy, it is time for a review of The Constitution for relief against these racist zealots.

### **Unaccounted For Cash Withdrawals**

The SCI report clearly disfavors the use of "street money" during elections. Until very recently, it was perfectly legal to use "street money" to pay campaign workers. There is no suggestion that any law was violated. The SCI does not dispute that hundreds of election workers were paid in cash. The SCI fails to mention that thousands of election day workers statewide were paid in cash; the practice was not unique to the City of Orange. Mayor Brown gave an accounting of the money spent using whatever records were made available to him, bearing in mind that there was no longer any requirement to keep detailed records.

Brown nor anyone else is familiar with the cash collection scenario outlined by the SCI witnesses and deny the same. All cash was deposited although there were instances when cash of a certain amount was given to a committee person and that person

tendered a different amount according to some contributors. Who is telling the truth? We may never know.

#### **IV. ABUSE OF OFFICE**

The SCI report alleges that the Brown Administration was abusive in exercising its discretion in hiring and firing certain individuals. The allegations are without merit and unsupported generally. Indeed, these criticisms are "Monday morning quarter backing" by the SCI staff who had absolutely no day to day contact with any of the individuals mentioned. The SCI is attempting to substitute its judgment for that of the elected officials in the City of Orange.

##### **The Mayor's Consultant**

The SCI suggest that Mr. Bridges improperly reduced a bill for private services performed for Mr. Brown . Much is made of the fact that the Mayor agreed to pay Bridges \$4,500.00, but only paid \$1,500.00, for private work preformed at 425 Main Street in Orange. The SCI concludes that the reduced amount was a payback for his receiving city work or that it was in lieu of political contributions. The real reason for the reduced bill was simple: Bridges did not do the work originally agreed to. Originally Bridges was to give Brown a design and help oversee the construction project for him. Brown later ran the project himself and acted as general contractor using some of the designs prepared by Bridges.

Brown also used and paid for other architects for the design

of the art gallery who received payment and did no city work. The SCI has those records as well, but of course there is no mention of that work in the SCI report.

Mr. Bridges received work lawfully, performed the services and was a competent professional. This suggestion of wrongdoing with respect to Mr. Bridges is simply false and outright lie.

#### The Chauffeur

Mr. Monel did not carry the title of chauffeur, rather he was a confidential aide who accompanied the Mayor and sometimes stood in for him. He made \$34,500.00 in the Brown administration and has since been rehired in the Mayor Hackett's office at a salary in excess of \$50,000.00. Mr. Monel did resident complaint follow up.

This chauffeur now makes about \$50,000.00 as head of older Adult Services. Another SCI witness paid for his services to get rid of Brown. To be clear, he still has a City job and makes more than he ever did for his back-stabbing efforts. Remember the SCI criticized Brown for giving him any kind of job. Monel is back and doing better.

#### The Mayor's Law Assistant

There was no agreement to place Ms. Carpenter on the city payroll for personal gain. Ms. Carpenter did work for the city and was paid by the city for that work. She did work for Robert L. Brown, Esq. and received office space, a secretary, a paralegal, a computer, typewrite, photocopier, supplies and telephone in lieu of payment. She had her own private practice

as well.

To say Ms. Carpenter's deal was bad or good is ridiculous. The report suggests that she did all of the Mayor's legal work in exchange for a rent abatement of \$300.00 per week. The report ignores the fact that she had her own viable law practice which she spent a considerable time on. The report also fails to note that Ms. Carpenter received free secretarial support and other office services in addition to the rent abatement. She was earning her own living lawfully through her private practice and working for me to offset the payment of office expenses. The SCI's suggestion that her termination from the city payroll was improper is also not true.

#### **V. MISUSE OF CITY PROPERTY**

The SCI report severely criticizes the Brown Administration for permitting Councilman Rudy Thomas to live in a home owned by the City of Orange at the Orange reservoir. Councilman Thomas is an elderly gentleman who was an employee of the State of New Jersey for many years. Having lived in Orange for about 70 years, he ran for, and was elected to, the Orange City Council.

When Mayor Brown was elected in 1988, on his first day in office, he was presented with a report by Killiam Associates which detailed a hazard at the Reservoir because it was completely unsupervised and not secured. The report pointed out that children and others frequently used the property for swimming, fishing and other activities. The report also

indicated that if someone drowned or was injured, the City would be liable for maintaining the property in this unsecured fashion with a reservoir and grounds being used in this way.

Councilman Thomas was asked by the Mayor as a friend to occasionally maintain a residence there to provide the presence at the reservoir which the report suggested. His services were at no cost to the City. It was understood that he would maintain his Canfield Street residence in Orange, but would serve in this volunteer capacity by providing occasional security for the reservoir. Being an elderly gentleman, assistance was needed from time to time. I asked Al Winston to help at no cost to the City, and he did.

The house had been unoccupied for years and was completely uninhabitable. Some minor repairs were made to accommodate Thomas and to provide any authorized public visitor with a toilet, running water, etc.

The house's condition was improved somewhat, but nowhere near the acceptable standard of most people. However, Councilman Thomas did have his residence in Orange as well. The SCI complains that no dual residency was filed by Thomas yet they cite no law, statute or guideline requiring such a filing. Thousands, if not millions, of people have more than one residence contrary to the SCI's suggestion that Councilman Thomas' situation was unique.

The SCI spent our taxpayer dollars following Councilman Thomas to breakfast, lunch, the bathroom and his ex-wife's house

on a petty mission to prove a meaningless point.

This may be too logical, but if the City built a resident house decades ago, it would seem the plan was for someone to occupy it. By the way, the new mayor did the same thing. Nothing has changed.

#### IV. THE CITY'S SPENDING HABITS

The SCI's report is most inappropriate when it discusses the spending habits of elected officials in an urban municipality miles away from the SCI's Trenton Headquarters. Who are they to say that the City of Orange should not have sent officials to the conference of the League of Municipalities? Who are they to second guess whether or not a plaque should have presented to a special citizen? What proper investigative mandate is fulfilled by their relentless criticism of the amount of money spent on floral arrangements to honor Orange's war heroes? This air of superiority exhibited by the SCI is both offensive and demeaning. The report states that the City's spending habits were "imprudent" and suggest that the Mayor, the Administrator and the City Council should have found other uses for some of these expenditures.

#### National Secretary's Day

The city's secretaries were honored on national secretary's day, on three or four occasions over eight years, by a luncheon held in their honor at a local restaurant. Brown felt they should be recognized like the other secretaries around the state and country on a day specifically set and dedicated to them. Mr.

Brown did not invent this idea and other public entities have done the same thing. The total expense for these events over an eight-year period was \$2,661.00.

#### **Frames for Honorariums**

There is also an expenditure noted as photo frames for \$4,553.00 over an eight-year period. This was simply the cost of framing and matting proclamations and citations Mayor Brown gave people over the years for significant contributions to the city and its people through their individual efforts. The city incurred expenses for matting and framing in connection with significant nationally recognized days for display in City Hall such as Black History Month, Women in History Month, Columbus Day, St. Patrick's Day, Adoption Month, CDBG Month, Arbor Day, Martin Luther King's Birthday, National Night Out, Fire Prevention week, National Housing Day, and the like. The Mayor tried to conduct the city's business with some sense of taste and style and that approach somehow offends the SCI. Brown believed that if one's efforts warranted recognition by the mayor, a framed and matted document was in keeping with the spirit of the city's extension of gratitude to you.

#### **Coffee**

The SCI also talks about \$17,1019.00 being expended on coffee during an eight-year period. First, Mayor Brown does not and never did drink coffee. It appears that city officials established a plan for employees to get coffee for their departments at city expense prior to his taking office. Once in

office, his senior level staff discovered the practice and eliminated it. Their action even caused the city to get sued for refusing to pay some of these coffee bills after the practice was discovered. The city lost the case and had to pay a final bill. Brown believes that this action was taken two or three years into his first term. The remaining 70% of the coffee bill complained of was generated by coffee being served over an eight-year period to thousands of citizens and taxpayers who attended the countless programs over the years. In short, the Orange citizens and taxpayers drank the overwhelming share of the coffee and no objections were expressed by the public.

#### Senior and Children Holiday Events

As part of the programs that Mayor Brown promised as a candidate for office, annual Christmas events were provided for senior citizens and children. The SCI claims the costs over an eight-year period was \$36,576.00. At the last Christmas party, the SCI sent an investigator to survey the party to see who attended, who worked, which policemen and firemen attended, what the people had to eat, and what types of gifts (donated by vendors) seniors received. Clearly, the SCI is of the opinion that city government should not be spending money on events for seniors and young people. The SCI has no business having such an opinion. For some seniors and children, this was the only holiday and family occasion they would attend. For many, the city family was all that they had and Mayor Brown was honored to provide that link between residents, young and old.



An expenditure of \$28,571.00 is also singled out over an eight-year period as some form of mismanagement for other holiday events. For the record, those other events over the last eight years were the senior Halloween parties, the children's Halloween parties, receptions for Columbus Day, Black History Month, St. Patrick's Day and other activities.

#### **Nothing has Changed**

For the record, the same activities and expenditures have been made by the present administration. It was only wrong when Brown did it (their target). Frankly, these expenditures are proper now and were when Brown made the same ones, but Brown was a target.

#### **Employee Summer Picnics**

The SCI also attacks the expenditure of \$3,494.00 for employee picnics during Brown's eight-year tenure. The report does not disclose that many of these events were for the kids who worked in the city's summer job program. It was a way of saying thank you letting the kids know how much their work was appreciated. It was also an opportunity to wish those going to college well and to inspire those returning to high school to never give up or think negatively about themselves. There were at least one or two employee picnics to promote morale and good feelings amongst employees.

#### **Car Phone**

The SCI claims that \$48,000.00 was spent on car phone bills. Brown did a great deal of city business on his car phone. He was

in constant contact with City Hall whenever he was not there. Over eight years, accepting their numbers, it comes out to about a \$115.00 per week bill which is reasonable. There is no guideline to the contrary.

#### **Plaques and Awards**

The SCI talks of a figure of over \$100,000.00 related to plaques given out over eight years. Brown believes that the SCI combined several different categories and thus misrepresents what they did to produce this inflated number. However, even the false number proposed is defensible. The SCI has all the records and they believe that they can get away with these distortions.

The items being complained about are plaques given to police, fire and non-union personnel after 25 years of service to the City of Orange. These people risked their lives to protect and preserve life in the city and were deserving of a decent plaque, despite any suggestion by the SCI. There were also plaques given to citizens in recognition of their service to the community (Martin Luther King Human Rights Award). All of the recipients of these recognitions were presented with a respectable and proper symbol of the city's appreciation of their contributions to the citizens. Mayor Brown could have given these people a letter, but he believed that they deserved more and an appropriate plaque was chosen.

#### **Photo and Media Expenses**

The SCI claims some \$70,839.00 was spent on publicity photographs for various city departments during Brown's eight

years in office. It should be noted that of the multitude of city events, the newspapers would generally not appear and when they did, there would usually be no photographer. The mayor was left to record the official events around the city and disperse same to the various news agencies. There was a multitude of events, projects and milestones achieved to be reported. Brown believed in the expression "a picture is worth a 1000 words" and made many pictorial presentations with the appropriate press release about the capital projects, senior events, youth activities, Taste of Orange Street Festival, public safety programs, cultural affairs, housing programs, anti graffiti programs, street facade programs, football stadium, the police station, the water filtration plants.

There were numerous activities for the youth which were captured in pictures, such as; football, baseball, drill teams, parades, Black History Monty, Irish Person of the Year, Italian-American of the Year, Martin Luther King Awards, the Halloween parade, Santa Clause at City Hall program and numerous other events. Generally, if the city did not provide the stories and the photos to the media, the story would not get out. Brown provided the information link to the public. The media generally covered negative stories, and the city wanted to report on the positive events.

It should be noted that the City Council approved the payments for these photos throughout Brown's eight years in office, but now some of these same council members claim that

they were opposed to the photos or did not know about them. However, these same council critics can be found prominently displayed in many of these pictures with broad and shameless grins. The complaints of these people are legendary when a photo shoot was held and they missed it. Many of these photos were displayed in City Hall for the benefit of its visitors.

### Opposition Expenditures

Mayor Brown appreciates his opponents, Councilmen Lewis and Page, taking every shot they can at him. But why hasn't the SCI put forward their horrendous spending record for travel? Over an eight-year period, the SCI says some \$190,000.00 was spent on travel, entertainment and seminars, but what they conveniently don't report is that their City Council informants set records for spending money on travel and food. Councilmen Page and Lewis were the largest offenders, but they were cooperating with the SCI so their expenses were hidden. The records and history, however, remain. During the eight-year period of Brown's stewardship, the council and clerk spent approximately \$100,000.00 for eight people to travel while Brown's administration spent less for over 400 people to travel. Councilman Page hit his high point when he attended a \$500.00 per plate dinner in Washington, D.C. paid for by the Orange taxpayers. Such conduct had never been committed by anyone in the history of the town. This incident was known about and approved by his City Council allies.

Aside from crisscrossing the country, Councilmen Page and

Lewis had a fixation for renting hotel suites and staying over for several days at a convention in Secaucus, New Jersey. This convention was 20 minutes from Orange. This was forgotten or overlooked by the SCI. Lewis and Page averaged \$5,000.00 in one year. Brown's travel for the most part was to Washington to lobby successfully for more federal funding (\$2.5 million for more street cops in the last two years).

MICHAEL CRITCHLEY  
ATTORNEY AT LAW  
354 MAIN STREET  
WEST ORANGE, NEW JERSEY 07052

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May 1, 1998

MICHAEL CRITCHLEY

JOHN E. TIFFANY, JR.  
MICHAEL CRITCHLEY, JR.  
STEPHEN TURANO  
JOHN MICHAEL VAZQUEZ

(973) 731-9831  
FAX: (973) 731-7801

**Via Telefax (609) 633-7366**  
**and Hand Delivered**

Ileana Saros, Esq.  
New Jersey State Commission of Investigation  
28 W. State Street  
10th Floor  
CN-045  
Trenton, New Jersey 08625

Dear Ms. Saros:

Once again, you have supplied and I have reviewed excerpts of a revised report, which I assume the Commission will publish sometime in the near future.

The excerpts from your latest revised report suggest that a loan to my friend of more than twenty years constitutes a loan irregularity. I must reiterate, for the third time, that the objective, uncontroverted facts as a matter of record establish the following:

- (1) There is a note evidencing a personal loan from me to Robert L. Brown;
- (2) Pertinent and relevant ELEC reports reflect a \$10,000.00 loan from Robert L. Brown to the Campaign Committee;
- (3) Records document that the campaign repaid the \$10,000.00 loan from Robert L. Brown;
- (4) Records document that Robert L. Brown repaid the \$10,000.00 loan to me; and

Ileana Saros, Esq.  
May 1, 1998  
Page 2

- (5) Finally, Robert L. Brown was my personal friend years before he became an elected official.

There is nothing "irregular" about my loan to my friend, Robert L. Brown. Nevertheless, your report gives short shrift to these uncontroverted facts, and attempts to do indirectly what you are unable to do directly – that is, present a conclusion that fits the pre-conceived theme of the rest of your report. Your unsupported conclusions recklessly disregard the truth. As such, I demand the reference to me be removed from your report.

I also object to footnote no. 1 that states "[t]his loan is the subject of a complaint filed by ELEC, which alleges that it constituted a contribution by Critchley in excess of the \$1,500 allowed by law." Once again, this is nothing more than an attempt to do indirectly what you cannot do directly. I need not reiterate the uncontroverted facts relative to my personal loan to Mr. Brown. The facts, contrary to what you want to believe, speak for themselves. Nevertheless, you fail to acknowledge that I have denied and am vigorously contesting any such allegation. Your election not to incorporate my denials bolsters my belief that you have done so for no other purpose but to unfairly insinuate that my personal loan was improper. Your attempt to do so flies in the face of all reasonable and fair investigatory practices.

Of equal concern, however, is the fact that the genesis of the ELEC complaint referenced in footnote no. 1 emanates from the SCI in violation of N.J.S.A. 52:9M-15(a). More specifically, the June 27, 1996 certification of Irene A. Szedlmayer, assistant legal director of ELEC, expressly states that Ms. Szedlmayer reviewed ". . . bank records in the possession of the State Commission of Investigation . . . ." (A copy of Ms. Szedlmayer's certification is enclosed).

I direct your attention to the opinion in the Matter of State Commission of Investigation, 108 N.J. 35 (1997). The opinion refers directly to N.J.S.A. 52:9M-15(a):

As explained above, N.J.S.A. 52:9M-15(a) provides that any one conducting or participating in an SCI investigation who wrongfully discloses information obtained and in the course of that investigation is guilty of a crime. It also provides that any member or employee of the Commission who violates his duty of confidentiality "shall be dismissed from his office or discharged from his employment." Id. at 40. (emphasis added)

Ileana Saros, Esq.  
May 1, 1998  
Page 3

In light of Ms. Szedlmayer's certification and the import of N.J.S.A. 52: 9M-15(a), I demand you commence an investigation into the illegal disclosure of information to ELEC during the course of this SCI Investigation. This startling discovery of a clear violation of the SCI's mandate of "confidentiality" and the express language of N.J.S.A. 52:9M-15(a), warrants immediate redress and raises serious questions about the integrity of this SCI investigation.

I also object to the incorporation of footnote no. 2, in part for the very reasons I expressed relative to footnote no. 1. At the very least, footnote no. 2 is incomplete and misleading. Your report fails to state that the basis of the ELEC complaints were technical, late filing violations for which the respective committees settled for a nominal sum. I can only conclude that your failure to completely and accurately explain the nature and disposition of the ELEC complaints is an intentional attempt to mislead. As such, I demand that footnote no. 2 be stricken from the report.

In sum, your report seeks to paint my benevolence toward a lifelong friend as something sinister. I take great exception to this and demand that this insinuation be excised from your report. Any suggestion of impropriety published in your final report is made in reckless disregard of its truth. See New York Times v. Sullivan, 376 U.S. 254 (1964); Garrison v. Louisiana, 379 U.S. 64 (1964); St. Amant v. Thompson, 390 U.S. 727 (1968); Lawrence v. Bauer Pub. Co., 89 N.J. 451 (1982); Marchiano v. Sandman, 178 N.J. Super. 171 (App. Div. 1981); and Binkewitz v. Allstate Ins. Co., 222 N.J. Super. 501 (App. Div. 1988). Be guided accordingly.

Very truly yours,

  
MICHAEL CRITCHLEY

MC:sm

cc: Leslie Z. Celentano, Chairperson  
M. Karen Thompson, Commissioner  
W. Cary Edwards, Commissioner



NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION  
CN-185

Trenton, New Jersey 08625-0185  
(609) 292-8700

NEW JERSEY ELECTION LAW  
ENFORCEMENT COMMISSION,

Complainant,

v.

FRIENDS OF ROBERT L. BROWN,  
a.k.a. BROWN PAC

a continuing political committee,

and,

MICHAEL CRITCHLEY, organizational treasurer,

Respondents.

OFFICE OF ADMINISTRATIVE LAW

OAL Dkt. No. ELE 04655-95N

ELEC Dkt. No.

C-W 0027 0004 11-91(Q)-93(Q)

CERTIFICATION IN SUPPORT  
OF MOTION TO AMEND THE  
COMPLAINT

TO: John E. Tiffany, Esq.  
Michael Critchley & Asso  
354 Main Street  
West Orange, NJ 07052

Angelo J. Genova, Esq.  
Eisenhower Plaza II  
354 Eisenhower Parkway  
Livingston, NJ 07039

*Szedlmayer  
Cert.*

I, Irene A. Szedlmayer, attorney for the Petitioner in this matter,  
the New Jersey Election Law Enforcement Commission, hereby certify as follows:

1. On or about March 3, 1995 the Commission brought a Complaint against the Respondent Committee and Respondent Treasurer for late filing of quarterly reports, late filing of quarterly report information, failure to file quarterly report information and failure to file a designation of depository and treasurer in 1991, 1992 and 1993.

2. On April 17, 1995 the Respondents filed an Answer in which they denied all of the Commission's allegations except that they admitted their identities and admitted having filed with the Commission on September 30, 1992 a Designation of Treasurer and Depository (Form D-3). The Respondents requested an administrative hearing.

Certification of Irene Szedlmayer  
page 2

3. On May 8, 1995 the case was filed with the Office of Administrative Law.
4. On September 22, 1995 the Respondent Committee and Respondent Treasurer filed with the Commission further amended quarterly reports, certified as correct by the Respondent Treasurer, for the first through fourth quarters of 1991.
5. On or about October 10, 1995, the parties were notified that the plenary hearing in this case was scheduled for January 17, 1996.
6. In a letter dated November 20, 1995, accompanied by a certification, proposed order and notice of motion, I notified the Respondents that I intended to move before the Honorable Arnold Samuels, ALJ, for an Order compelling discovery.
8. On November 27, 1995 the Respondent Committee and Respondent Treasurer filed with the Commission further amended quarterly reports, certified as correct by the Respondent Treasurer, for the first through fourth quarters of 1992 and the first and second quarters of 1993.
9. On December 19, 1995, pursuant to my motion, Judge Samuels ordered that the Respondents were barred from producing at the hearing in this case any information or documents not provided in discovery to me by December 29, 1995. Judge Samuels amended his Order on December 22, 1995, with the consent of the parties given during a telephone conference, to require that Respondents provide discovery to me no later than January 22, 1996 or be barred from producing such information or records at the hearing.
10. On December 22, 1995, based on representations by the parties that a settlement appeared to be near, Judge Samuels agreed to adjourn the hearing until February 1, 1996.
11. Pursuant to receipt on January 31, 1996 of a copy of the Respondent Treasurer's Affidavit and Waiver of Hearing and the proposed Consent Order signed by John E. Tiffany, Jr., Esq., and Angelo J. Genova, Esq., on behalf of the Respondents, Judge Samuels adjourned the February 1, 1996 hearing.
12. At its meeting of February 27, 1996, in Executive Session, the Commission deferred action on the proposed Consent Order due to concerns that the Commission staff had not reviewed bank records or any other independent documentation to verify the accuracy of the amended reports upon which the Consent Order was based.
13. By way of a letter dated February 29, 1996 to Messrs. Genova and Tiffany, sent by fax and by first class mail, I requested that bank records and any other documentation needed to verify the accuracy of the information disclosed in the quarterly reports certified and filed by the Respondents for the first through fourth quarters of 1991, the first through fourth quarters of 1992, and

Certification of Irene Szedlmayer  
page 3

the first and second quarter of 1993" be provided by March 11, 1996 in order for the proposed Consent Order to be considered by the Commission at its meeting of March 26, 1996. (Copy of this letter attached as Exhibit A)

14. In a telephone conversation with me on March 11, 1996, Mr. Genova indicated that the Respondents would supply what was requested but not in time for the March Commission meeting.

15. During March, April and May of this year, while waiting for the Respondents to provide the requested bank records, I reviewed the reporting of loan transactions on quarterly reports certified and filed by the Respondents and campaign reports filed by the the candidate committees of Robert L. Brown in the 1988 municipal election, the 1991 primary and general elections, the 1992 municipal election, and the 1993 primary election. The specific areas examined were the reported receipt of personal loans from Donna Brown and Robert Brown, the reporting by the Respondent Committee of outstanding balances relevant to those loans, the reporting of the making of loans by the Respondent Committee to Mr. Brown's candidate committees, the reporting by Mr. Brown's candidate committees of the receipt of funds from the Respondent Committee, the reporting by Mr. Brown's candidate committee of the repayment to the Respondent Committee of funds received, and the reporting by the Respondent Committee of accounts receivable from Mr. Brown's candidate committees.

16. My examination revealed inconsistencies and inaccuracies in the reporting of these loan transactions.

17. On May 1, 1996 Frederick M. Herrmann, the Executive Director of the Election Law Enforcement Commission, received a letter from James J. Morley, Executive Director of the State Commission of Investigation. Mr. Morley wrote that in the course of its investigation of the City of Orange, the Commission uncovered information that bears upon the issue of whether the Respondent Committee complied with the New Jersey Campaign Contributions and Expenditures Reporting Act. Mr. Morley invited ELEC to review that information.

18. My review of bank records in the possession of the State Commission of Investigation relevant to the two bank accounts maintained by the Respondent Committee supported my conclusion that the Respondents have not correctly reported some loan transactions in the quarterly reports for 1991, 1992 and 1993.

19. The erroneous or inaccurate reporting of loan transactions by the Respondents in the quarterly reports for 1991, 1992 and 1993 was not expressly alleged by the Commission's Complaint dated March 3, 1995, but such reporting implicates the correctness of those quarterly reports, which amended quarterly reports were the basis of settlement negotiations with the Respondents.

20. On May 16, 1996 Mr. Genova telephoned me to schedule a meeting to deliver

the bank records and to explain what the Respondents were providing. He indicated that some of the photo copies were not very legible and that he was bringing a complete set of originals and a complete set of copies.

21. In correspondence to Mr. Genova dated May 23, 1996, confirming our May 30, 1996 appointment, I reiterated that the records which had been requested included all documentation "necessary to verify the information contained in the quarterly reports filed by the Respondent Committee and Respondent Treasurer for the first through fourth quarters of 1991 and 1992 and the first and second quarter[s] of 1993." Copy of letter attached as Exhibit B.

22. On May 30, 1996 Mr. Genova and Juana Farley, Farley & Co., Inc., who apparently prepared the quarterly reports filed by the Respondents subsequent to the issuance of the Commission's March 3, 1995 Complaint, came to the Commission's office in Trenton, purportedly with the bank records and documentation requested. Ms. Farley indicated that Hudson City Savings Bank, one of the two banks which served as an organizational depository for the Respondent Committee, had provided copies for only about 60 percent of the checks which the Respondent Committee had deposited into its account. Ms. Farley explained that to complete the reports she utilized quarterly reports previously certified and filed by the Respondents to supplement the information available from the bank. After Ms. Farley explained how to use the records to verify the accuracy of the information contained in the quarterly reports, I requested to apply the methodology to sample contributors to ensure I understood. The first contributor listed on the first page of Schedule A of the first quarterly report for 1991 could not be verified with the records being provided by the Respondents. The second contributor from the same page and same report could not be verified in the materials being provided by the respondents. No further contributors were examined in this manner.

23. When I asked to be directed to the documentation relevant to outstanding balances or accounts receivable reported in the the quarterly reports, Mr. Genova objected that such inquiry was outside the parameters of the Complaint and refused to leave any of the bank or other records. Commission staff has been provided no bank records from the Respondents.

24. At its meeting of June 11, 1996, the Commission directed staff to seek to amend its Complaint to allege incorrect reporting of personal loans from Donna and Robert Brown and loans from the Respondent Committee to Mr. Brown's candidate committees.

25. The allegations of the Amended Complaint concern the contents of the quarterly reports which are the subject of the Commission's March 3, 1995 Complaint. The Amended Complaint modifies the allegations of the March 3, 1995 Complaint to account for the additional quarterly report information that was filed by the Respondents subsequent to the issuance of the Complaint. The allegations of the Seventeenth Count and the Twentieth through Twenty-second

Certification of Irene Szedlmayer  
page 5

Counts concern the failure to certify and file correct quarterly reports by failing to delete outstandings balances to Robert L. Brown and Donna Brown and failure to report accounts receivable from two of Mr. Brown's candidate committees.

26. In a letter dated June 14, 1996, I informed the Respondents that I intended to move for leave to amend the Complaint and I refunded to Mr. Genova the penalty payment in the amount of \$3,300.00 which had been submitted by the Respondents in anticipation of settlement.

27. I submit that it is more efficient and expedient for the Respondents and the Office of Administrative Law, as well as the Commission, for the Commission to amend its pleadings to encompass the alleged reporting errors related to loan transactions than for the Commission to commence a separate action concerning those transactions.


28. I believe the Respondents would not be prejudiced by the Court's granting of leave to amend the complaint.

29. A copy of the Amended Complaint is attached.

I hereby certify that the above statements made by me are true and accurate to the best of my knowledge. I am aware that if any of these statements are willfully false, I am subject to punishment.

6/27/96

Date



Irene A. Szedlmayer  
Assistant Legal Director  
Attorney for Petitioner

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April 17, 1998

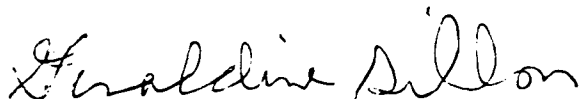
Ileana N. Saros  
Counsel  
Commission of Investigation  
28 West State Street  
CN 045  
Trenton, NJ 08625-0045

Dear Ms. Saros:

Below is the response to the Commission report portions that refer to me and my husband, Emile Dillon, Jr. under Political Pressure.

As I stated during repeated questioning in the past any contributions given to any candidates I have supported have been by choice not by force. As to the amount indicated in the report I can neither agree or disagree until I review the documents requested by your office which have not been returned as of yet. Though I am not sure about the amount attributed to me and my husband in the report, I am clear as to the reason for our contributions. Any pressure and harassment to me and my family was through this investigation. All we did were the requirements of the job we were paid to do.

Sincerely,



Geraldine Dillon

CHAPMAN, HENKOFF, KESSLER, PEDUTO & SAFFER

MICHAEL A. SAFFER

NJ AND NY BARS

ATTORNEYS AT LAW  
425 EAGLE ROCK AVENUE  
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(973) 403-8800  
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82 WALL STREET  
SUITE 1105  
NEW YORK, N.Y. 10005  
(212) 509-2612

FILE NO.

32301

April 22, 1998

VIA FACSIMILE AND REGULAR MAIL

Ileana N. Saros, Esquire  
State of New Jersey  
Commission of Investigation  
28 West State Street  
Post Office Box 045  
Trenton, New Jersey 08625-0045

RE: Joseph Fonzino

Dear Ms. Saros:

As you are aware, we represent Mr. Joseph Fonzino, the Director of Community Services and the Health Officer of the City of Orange, New Jersey.

We received a copy of your April 15, 1998 letter to Mr. Fonzino and he provided to us the proposed portion of the Report that relates to him. For the reasons set forth below, we respectfully request that you include this letter as a response to that portion of the Report relating to Mr. Fonzino.

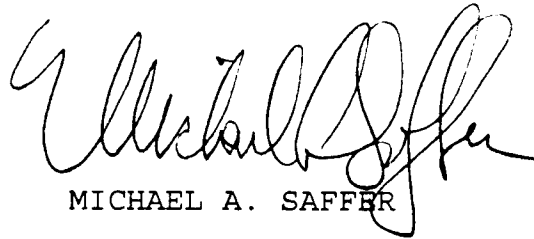
The solitary reference in the Report to Mr. Fonzino concerns his contribution of \$5,085 to Mayor Brown's fundraisers between October 1988 and April 1995. In **none** of those years did any of Mr. Fonzino's contributions exceed the maximum, legal contribution. Consequently, Mr. Fonzino sole inclusion in the Report concerns conduct by him that is perfectly **legal**.

The Commission is no doubt aware that any reference to an individual in an SCI Report creates a certain stigma and raises suspicion in the public eye and among employers. In light of the fact that the conduct of Mr. Fonzino is plainly not violative of any statute or regulation and the attendant stigma he will endure by his inclusion in the Report, the reference to Mr. Fonzino should

Ileana N. Saros, Esquire  
State of New Jersey  
Commission of Investigation  
April 22, 1998  
Page Two

not be included in the Report. Accordingly, we respectfully request that that portion of the Report referencing Mr. Fonzino be deleted in its entirety.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael A. Saffer", is written over the printed name. The signature is fluid and cursive, with the first name "Michael" being more prominent than the last name "Saffer".

MICHAEL A. SAFFER

MAS/dm



SCI Executive Summary, Release No. 9604006  
John Gamba  
Page 1

**Page 1, SCI Release 9804006 - "Political Pressure"**

I state for the record that I have never, at any time, exerted any pressure on anyone, employee or otherwise, for any reason whatsoever, including the purchase of tickets I object to this allegation on the basis of it's anonymity.

**Page 2, SCI Release 9804006 - "Financial Burden"**

I believe it is my constitutional right to contribute to the political candidate of my choice. Further, had it been financially possible for me I would have contributed more. Even the local newspaper Orange Transcript endorsed Mayor Brown over Hackett.

Contrary to the report, I did not bear a heavy burden to contribute to Mayor Brown's campaigns. The amount of \$4,690.00 in contributions over six years comes to \$781.00 per year. This amount represents about 1% of my annual salary, hardly a heavy burden.

The fact is my contributions are no different from those of my predecessor or those of the current Fire Director's contributions to current Mayor Hackett.

**Page 2, SCI Release 9804006 - "Computerized Contributor Lists"**

There were two repositories for these lists: ...and a laptop computer used by Fire Director Gamba."

The laptop was never a repository for any fundraising lists. An objection is hereby made to this allegation on the grounds that there has never been, not at hearing, nor to this day, a "reconstructed list" or any other type list presented to me to respond to.

Karen Lang has admitted to storing fundraising databases from 1991, 1992 and others (up to 13 or 14 databases) on her hard drive at her workplace. I did not direct her nor was I aware that she was doing so. Further, there was no reason for her to store that type information at her workplace, other than her nature to be in control. She was extremely possessive and seemed to try to impress her superiors.

Karen Lang had already had a database in 1991 when I worked with her as a volunteer on the fundraiser. Karen Lang had served two years on the "Ball Committee" prior to my becoming involved on the committee. She had access to

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SCI Executive Summary, Release No. 9604006

John Gamba

Page 2

almost every City of Orange employee's personal information, including name, address, phone, birthdate, SS#, etc.

### **Page 3-4, SCI Release 9804006 - "Concealment"**

"...an attempt had been made to remove the windows operating system and its related files..." This probably occurred on every computer every time windows came out with a new version.

The report states that "...files were found to contain information regarding...BALL ADS 1991".

First, I have not been allowed to review what is allegedly part of a repository for fundraising. If such an outdated list ( a 1991 list allegedly discovered in 1995) was discovered on the laptop computer, I have no knowledge of how, when or by whom it was inserted onto the hard drive. A list of any nature could be inserted quickly and easily by anyone having limited knowledge within minutes.

Secondly, it is true that in my position as Fire Director/Fire Chief I am in control of all equipment, personnel, records of the Department to a degree. The finding of any foreign information on the laptop is analogous to the findings by the SCI on the other Fire Department computers such as the Income Tax Software Program, the Recipe Program, the Travel Program, defunct files and the games that employees play on the computer.

At any given time files are discovered that do not belong on the hard drive on each and every computer in the Fire Department. On more than one occasion viruses have been discovered that can only be transferred into a computer by a foreign floppy disk since there is no internet connection. Every computer in the Fire Department has had a virus and every computer has been outfitted with virus protection. The fact that every computer has had a virus coupled with the foreign software confirms the fact that extraneous and unauthorized floppy disks have been inserted into the computers at the Fire Department on numerous occasions.

The laptop computer was, as were all the fire department computers, at times, accessible to more than eighty other employees, one of whom has testified to seeing things on the screen but not remembering exactly what he saw.

There are a small number of disgruntled employees who carry a vendetta against me and have lied to the SCI. Most all of them are computer literate and any one of them

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SCI Executive Summary, Release No. 9604006  
John Gamba  
Page 3

could have had access to the laptop computer.

I unequivocally state that the laptop was never at any time, with my knowledge, used as a repository for fundraising information. In addition, the suggestion of any attempt to destroy evidence is outlandish and maligning without basis in fact.

To my recollection, the laptop was not purchased until late 1991 or sometime in 1992, but after the 1991 Ball. For an investigator to find remnants of a 1991 database in 1994 does not support the allegation that the computer was used for a repository, again, it never was.

#### **Page 4, SCI Release 9804006 - "Creating the Pressure"**

I did not see any pressure involved with mailing out invitations to a fundraiser. The work was done by volunteers and is part of every campaign in the country. To my knowledge the mailings were sent to the people that attended the previous function.

#### **Page 5, SCI Release 9804006**

Lang was never instructed by me to store anything in her computer. Cosey and Lang were not directed by me to call the mayor's law office. If I needed information from the law office I was capable of making a phone call.

Karen Lang was more computer literate than most secretaries. She was also very protective of her PC, partially attributed to the fact that she did not want her boss to find her playing games on her computer during the work day. She was the type of employee who passed rumors, complained about her bosses personal habits and generally liked to gossip.

Karen Lang not only made her own password, she told me that she regularly installed, designed and removed her software, databases, information and changed her passwords. She further stated that after her computer "crashed" in 1991 she kept everything on a floppy. This was not the first time or the last time that she advised me that she had "lost everything" on her computer. I had no knowledge of what she kept on her hard drive other than her employee database and her dental database.

During the years 1990 to the present, Karen Lang had also purchased two or three different computers at work and at least one or two at home.

I did not direct Karen Lang to call the law office to inquire whether payments had

SCI Executive Summary, Release No. 9604006

John Gamba

Page 4

been received. Karen Lang describes events that occurred the last few days before a fundraiser. At that point in time it was important to monitor returns in order to arrange seating and to notify the caterer of the number of people to be served.

It was my understanding that Karen Lang, and others who were given the responsibility, were keeping track of fundraising on a computer on her off duty time, at the Mayor's law office on Main Street and on her computer at home. I have seen Karen Lang, on numerous occasions, walking to the law office on Main Street around the lunch hour and after work hours to undertake this volunteer work. Any list that Karen Lang may have given me were printed at the law office, according to her.

**Page 6, SCI Release 9804006 -**

Karen Lang is a confused liar. Karen Lang has lied under oath and retracted her statements regarding other individuals in this report.

Lang was not assigned by me, she had worked in the position at the front desk prior to me becoming a volunteer in the fundraiser.

A thorough investigation would have revealed that there were no amounts of cash as reported by Lang. The majority of tickets were paid for prior to the event. The main responsibility for anyone at the front desk was to ensure that the ticket was paid for and to advise the guest of his table number. After speaking to other volunteers who worked side by side with Karen Lang, it was verified that no such cash volume existed, there may have been one, maybe two tickets during the event. By and large everyone who paid at the door paid with a check. None of the other volunteers have seen the amounts of cash Lang alleges and none of the other volunteers have seen her "cash box".

Lang has not mentioned nor produced any cash receipts. Lang claims between eight and ten thousand dollars was collected at the door, half of which was cash. Any reasonable investigator would conclude that out of that substantial amount someone would have asked for a receipt.

Karen Lang had been on the committee, with her name appearing printed in the ad journal as a not only as a committee member, but in a separate personal ad. She also worked on the front door years before I became a volunteer. When I became a volunteer, it was Karen Lang who showed me what to do because "she had done it last year."

Karen Lang did not receive any instructions from me, on the contrary had advised me

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SCI Executive Summary, Release No. 9604006

John Gamba

Page 5

of what was needed to be accomplished.

Karen Lang was involved with the campaign two years before I was. She projected herself as a take charge individual who had volunteered to assist with the Mayor's fundraising. I never gave her directive and I never saw her take direction from anyone other than the Business Administrator.

The only competition that existed was in Karen Lang's mind, she was married to a police officer and it is possible that it was important to her that the police participate at the same level as the fire department.

The only competitions that I advocated between the Police and Fire Departments were the volley ball games at the senior Picnics which the Fire department won and the softball game at Central Playground which the Police won.

I recall Karen Lang working on the front door. I also recall Karen Lang consuming numerous alcoholic beverages to the point where she was so intoxicated that she slurred her words. When this occurred it was determined that she should be relieved of her responsibilities at the front door.

My responsibilities at the front door included greeting the guests and making sure that the affair ran smoothly. I did not collect money nor was I a witness to any sums of cash as Karen Lang has testified to. Further, after speaking to other individuals that also worked at the front desk, no other volunteer worker recalls seeing amounts of cash that lang falsely testified to, nor any "cash box." Since lang is the only one with knowledge of four to five thousand dollars in cash, it is possible that she may have used the cash to finance her home addition, new four wheel vehicle or the two computers she purchased.

I have never seen or handled a cash box used in conjunction with a fundraiser.

#### **Page 7, SCI Release 9804006**

Thomas Henderson was given the opportunity to resign to avoid discipline for various acts of misconduct.

Henderson claims he paid cash for the tickets to the Mayfair Farms and handed the cash to one of three people, one of whom was Lang. Henderson never handed me any cash.

Henderson claims regarding questioning progress of ticket sales that "90% of it

SCI Executive Summary, Release No. 9604006  
John Gamba  
Page 6

occurred during office hours" I have seen Henderson at the building department 3 or 4 times in two or three years. The time that I spent at city hall was negligible.

#### **Page 8, SCI Release 9804006 Henderson**

Henderson's claim data was maintained on Lang's computer at my direction is a blatant lie. It has been reported to me that Henderson was asked to resign for committing some act of wrongdoing. He had been rehired by Hackett.

Thomas Henderson was a large part of the 1988 election campaign. Thomas Henderson told me nothing about any merchants purchasing tickets nor did I ask him to sell tickets to anyone.

Henderson has never handed any cash to me. I have never given Henderson an order nor asked him to contact anyone. I have never asked him to push tickets. He was not my subordinate, he had worked in the Mayor's campaign for years prior to my becoming a volunteer. I have never attended a director's meeting where tickets were the subject matter.

It is telling that the only Directors that have lodged complaints and fabricated malicious stories are Arlene Kemp and Thomas Henderson. Both were allowed to resign subsequent to wrongdoing or poor performance during the Brown administration and both were subsequently rehired by Hackett.

Thomas Henderson has seen me helping many secretaries on their computers at City Hall, including his own secretary. Henderson also witnessed me helping two secretaries in the building department, where I designed a database to keep track of their information for city licenses. I had also helped Henderson's secretary with her computer to a small degree. Henderson had asked me computer questions and spoke to me about "prodigy" on more than one occasion. He had it, I was not familiar with it. Most secretaries had limited computer skills. In the City Clerk's office, the hard drive "crashed" on more than one occasion and I was called to assist.

In the public works department, the computer would not print and there was a need for new software to be installed. In the finance department I assisted with a database to track and collect unpaid taxes. To this day there are some secretaries at city hall who will call the fire department for assistance when they need advice or help with a computer.

SCI Executive Summary, Release No. 9604006

John Gamba

Page 7

**Page 8, SCI Release 9604006 - "Pressure on the Business Community"**

"The commission found questionable tactics in connection with the levying of penalties by the fire prevention bureau."

There are no questionable tactics in connection with the levying of fines.

The SCI has demonstrated an inability to understand the Fire Code in the State of New Jersey.

The Fire Prevention Bureau in the Orange Fire Department is the local enforcing agency for the NJ State Uniform Fire Code, N.J.A.C. 5:18 1-1 et seq. and inspects more than 800 commercial and residential properties annually. With other inspections bringing the total to over 1,000 inspections. To find one contractor and one building owner out of 1,000 and allege that they represent any part of doing business in Orange is unconscionable.

It is unfair to judge the workings of a Fire Prevention Bureau on any false reports from business owners who attempted to avoid paying a fine.

There have been other complaints, not mentioned in this report, and probably investigated by the SCI to no avail. The vast majority of appeals to any actions of the Fire Prevention Bureau result in both the Fire Prevention Bureau and Fire Director Gamba, acting in his capacity as Fire official and Fire Subcode Official, prevailing.

There are more than 25 licensed fire inspectors that levy fines. Each and every fine has been levied properly, legally and within the scope and requirement of the N.J.A.C. 5:18-1 et seq., known as the NJ State Uniform Fire Code.

At the onset of the investigation, the SCI was given a computer printout of every violation and fine issued by the Fire Prevention Bureau more than 800 transactions and collection of more than \$150,000.00 in registration fees and penalties.

The SCI was also given an accounting of all monies collected from fines and all monies expended. The SCI also delved through the Smoke Detector Grant Program monies. There is nothing missing, nothing unaccounted for and no evidence of any wrongdoing in the Fire Prevention Bureau.

No business owners who complained are credible.

First and foremost all fines issued were the appropriate penalty for the violation of the



SCI Executive Summary, Release No. 9604006

John Gamba

Page 8

NJ Uniform Fire Code. Complaints of fines were inaccurately testified to.

The inability of the investigator to understand the requirements of the NJ State Uniform Fire Code prior to making an accusation of wrongdoing on the part of a licensed Fire Official is unconscionable. By law, fines cannot be reduced or removed until the violation was removed. One business owner never removed the violation, then lost ownership of the building.

The same business owner stated that he thought buying tickets would help to eliminate the fine, nothing could be further from the truth.

There are probably more than 100 other fines that have not been paid for different reasons. One business owner walked away from the violation and walked away from the building. The subsequent owner removed the violations and paid a fine.

There are a substantial number of outstanding violations and fines. The SCI was informed at hearing that there was a project named "Project Follow Up 94" in which every outstanding Notice to Terminate and Notice to Pay Penalty was followed up by different superior officers of the Orange Fire Department. Numerous settlements and collections were made during the term of this project. Violators who refused to cooperate or who could not be contacted were sent to the City Law Department for collection. These records were never reviewed by the SCI and should have been investigated prior to reaching the false conclusions that are reported.

Pursuant to N.J.A.C. 5:18-1 et seq., a fine issued for violation of the Uniform Fire Code may not be reduced or removed until the violation is removed.

The report is silent on a \$350,000 fine which was reduced, in court by a judge, to \$25,000 and still outstanding. In addition, the latter violation continues to exist.

The report is also silent on outstanding fines in excess of \$135,000 issued to the same person operating two illegal junkyards in the City of Orange. Is the silence due to the fact that the violator supported Mayor Brown's opponents who are also my detractors?

Since the investigation of an individual is sometimes furthered when "their name keeps coming up", why has the investigation chosen to ignore another name that keeps coming up, Mr. Joseph Spezio? Is he allowed to misuse federal and county public funds, ignore the NJ State Uniform Construction Code, the NJ State Uniform Fire Code, the municipal judge, his debts to contractors and suppliers and his outstanding fire code fines because he supports Mayor Brown's opponents who are also my adversaries?



SCI Executive Summary, Release No. 9604006  
John Gamba  
Page 9

**Page 9, SCI Release 9804006 Kemp**

Arlene Kemp, who was the Director of Public Works was allowed to resign due to poor performance. Arlene Kemp was also rehired by Hackett.

Arlene Kemp, regarding tickets and ads, "testified that she did so only when telephoned and urged to do so by Fire Director." Kemp's statement is a blatant lie.

Arlene Kemp was hired by the administration prior to me. She had purchased tickets and ads before I ever met her.

I have never telephoned her to urge her to do anything other than her job. This includes but is not limited to repairing the Fire Department Building's exterior and interior and the plumbing and heating systems. Also removing the leaves causing fires from the streets and the snow so that Fire Department vehicles had access to the buildings in town. Her laxness in these areas would prompt a call from me. It is difficult to accept that she was always away getting her hair done in the middle of each blizzard. She was indifferent and antagonistic to some of the goals of the Brown administration.

The records will show that Arlene Kemp viewed the Fire Department Building and the employee's with disdain. There are memo's from Arlene Kemp refusing to maintain the plumbing system due to a report of coffee grinds in the system.

Arlene Kemp initiated a telephone call to me in regard to her ad for "what would be a nice thing to say?" in the ad. In addition she sought other advice such as what to buy the Mayor for his birthday, what to buy for Christmas. She stated to me that "You always have good ideas." She had gone as far as finding out my pager number and paged me to ask personal questions regarding a gift for the mayor.

While at the law office on Main Street, after work hours, Kemp asked for a list of what she termed as "her people" who had responded. These seemed to be people that she had a working relationship with and felt comfortable in contacting. She was asked to identify who "her people" are, she did so by putting the little x's near their name and was advised of which had responded.

**Page 10, SCI Release 9804006 - "Wielding Pressure in City Government"**

There was never a competition fostered by me in the Orange Fire Department. I believe that the men who supported the mayor did so of their own volition and had no

SCI Executive Summary, Release No. 9604006

John Gamba

Page 10

idea, nor cared how many police were supporting the mayor.

Probationary firefighters were the target of intense training, were never pressured by me nor did I suggest that they be pressured.

Prior to my appointment as Fire Director there had been no rapport between the Orange Fire Department employees and the Brown administration. My predecessor Fire Director Gallagher had poorly represented the firemen to the mayor. He had threatened to sue the mayor and lied during contract negotiations. Mayor Brown was the City's first black mayor. Many fire employees resented that fact. Initially he was verbally attacked by members of the Fire union.

From the onset of my appointment as Fire Director there came a mutual respect between the firemen and the administration. The atmosphere was one of understanding and cooperation. I asked the men for a day's work for a day's pay and received it willingly from most firefighters. There was a small amount of resentment because firefighters were asked to perform functions within their job title they never before were asked to perform. For instance, inspection of the schools, obtaining fire inspector licenses, attending training certifications, following the rules and regulations, constant learning about their jobs.

Since the SCI has concluded that more contributions came from the fire department than the police department, could the reason be that the employees wanted to continue being acknowledged by the Mayor? Did the raises the men received without arbitration, increased manpower, increased longevity, the new equipment, promotions, stipends, cleaner working conditions, vehicles, new fire trucks, uniforms and respect from the administration have any bearing on the support the mayor received? I believe this to be the case.

#### **Page 11, SCI Release 9604006 - Dozen Firefighters**

There have been more than 50 signed statements submitted by my attorney to the SCI attesting to the absence of any pressure in the Fire Department.

I am not aware of a restriction for an employee to support the Mayor of the city in which he works. Previous Mayor's and the present Mayor have been supported to different degrees. It is possible that there were employees in the fire department looking to achieve their goals through Mayor Brown.

Previous Mayor's would allow years to pass without promotions, years to pass without new fire engines and trucks. Numerous individuals have "died" on their promotional

SCI Executive Summary, Release No. 9604006  
John Gamba  
Page 11

lists under previous mayors, including myself.

No employee in the fire department nor on any hiring list was ever promised anything or threatened in any way. Again, there are more than 50 signed statements, which have been submitted to the SCI, from employees of the Fire Department stating that they were never pressured.

The credibility and the motive of the few fire department employees who complain of pressure must be considered.

The report alleges an "unspoken competition". It is suggested that the reason it was unspoken is because it was not real, did not exist or only existed in a few small minds.

I object to the anonymity of the allegations. I believe the allegations are baseless and were initiated by disgruntled employees guilty of insubordination, admitted drinking on duty, firearms arrest, drug possession, drug use while on duty, misconduct, surreptitious tape recording, racism and assault.

It is a travesty for the SCI to become involved in the intricacies of discipline in the Orange Fire Department. It is also unbelievable that they consider the testimony of the above mentioned individuals.

All employees have the right to the grievance procedure in the event that a contract disciplinary violation occurs between the employee and the City.

#### **Page 11, SCI Release 9604006**

Fire department employees were hired and promoted without regard for their political affiliation. All personnel actions regarding hiring, promotion and discipline were taken according to NJ Department of Personnel guidelines and upheld at the state level.

There were absolutely no "trumped up" disciplinary charges that occurred in the Orange Fire Department, during the time period 1991 to 1996.

These allegations of "trumped up charges" and "harassment" were made by disgruntled fire department employees guilty of insubordination, misconduct, admitted drinking on duty, firearms arrest, lying on reports, lying under oath, drug arrests, drug abuse and thievery, drug possession, drug use while on duty, misconduct, surreptitious tape recording, racism and assault.

SCI Executive Summary, Release No. 9604006

John Gamba

Page 12

I continue to stand behind each and every hiring, promotion and disciplinary charge issued during my tenure as Fire Director. The citizens of Orange did not deserve to be duped by those employees unwilling to perform to the standards set.

There have been thirty four probationary firefighters hired under Mayor Brown. Probationary firefighters attended and probationary firefighters did not attend at their own discretion and free choice. There is absolutely no correlation between a Probationary firefighter who did not attend and any loss of privileges, suspension, dismissal, fine or other disciplinary action.

There is no correlation between a any firefighter who did not attend and any firefighter's "passover" for promotion.

In addition, sworn statements have been submitted to the SCI signed by probationary firefighters attesting to the fact that they were never pressured. No probationary firefighter was ever taken advantage of.

The fire department employee that alleged he was called to "lend assistance" at Brown's campaign headquarters was recently arrested for possession of firearms and drugs and is no longer an employee of the Orange Fire Department.

If anyone is guilty of a trumped up disciplinary charge, consider Hackett's appointed Fire Director, Frank Gallagher, firing a twenty four year employee in good standing "on a technicality."

#### **Page 12, SCI Release 9804006 - "Assignment of City Vehicles"**

I did not use the city vehicle assigned to me for personal reasons and always had a personal vehicle of my own.

Mayor Hackett's purchase of a vehicle from the funds of the emergency management account when the emergency management coordinator never had a vehicle before is worthy of investigation. As is present Fire Director Gallagher illegally driving a vehicle purchased with fire prevention funds designated for use by the local enforcing agency, the Orange Fire Prevention Bureau.

SCI should further investigate Hackett illegally stopping the pay on July 1, 1996 of an employee without notice, which is a crime under N.J.A.C. 4A:1-1 et seq.

RECEIVED

98 MAY -8 AM 10:20

STATE OF NEW JERSEY  
COMMISSION OF INVESTIGATION  
TRENTON, NJ 08625

May 6, 1998

Ileana Saros, Esq.  
State of New Jersey  
Commission of Investigation  
P.O. Box 045  
Trenton, New Jersey 08625 0045

Dear Ms. Saros:

In response to your letter dated April 15, 1998, please find my response.

Sincerely,

  
Thomas Morrison

## POLITICAL CONTRIBUTIONS

As an official supporting Mayor Brown's team, I was happy to support his political campaigns. We believed in good government and were willing to support his campaigns which included campaigns for Assemblyman for State Senator and multiple Mayoral Elections. I did willingly contribute the \$19,600.00 mentioned in the SCI report. To my knowledge, no one was threatened with termination or other consequence if they did not contribute.

Certainly, enlightened self interest was also at work. Many people contributed in 1992 because Mayor Brown stood for reelection and if his opponent was elected we would be removed from our jobs. It is not unusual for untenured members of any administration to contribute to reelection campaigns. It is not illegal, or unethical.

As other people have been linked to my role in Orange, I offer the following;

### Karen Long

As is the habit of a prosecutorial group, the SCI staff has purposely distorted and twisted situations that exist. Karen Long not as my secretary, but as an interested participant helped with the political fundraisers that were held; there was a clear line of demarcation. Karen did often come to Mayor Brown's law offices at night to help with general mailings of tickets. She did so willingly.

To my knowledge, it is a complete misrepresentation that directors were expected to buy ten (10) tickets and employees one (1) ticket. There was no requirement for directors to buy ten (10)

tickets to any affair and no requirement for any employee to buy a ticket. Many directors did not buy ten (10) tickets (or sometimes any tickets) to a particular affair. Most employees did not buy tickets to Mayor Brown's political functions, and there were no consequences. If someone was interested in buying tickets to any function, it was not because of any requirement or expectation related to threat or pressure. It is often the political opposition that would state these types of accusations.

#### Attempts to influence testimony

In the SCI's wild fashion of accusation, statements that anyone attempted to influence Karen Long's testimony or anyone else are absurd bordering on fabrication. In an environment where the SCI regularly followed innocent citizens and vendors at night without cause to intimidate them, pulled people over while driving home and invading their privacy in matters unrelated to Orange City business, it was natural for me, to calm my nervous secretary and say "don't worry, you haven't done anything wrong". For someone I talked to daily for years about the SCI, this does not constitute tampering with testimony. The alleged conversation related by the SCI is not confirmed by Stephanie Casey, is ambiguous and did not occur except for me stepping out of my office (which I did frequently each day). It is a fact that most of the political work for the fundraiser I did was in Mayor Brown's law office at night.

#### Thomas Henderson

It should be noted that Tom Henderson left the employ of the City more than five years ago. Almost nine years ago, Tom Henderson was a close friend of Mayor Brown and served as President

of the Civic Association. He was happy to assist in fundraisers the Mayor had and ask people he knew in the business community for support personally. Then there was nothing wrong with his involvement. His secretary also was an active participant.

As a result of his own actions, Mr. Henderson parted company with Mayor Brown, resigned from a tenured position, later joined the political opposition, made political contributions to Mayor Brown's opponents and actively campaigned against Mayor Brown. Any statement from Mr. Henderson that anyone was pressured 6-9 years ago comes strictly from an active political opponent of the Mayor and should be treated as such.

Arlene Kemp

Ms. Kemp was Director of Public Works for 5-6 years under Mayor Brown. Most directors were with Mayor Brown for all eight years. Ms. Kemp resigned during his second term, and was embittered over a number of topics such as vacation time paid at the end of her employment. I did give her recommendations for employment then. Afterwards, she worked openly for the opposition, contributed to Mayor Brown's opponent in the 1996 Mayoral campaign and became Director of Public Works again for the latest Orange Mayor. She is a political opponent of Mayor Brown. Particularly in 1992, she contributed heavily to Mayor Brown. She did not receive any threats of termination by the Mayor and she did not contribute. Any suggestion that she was inappropriately treated should be viewed for what it is; both vengeance and the common accusation of wrongdoing eminently from a political world.



The Mayor's Car

The SCI acknowledges that the transaction that occurred five years ago did not require public bid. Omitted was that, I had the authority through the Orange City Code to enter into this transaction without City Council approval because it was under the public bid threshold of \$11,100.00. The SCI also has omitted sworn testimony that the transaction was discussed with four councilmembers before the transaction occurred, a fifth being out of state on an extended vacation. I also presented the signatures of three councilmembers on a hand check bill list submitted afterwards (the fourth council member declined to sign). Hand checks in Orange and many municipalities are accepted practice and standard procedure are in place. To segregate this item is a political act on the part of the SCI. The fact that the Mayor had access to a vehicle to drive is not unusual for many municipalities. The charge to administrative services was not inappropriate since equipment was regularly purchased through that account.

Overall, for the SCI to suggest deception from the City Council purposely ignores the discussion that took place.

Clerk's Computer System

More than five years ago, the Clerk of Orange wished to purchase a computer system. In Orange and many cities in New Jersey, the Clerk's office is independent of the Mayor's Administration and answers to the City Council. To suggest that I, as Business Administrator, was responsible for a computer system

not working in the Clerk's office is completely in conflict with Orange government and false.

The Clerk personally decided what system to acquire. At the insistence of several council members and the Clerk, I did give Administrative approval for a <sup>purchase</sup> list below the public bid limit that did not require City Council approval. When problems developed between the Clerk and the vendor, assistance was offered by the Administration. Instead of being fixed, the computers became "guarantee<sup>ed</sup>" as evidence of wrongdoing and a subject of an SCI investigation. Since it was two years ago that I was in Orange, should the general public really believe with today's current inventions that for five years these computers are still unfixable? I had no knowledge of secret software arrangements made between a former councilmember, new clerk and a software provider. The answer is that the SCI does not criticize its own allies, even if they are at fault.

#### Conferences, Seminars

The SCI, of course, has been notified that a very substantial portion of the conference budget was due to the City Council. The year cited in particular 1993 saw seven (7) council members average \$4,000-\$5,000 a piece in trips to conferences in California, the league of Municipalities in Atlantic City as well as the National League of Cities Convention. The City Council and the City Clerk, not under the governance of the Mayor or the Business Administrator accounted for half of the travel conference budget in 1993. In many other years a similar pattern exists. It is deceptive to

associate Mayor Brown and his staff with this statistic when he had no control over the City Council or Clerk. Is it also the case that the SCI feels the state league of Municipalities convention on inappropriate place for local officials and employees to attend to find out about the latest State and Municipal pronouncements? How about the tens of thousands of other officials who attend? Are their actions statewide inappropriate to the SCI?

### Flowers

The SCI leaves out entirely that a very substantial percentage of flowers (30%-40%) was on the purchase annually of wreaths for the graves of veterans on Veterans Day and Flag Day, an action consented to by Council members and the general public. Should the SCI be a higher authority than the local elected officials who as a group decided to do honor to Veterans. Also annually flowers were purchased to support large events for senior citizens who comprise 15% - 20% of Orange's population.

There certainly were flowers purchased to support funerals and other events. However, the majority of the dollars spent where to honor Veterans and seniors which was widely agreed to by the greater Orange community.

### Summary

Five years ago, the SCI began an investigation that lasted three years. As Business Administrator, I instructed my staff, including the Directors, to cooperate fully in all ways possible. The SCI examined thousands of documents, including vouchers, payroll registers, financial reports, and internal communications in a highly charged political environment. The SCI investigated

every rumor that the political opposition put forth. The SCI followed employees and vendors at night, pulled people over with their cars and invaded the privacy of common innocent citizens. The SCI made many bold and wrong accusations, most of which, are not in this report. The SCI sifted through tons of information and diverted tremendous amounts of employee time and effort.

What is now revealing, is the absence of information in the report. In a highly charged political environment, the SCI accuses Mayor Brown's Administration of pressuring people. However, there are no employees or vendors indicating they were forced to buy tickets at the threat of loss of job or loss of contract or business by me or anyone else. The SCI feels pressure was used but is created merely by mailing tickets or asking people for support. That activity is neither unlawful or immoral.

Also, after years of providing assistance to the SCI and answering accusations, it is absurd to suggest any interference or tampering with the SCI investigation. The greater question is, after the manpower hours put in by everyone, why does the SCI insist on twisting conversations, ignoring the real facts to justify issuing any report filled with their own level of conjecture.

The SCI also, in a vacuum, makes commentary of expenditures made over 6-9 years for different items in the city. The SCI ignores also that there is a will of the citizens in any city that is important. Citizen groups want wreaths for graves on Veteran's Day, coffee for senior citizens meetings, even senior citizens

functions, for a substantial population service. The City of Orange provided these services as many cities do and these amounts were not material to the overall city budget. The State of New Jersey Government provides the same services. Commentary from the SCI on these issues, is self serving, inflammatory and made to appear significant, when in fact, they were immaterial.



CITY COUNCIL  
CITY OF ORANGE TOWNSHIP

JEFFREY P. MONACELLI  
PRESIDENT  
COUNCILMAN-AT-LARGE

29 NORTH DAY STREET  
ORANGE, NEW JERSEY 07050  
(201) 266-4025  
FAX: (201) 672-6643

MEMORANDUM

TO : THOMAS J. MORRISON, BUS. ADM.  
FROM : JEFFREY MONACELLI, COUNCIL PRESIDENT  
SUBJECT : HAND ISSUED CHECKS  
DATE : JANUARY 10, 1995

As per request by Council Member Lewis, memo attached, I am requesting a copy of the document in question signed by the three Council Members approving the Mayor's Car.

Your anticipated cooperation in this matter will be greatly appreciated.

Thank you.

JPM/mm  
enc.

PAID ISSUED CHECK REGISTER  
AS OF 9/17/93

CHECK NO	VENDOR NO	VENDOR NAME	VOUCHER NO	P.D. NO	DATE	VOUCHER AMOUNT	REMITTANCE AMOUNT	CHECK TOTAL
01000	002254	CONFIDENTIAL LOSS	1000	00000	8/01/93	27.00-	27.00-	27.00-
01204	000373	PASSAIC VALLEY SEW COM	27163	00000	8/01/93	312,439.07	312,439.07	312,439.07
01205	001293	LOOK NO FURTHER	27269	00000	8/03/93	5,704.00	5,704.00	5,704.00
01206	000971	MALED CONSTRUCTION CO.	25894	00000	8/01/93	3,695.00	3,695.00	3,695.00
01207	001293	LOOK NO FURTHER	27277	00000	8/04/93	193.00	193.00	193.00
01209	002212	VILLAGE TRAVEL AGENCY	27279	00000	8/06/93	1,000.00	1,000.00	1,000.00
01209	002212	VILLAGE TRAVEL AGENCY	25164	00000	8/05/93	1,000.00	1,000.00	1,000.00
01210	006053	ACCOMMODATION, SANDRA	27279	00000	8/03/93	500.00	500.00	500.00
01211	006064	THOMAS, RUDOLPH	27279	00000	8/05/93	500.00	500.00	500.00
01212	000206	SILVESTRI MARIAN J	27279	00000	8/04/93	500.00	500.00	500.00
01213	001823	LUXURY TOURS	27974	00000	8/03/93	6,500.00	6,500.00	6,500.00
01214	000367	COMPASS RIDGE	24589	00000	8/09/93	9,700.00	9,700.00	9,700.00
01216	000134	LEVENS JOHN	030493	00000	8/10/93	400.70	400.70	400.70
01218	002730	PRUD ASSOCIATES, INC.	33741	33741	9/12/93	5,000.00	5,000.00	5,000.00
01219	001032	CITY OF ORANGE-REFUND		00000	8/13/93	23,352.35	23,352.35	23,352.35
01220	001032	CITY OF ORANGE-REFUND		00000	8/13/93	1,160.99	1,160.99	1,160.99
01221	002461	PETERSON EUNICE	27085	00000	8/13/93	900.00	900.00	900.00
01222	005378	NATIONWIDE CELLULAR SERV.	70132	00000	8/13/93	2,815.03	2,815.03	2,815.03
01223	006201	ALL AMERICAN WELDING CORP	27727	00000	8/15/93	100.00	100.00	100.00
02369	000398	CITY OF ORANGE CURRENT	27164	00000	8/10/93	1,200,000.00	1,200,000.00	1,200,000.00
02449	007720	TOWNSHIP OF MAPLEWOOD	27722	00000	8/04/93	2,550.60	2,550.60	2,550.60
02450	000569	ORANGE MOTOR SERVICE	29237	00000	8/09/93	2,840.06	2,840.06	2,840.06
02452	001975	CUNNELLY SERVICE INC.	27895	00000	8/10/93	3,800.00	3,800.00	3,800.00
02455	002233	TREASURER, STATE OF NJ	77100	00000	8/16/93	70,638.30	70,638.30	70,638.30
02639	002540	GREEN JOE	27082	00000	8/09/93	4,375.50	4,375.50	4,375.50
03691	000649	DE CAMP TOURS	27967	00000	8/10/93	650.00	650.00	650.00

A-67

Marian J. Dukiestre

Sandra Acromanik

AGP44

CITY OF ORANGE TOWNSHIP

PAGE 1

PAID ISSUED CHECK REGISTER  
45 OF 9/19/93

CHECK NO	VENDOR NO	VENDOR NAME	VOUCHER NO	PAY NO	DATE	VOUCHER AMOUNT	REMITTANCE AMOUNT	CHECK TOTAL
01200	002254	CONTINENTAL LUGS	1000	00000	6/01/93	27.00-	27.00-	27.00-
01204	000277	PASADIC VALLEY SER COMP	27161	00000	8/03/93	372,439.07	372,439.07	272,439.07
01205	001283	LOOK NO FURTHER	27269	00000	8/03/93	5,704.00	5,704.00	5,704.00
01206	000971	AMALCO CONSTRUCTION CO.	25894	00000	6/03/93	3,695.00	3,695.00	3,695.00
01207	001283	LOOK NO FURTHER	27277	00000	8/04/93	193.00	193.00	193.00
01208	002212	VILLAGE TRAVEL AGENCY	27278	00000	8/06/93	1,000.00	1,000.00	1,000.00
01209	002212	VILLAGE TRAVEL AGENCY	25164	00000	8/05/93	1,000.00	1,000.00	1,000.00
01210	006063	ACCOMMODATION SANDRA	27279	00000	8/03/93	500.00	500.00	500.00
01211	006064	THOMAS, RUDOLPH	27279	00000	8/06/93	500.00	500.00	500.00
01212	000206	SILVESTRE MARIOT J	27279	00000	8/06/93	500.00	500.00	500.00
01213	001823	LUXURY TOURS	27974	00000	8/03/93	6,500.00	6,500.00	6,500.00
01214	000367	COMPASS RIDGE	24587	00000	8/09/93	9,700.00	9,700.00	9,700.00
01216	000174	LEWIS JOHN	030,73	00000	8/10/93	400.70	400.70	400.70
01218	002730	PRVAT ASSOCIATES, INC.	33741	33741	8/12/93	5,000.00	5,000.00	5,000.00
01219	001032	CITY OF ORANGE-REFUND		00000	8/13/93	23,352.35	23,352.35	23,352.35
01220	001032	CITY OF ORANGE-REFUND		00000	8/13/93	1,160.99	1,160.99	1,160.99
01221	002461	PETERSON EUNICE	27986	00000	8/13/93	900.00	900.00	900.00
01222	005378	NATIONWIDE CELLULAR SERV.	30132	00000	8/13/93	2,815.03	2,815.03	2,815.03
01223	006201	ALL AMERICAN WELDING CORP	27727	00000	8/15/93	100.00	100.00	100.00
02069	000898	CITY OF ORANGE CURREN	27164	00000	8/10/93	1,200,000.00	1,200,000.00	1,200,000.00
02449	007720	TOWNSHIP OF MAPLEWOOD	27722	00000	8/04/93	2,550.60	2,550.60	2,550.60
02450	000569	ORANGE MOTOR SERVICE	29297	00000	8/09/93	2,840.06	2,840.06	2,840.06
02452	001974	CUNNELLY SERVICE INC.	27995	00000	8/10/93	3,800.00	3,800.00	3,800.00
02455	002233	TREASURER, STATE OF NJ	27168	00000	8/16/93	70,638.30	70,638.30	70,638.30
03699	002540	GREEN JOE	27962	00000	8/07/93	4,375.50	4,375.50	4,375.50
03691	000649	DE CAMP TOURS	27967	00000	8/10/93	650.00	650.00	650.00

A-68

I approve of this bill

Rudolph Thomas

V.P.



**THOMAS P. KELLY**

ATTORNEY AT LAW

100 EXECUTIVE DRIVE, SUITE 330

WEST ORANGE, NJ 07052

TEL: (973) 736-3969 FAX: (973) 669-9525

99 MAY -3 11:14 AM '98

May 4, 1998

VIA TELECOPIER

Ileana N. Saros, Esq.  
State of New Jersey  
Commission of Investigation  
P.O. Box 045  
Trenton, N.J. 08625-0045

Re: Rudolph E. Thomas

Dear Ms. Saros:

This office represents Councilperson Rudolph Thomas of the City of Orange. This letter is in response to your letter to Mr. Thomas dated April 16, 1998. The facts are as follows:

The house in question in West Orange has been used, historically, by the caretaker-maintenance person to secure the Orange Reservoir for many, many years. I know from personal knowledge as City Attorney for the City of Orange in the 1970's that the house was so occupied at that time.

When Mayor Brown took office, there was no one in the house for security. There were problems at the Orange Reservoir involving people attempting to sneak in to fish, camp out and trespass in the reservoir. In fact, at several places, the fence surrounding the reservoir had been knocked down and destroyed and people were using it as a method of ingress and egress.


Mayor Brown and Councilperson Thomas discussed this matter. The mayor indicated there was no money in the budget to pay a watchman covering the reservoir. Councilperson Thomas volunteered to take over the position on a part-time basis without pay. This he did for several years. He acted as caretaker and looked after the property and cleaned up after people who would trespass in the reservoir area. He would also chase people away who violated the reservoir area.

Ileana N. Saros, Esq.  
May 4, 1998  
Page 2.

At all times, he kept his residence on Canfield Street in Orange. He has lived on Canfield Street at the same address since the 1960's. That has always been his residence. He never changed his residence or domicile to West Orange. Allegations to the contrary are false.

With the new mayor, Mims Hackett, it is interesting to note that there is still a caretaker at the house. He or she is probably being paid directly by the City of Orange, whereas Councilperson Thomas received nothing of value for his important services.

Very truly yours,

A handwritten signature in black ink that reads "Thomas P. Kelly". The signature is written in a cursive, slightly slanted style.

Thomas P. Kelly

TPK:cm

cc: Mr. Rudolph E. Thomas

RECEIVED

98 APR 30 AM 10:17

**Alphonse Winston**  
**P.O.Box 671**  
**Orange, New Jersey 07050**

TO: COMMISSIONER  
OF EDUCATION  
TRENTON, NEW JERSEY

April 16, 1998

Commission of Investigation  
Ms. Ileana N. Saros  
P.O. Box 045  
Trenton, NJ 08625-0045

Re: Notice of Proposed Report

Dear Ms. Saros:

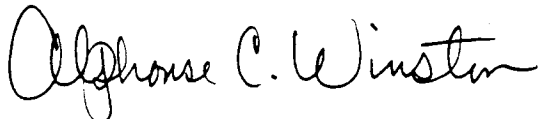
In response to your letter of April 15, 1998 the following is my response:

I have been friends with Mayor Brown for a long period of time and was more than happy to contribute to his fund raisers. I wish I could have given more he was in fact the best Mayor I knew of since I lived in Orange. He continued to serve the people even though people and agency's like yours did nothing but lie and defame the man for nothing. It was clear the Sci's motivation was racial and political, and their witnesses simply did not like the Mayor and wanted him out. To lie on him or about him was a small task for them. When these people broke the doors down to get in his fundraisers with all similes. After they were disciplined, laid off or fired by the Mayor the Sci was glad to listen to their new lies and vendor. Sour grapes was the motivation for their lies but it was a happy marriage with the Sci whose objective was both racial and political-get the talented black man out of office.

As far as the Reservoir House is concerned the Mayor told me he was advised by the City Engineer Consultants that it was a health and safety hazard to leave the grounds and water unprotected and

unsecure. He asked me if I would give him a hand and stay there from time to time. I would like to note for all the criticism the Sci leveled on me, the Mayor, and Councilman Thomas when a new administrator is they did exactly the same thing. They too recognized the obvious potential of tiability for the City that the Sci just can not see with their political eyes. If. someone drowns and the grounds wee unprotected or unsecured there goes the City treasury and all our tax dollars, but the Sci does not care because they are not progressing.

Very truly yours,

A handwritten signature in cursive script that reads "Alphonse C. Winston". The signature is written in dark ink and is positioned above the printed name.

Alphonse Winston