

STATE OF NEW JERSEY

COMMISSION OF INVESTIGATION



30th ANNUAL REPORT

1998



State of New Jersey

COMMISSION OF INVESTIGATION

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March 1999

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, its 30th annual report for the
year 1998.

Respectfully,

Leslie Z. Celentano

M. Karen Thompson

W. Cary Edwards

Audriann Kernan

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Members of the Commission



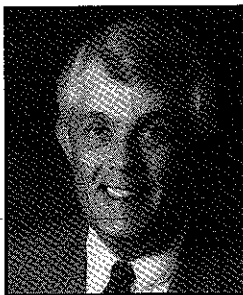
Leslie Z. Celentano

Attorney, Bedminster; of counsel Gulkin, Hock & Lehr, Livingston. Appointed to Commission January 1995 by Senate President Donald T. DiFrancesco. Designated chair by Governor Christine Whitman. Assistant Prosecutor, Essex County, 1984-1985; Commissioner, New Jersey Police Training Commission, 1986-1995; Committeewoman, Township Committee, Bedminster Township, 1993-1995. Graduated 1975, Montclair State College; 1980, New York Law School.



M. Karen Thompson

Certified civil trial attorney, Warren; principal, Norris, McLaughlin and Marcus, Somerville. Appointed to Commission October 1995 by Governor Christine Whitman. Member, Supreme Court Civil Practice Committee and Board on Trial Attorney Certification; former chair, District Ethics Committee; president, Somerset County Bar Association, 1992-1993; Graduated 1974, Monmouth College; 1978, Rutgers University Law School.



W. Cary Edwards

Attorney, Oakland; managing partner, Edwards Caldwell & Poff, Hawthorne/Trenton. Appointed to Commission March 1997 by Governor Christine Whitman. New Jersey Attorney General, 1986-1989; Chief Legal Counsel to Governor Thomas H. Kean, 1982-1986; member, New Jersey General Assembly, 1977-1982; member, Oakland Borough Council, 1975-1979. Faculty member, Rutgers Eagleton Institute of Government, Politics & Public Policy, 1990-1991. Graduated 1967, Seton Hall University; 1970, Seton Hall University Law School.



Audriann Kernan

Attorney, West Deptford; principal, Audriann Kernan, P.C., Woodbury. Appointed to Commission January 1999 by Assembly Speaker Jack Collins. Solicitor, Gloucester County Planning Board, 1997-1999; Prosecutor of Environmental Violations, Gloucester County Health Dept., 1996-1999; Prosecutor, Westville Borough and Harrison Township, 1998-1999; Public Defender, West Deptford, 1996-1999; Public Defender, Woodbury Heights, 1998-1999. Graduated 1988, Stockton State College; 1991, Widener University Law School.

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WHY THE SCI

The State Commission of Investigation was created by law in 1968 to fulfill a unique mission of vital importance to the citizens of New Jersey: to attack organized crime and political corruption; to root out waste, fraud and abuse of taxpayer dollars; to shed light on matters that undermine public justice and public safety; and to recommend appropriate reforms and improvements in laws and in the operations of government. Additionally, the Commission was given an extraordinary mandate: to pursue this all within a framework untainted by political intrusion or favoritism.

Thirty-one years later, this investigatory and fact-finding mission, as well as the need for an independent entity to carry it out, remains no less vital.

During 1998, the Commission bolstered its record of exemplary public service with wide-ranging investigations detailing government corruption, waste of taxpayers' money and other abuses of the public trust. In each instance, the citizens of New Jersey were alerted to a range of serious problems and the need for systemic reforms:

- A comprehensive probe of municipal operations in the City of Orange Township, Essex County, revealed a tableau of corruption involving bidding-law violations, purchasing irregularities, excessive political patronage and high-pressure tactics to extract political campaign contributions from city employees and vendors. This investigation, the latest

outgrowth of an intensified assault on local government corruption launched by the Commission in 1992, galvanized local reform efforts in Orange and provided other municipalities around the state with an effective "road map" for identifying and avoiding similar abuses.

- An investigation of public-employee pension and benefit programs across New Jersey revealed abuse, manipulation and excessive expenditures that cost taxpayers substantial sums of money every year. The Commission's findings triggered a comprehensive review by the State Division of Pensions and Benefits, bolstered reform efforts in the Legislature and sparked immediate steps by a number of municipalities to recoup lost revenues and to adopt measures designed to prevent future abuses of the system.

The true measure of the Commission's performance, however, far exceeds the findings and results of investigations completed during the past year. Beyond the public activities detailed in this annual report, the Commission and its staff currently are engaged at various stages in a range of significant investigations related to all elements of the Commission's statutory purview, including organized crime, official corruption, and waste and abuse of government funds. In that regard, 180 Commission subpoenas were served during 1998 seeking access to scores of individuals, thousands of documents and a range of other exhibits relevant to those active investigations. Also, as in years past, barely a week went by that the Commission did not receive requests for investigative action, assistance or advice from citizens of New Jersey. Commission records include approximately 280

such citizen contacts via mail and telephone requiring evaluation and response.

Also during the past year, the Commission provided staff advice and assistance to federal, state and local law enforcement agencies in the conduct of various criminal investigations. One notable example involved an ongoing probe by the Office of the U.S. Attorney for New Jersey into police corruption and organized crime in West New York. The first phase of that investigation culminated in January 1998 with the arrests of ten persons, including the community's former police chief, by agents of the Internal Revenue Service and Federal Bureau of Investigation. Commission personnel also provided assistance to the New Jersey State Police and State Division of Taxation in connection with investigations dealing with motor fuel tax frauds. In addition, staff expertise relating to Russian organized crime formed the basis for a cooperative working relationship with the U.S. Department of State.

Further demonstrating the value and importance of cooperative working relationships, the Commission during 1998 joined forces with the Office of the Attorney General to evaluate the threat posed by computer crime in New Jersey. The decision by the two agencies to mobilize combined resources demonstrated a recognition that the so-called "dark side" of high technology has grown to such an extent that a unified approach by law enforcement is required to meet the challenge. Unprecedented joint public hearings were held this February.

On the legislative front, marked progress was made during 1998 on efforts to enact major

reform recommendations stemming from various Commission investigations. With support from Governor Whitman, legislation was pending in both the Senate and Assembly that would carry out the Commission's proposal to strengthen the Executive Commission on Ethical Standards by mandating that its membership include individuals drawn from the general public. Legislation was also introduced in both houses to abolish the New Jersey Detective Agency, an autonomous club of handgun-carrying civilians that the Commission found to be a threat to public safety. In another area, a Commission investigation of bid-rigging, collusion and fraud in New Jersey's public school transportation industry resulted in comprehensive legislation to reform the bidding process and ensure accountability.

In sum, 1998 was a productive year for the Commission in its service to the citizens of New Jersey. Above all, given the fact that savings generated by efficiencies, reforms and improvements resulting from the Commission's work far outweigh its overall operating costs, this agency once again has proved itself to be an effective public investment.

The Commission's public documents, including the full text of reports of investigations, are available electronically via computer and the World Wide Web. The Commission's address on the Internet is <http://www.state.nj.us/sci/>

HISTORY

The Commission was established in 1968 after extensive research and public hearings by the Joint Legislative Committee to Study Crime and the System of Criminal Justice in New Jersey (the "Forsythe Committee"). That panel was directed by the Legislature to find ways to correct a serious and intensifying problem involving organized crime and political corruption. The committee's final report, which confirmed a crisis in crime control, attributed the expanding activities of organized crime to "failure . . . in the system itself, official corruption, or both." As a result, sweeping recommendations for improving various areas of the criminal justice system were proposed.

Two of the most significant recommendations were for the creation of a new criminal justice unit within the Executive Branch, and the establishment of an independent Commission of Investigation. The Forsythe Committee envisioned the proposed criminal justice unit and the Commission of Investigation as complementary agencies in the fight against crime and corruption.

The criminal justice unit was to be a large organization with extensive personnel, empowered to coordinate, conduct and supervise criminal investigations and prosecutions throughout the state. The Commission of Investigation was to be a relatively small but expert body that would conduct fact-finding investigations, bring the facts to the public's attention, refer its findings to appropriate law enforcement agencies for possible prosecution and make recommendations to the Governor and

the Legislature for improvements in laws and in the operations of government.

As the Forsythe Committee stated in the final report of its comprehensive study, this would not be “a ‘crime commission’ alone. There are many occasions,” the panel concluded, “when hard-hitting, expert fact-finding is needed without involving the criminal process or implying criminal violations are under investigation. . . . This Commission will provide a significant, independent ‘watchdog’ for the entire system. . . .”

As a result of the Forsythe Committee’s recommendations, the Division of Criminal Justice in the Department of Law and Public Safety and the State Commission of Investigation, structured as an independent agency of the Legislature, were created. New laws were designed — effectively so, as history has shown — to prevent conflict and duplication among the functions of the Commission and the prosecutorial authorities of the state.

The Commission was given the responsibility to maintain a constant vigil against the intrusion of organized crime into society, to expose systemic wrongdoing or governmental laxity via fact-finding investigations, and to recommend new laws and other remedies to protect the integrity of the governmental process. The Division of Criminal Justice and other prosecutorial agencies were given the responsibility to seek indictments or file other charges of violations of law and to bring the violators to justice, where appropriate.

Legislation creating the SCI in 1968 established an initial term beginning January 1, 1969, and ending December 31, 1974. The Legislature extended the term of the SCI for five-year periods on four subsequent occasions: in 1973 for a term expiring December 31, 1979; in 1979 for a term expiring December 31, 1984; in 1984 for a term expiring December 31, 1989; and in 1989 for a term expiring December 31, 1994. On Dec. 28, 1994, legislation took effect extending the Commission's term for a period of 18 months, through June 30, 1996, pending the outcome of a review by a special committee appointed by the Governor, the President of the Senate and the Speaker of the General Assembly. On February 7, 1996, the review committee recommended that the Commission's operating authority be extended for six years, until July 1, 2002. Legislation incorporating this central recommendation was enacted into law with the Governor's signature on June 28, 1996.

The unique and complementary role of the Commission has been noted repeatedly in three separate and comprehensive reviews that have been conducted of the SCI's operations — in 1975, 1983 and 1995. In each instance, the reviewing panel found that the SCI performs a valuable function and strongly concluded that there is a continuing need for the Commission's work. The most recent review report summarized this view, stating, “. . . [I]t is crucial to New Jersey that its citizens have confidence that government on all levels is operating appropriately and efficiently. The SCI is uniquely positioned to expose corruption and mismanagement to New Jersey residents and to make recommendations aimed at improving New Jersey's system of government.”

OPERATIONS

To eliminate even the appearance of political influence in the Commission's operations, no more than two of the four Commissioners may be of the same political party, and they derive from three separate appointing authorities. Two Commissioners are appointed by the Governor and one each by the President of the Senate and the Speaker of the Assembly. It thus may be said the Commission by law is bipartisan and, by concern and action, is nonpartisan. This central construct provides the Commission with the integrity and the independent stature necessary to perform its job in a credible fashion, especially where politically-charged or otherwise sensitive investigations are concerned.

The Commission is specifically invested with the duty and power to conduct investigations in connection with:

- (a) The faithful execution and effective enforcement of laws of the state, with particular reference but not limited to organized crime and racketeering;*
- (b) The conduct of public officers and public employees, and of officers and employees of public corporations and authorities;*
- (c) Any matter concerning the public peace, public safety and public justice.*

The enabling statute provides further that the Commission shall, by direction of the Governor or by concurrent resolution of the Legislature, conduct investigations and otherwise assist in connection with the removal of public officers and in the making of recommendations to the

Governor and the Legislature with respect to changes in existing law required for more effective enforcement. The Commission also is empowered to investigate the management or affairs of any department, board, bureau, commission, authority or other agency created by the state, or to which the state is a party.

The statute assigns to the Commission a wide range of responsibilities and powers. It may conduct public and private hearings, compel testimony and the production of other evidence by subpoena and has authority to grant limited immunity from prosecution to witnesses. Since the Commission does not have prosecutorial functions, it is required to refer information of possible criminality immediately to the Attorney General.

One of the Commission's primary statutory responsibilities, when it uncovers irregularities, improprieties, misconduct or corruption, is to bring the facts to the attention of the public with the objective of promoting remedies and reforms. The format for public action by the Commission is based on the complexity of the subject and the clarity, accuracy and thoroughness with which the facts can be presented. The Commission has proceeded by way of public hearings, the issuance of public reports, or both.

Witnesses appearing before the Commission in public and private hearings are protected by the New Jersey Code of Fair Procedure, the requirements of which were incorporated in the Commission's enabling law in 1979. Constitutionally required due process is afforded under the

provisions of that code, and the courts have upheld the integrity and fairness of the Commission's investigative procedures. For example, all witnesses have the right to be represented by counsel when appearing before the Commission at public or private hearings. Additionally, any individual criticized in a proposed Commission report is, by law, given an opportunity to review relevant portions of the report. The individual may then submit a written response which shall be included in the final report. As a practical matter, the Commission always has been careful to evaluate investigative data in private in keeping with its obligation to avoid unnecessary stigma and embarrassment to individuals.

Indictments and convictions which may result from referral of criminal matters by the Commission to other agencies are not the only test of the efficacy of its public actions. At least as important is the deterrent effect deriving from the Commission's very existence, as well as the corrective statutory and regulatory reforms spurred by arousing public and legislative interest.

A prime example involved the enactment of legislation in the wake of a 1992 Commission investigation of a massive, organized crime-inspired scheme to evade taxes on motor fuels. According to the state Division of Taxation, that statutory change alone has enabled the state to recover an estimated \$22 million annually in tax revenues. More recently, the Commission's December 1998 report on public pension and benefits abuses presented a veritable catalogue of needless waste and outlined a range of proposed reforms that would save taxpayers additional millions.

The Commission takes particular pride in these and in the numerous other investigations and reports which have similarly resulted in taxpayer savings and in improved laws and governmental operations throughout its existence.

INVESTIGATIONS AND REPORTS — 1998

LOCAL GOVERNMENT CORRUPTION:

City of Orange Township

The Commission undertook an investigation into the municipal affairs of the City of Orange Township based upon allegations of irregular purchasing procedures and avoidance of public bidding laws. The focus soon expanded to include certain political fundraising activities after the Commission received complaints that city employees and vendors doing business with the city were pressured to make contributions and threatened with reprisal if they refused. 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. Findings and recommendations were contained in a report issued in May.

In sum, the Commission determined that between 1988 and 1995, the city's operations were 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. The Commission also found evidence of widespread, high-pressure tactics to extract political campaign contributions from public employees and private businesses. Moreover, the investigation revealed the use of campaign funds for personal expenditures and the

misreporting of contributions and expenses to the New Jersey Election Law Enforcement Commission.

The investigation also turned up instances in which municipal powers were abused to the extent that the public trust was converted into a private domain. For example, the city's vehicle fleet was expanded with the assignment of cars under questionable circumstances to an array of top officials, 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. In addition, favors to individuals in the form of jobs, some of questionable need, were dispensed at taxpayer expense. The city's money was used for the personal purchase and delivery of flowers. Excessive travel expenditures for conferences both in New Jersey and out of state were authorized. Municipal funds also were used for expensive picnics, Christmas parties and annual secretaries' luncheons, which frequently included alcoholic beverages.

The Commission also 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. Moreover, the city failed to solicit bids for a computer system for the City Clerk's office. Further, a computer hobbyist was allowed to design and procure the system without adequate supervision. One major consequence was the installation of an incomplete and unusable system containing pirated software.

The investigation also revealed widespread failure to adhere to proper financial procedures dictated by statute and by the Orange Municipal Code. Violations included the charging of expenses to the wrong accounts, the routine reimbursement of employee

expense vouchers lacking receipts and efforts by the administration to circumvent City Council in the issuance of payments.

REFERRALS, RECOMMENDATIONS AND RESULTS

The Commission referred the results of its investigation to the following agencies of government for review and appropriate action: the New Jersey Attorney General, the Election Law Enforcement Commission, the Division of Taxation, the Division of Local Government Services and the United States Internal Revenue Service.

The Commission also sent a copy of its report to every municipal government unit in the state, urging each to review the findings, as well as a series of recommendations for systemic reforms and improvements in the following key areas:

Solicitation of Political Contributions

The Commission urged the Legislature to 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, such activities, at a minimum, should be banned during official working hours and on government premises. Violators should be subject to criminal penalties.

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 recommended that Orange establish a municipal ethics board to 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, including in those cases where the associates of public officials benefit from their personal or professional relationship with those officials, even in the absence of a clear *quid pro quo*.

Questionable Campaign Expenditures

The Commission recommended that the 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.

Financial, Bidding and Purchasing Procedures

In order to provide adequate fiscal accountability and oversight, the Commission recommended that Orange officials thoroughly review, revise and adhere to clear and effective written procedures and controls for purchases, submissions of vouchers for payment and proper reimbursement of employee expenses.

Improper Public Expenditures

The Commission recommended that the Orange Council 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.

Internal Controls

Several of the internal control deficiencies identified by the Commission had been called to the city administration's attention on previous occasions in 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 failed to do so. The municipal governing body should insist that executives and administrators in the public's employ 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 that fails to implement recommendations contained in its annual audit must publish a resolution in local newspapers stating the reasons. The Commission repeated that recommendation in this report.

Hiring Practices

Government positions should be created and filled only when they serve a legitimate and necessary purpose. Clearly questionable positions should be examined and modified, or altogether eliminated, where appropriate. The Commission further recommended that officials simultaneously determine whether certain positions are properly classified as full- or part-time and whether the salaries are commensurate with the responsibilities of such positions.

The Commission also recommended that existing law exempting "professional services" from public bidding be amended by the Legislature to define that term with precision.

Abuse of Municipal Vehicles

The Commission recommended reduction of Orange's motor pool by eliminating exclusive assignment of vehicles to officials whose duties do not require them. Individuals deemed to warrant such assignments should be required to record business-related and non-business mileage, and the value of any personal use should be reported to state and federal tax authorities, as required by law.

WASTE, FRAUD and ABUSE:

Pension and Benefit Abuses

The Commission examined certain aspects of public employee pension and benefit programs and found abuse, manipulation and excessive expenditures that cost New Jersey taxpayers substantial sums of money every year. Questionable practices were detected in every region of the state, among municipalities, school districts, community colleges and independent authorities. Underlying the abuses, the Commission found, is a system lacking in adequate oversight and accountability and a loophole-ridden statutory framework that licenses potentially inappropriate conduct by public officials. Findings and recommendations were contained in a report issued in December.

The investigation revealed numerous instances in which public pensions have been improperly or unjustifiably inflated through a wide variety of stratagems to boost the final salaries, job titles and terms of service upon which such pensions are based. Unreasonably large amounts of sick leave and vacation time have been awarded to many public employees, who sometimes are solely responsible for keeping track of how much they use. At retirement, they are allowed to cash in unused leave for excessive lump-sum payments — frequently in amounts substantially greater than the equivalent of one full year's salary.

In some cases, the benefit packages were found to contain an array of non-monetary perks, such as free toll-road passes routinely given to employees and retirees of

the New Jersey Highway Authority, operator of the Garden State Parkway. Lucrative separation-of-employment agreements, commonly called "buyouts" or "golden parachutes," have been negotiated in the absence of explicit statutory authority as inducements for the resignation or early retirement of municipal, school and county college personnel. Moreover, a wide array of part-time government employees, including professionals and other independent contractors, collect fees in addition to regular salaries that qualify them for pensions and other benefits at taxpayer expense. In some instances, they serve as salaried employees of more than one governmental entity.

During its investigation, the Commission examined the pension and benefit records and policies involving employees of 17 municipalities, six school districts, two counties, two community colleges and two independent authorities. Although this mix represented a relatively small sampling of the total number of governmental entities in New Jersey, the Commission took pains to inject balance and perspective by including entities of varying size from regions throughout the state.

Many of the abuses detailed by the Commission stemmed from arrangements crafted quietly, often in secret, between individuals or groups of employees and their supervisors. In many instances, these arrangements were implemented through negotiated labor contracts, early-retirement programs and even official ordinances. Throughout this process, however, the paying public often has been left uninformed. Municipal officials and departing employees may enter into agreements whose long-term budgetary impact can exert considerable pressure upon property taxes, but rarely, if at all, have taxpayers even been notified of the terms of those agreements. Local government retirees may be provided with exaggerated pensions, but rarely, if at all, has the public been informed of the drain that

such excessive payments made on New Jersey's Public Employee Retirement System (PERS) and Police and Firemen's Retirement System (PFRS) funds. Citizens also are largely uninformed regarding the standards and formulas used in calculating special pension and benefit awards. For example, while retiring state government employees are limited by law to what they can be paid for accumulated unused sick leave, a lump sum no greater than \$15,000, no such ceiling is required at the county and municipal levels, or among school districts, community colleges and independent government authorities.

REFERRALS, RECOMMENDATIONS AND RESULTS

The Commission referred the findings of its investigation to the state Division of Pensions and Benefits. In response, the Division launched a series of inquiries to determine the proper course of action, including possible pension adjustments and recovery of overpayments, in connection with each case detailed in the report. The Commission also urged every governmental entity in New Jersey to review its findings in the hope that current widespread abuses will be curtailed and corrected, and future ones avoided.

It should be noted that officials in a number of governmental entities treated the Commission's findings as an opportunity to undertake systemic improvements at the local level. In one instance, the Borough of Ship Bottom announced that it would review the terms of a retirement agreement secretly negotiated with a former police chief and pay any assessment deemed reasonable by the Division of Pensions and Benefits. Officials in this Ocean County community also introduced a proposed municipal ordinance to require that all

future retirement agreements be cast in public and that they be properly and reasonably funded.

Beyond the call for immediate review and assessment of individual cases, the Commission made recommendations for systemic reforms related to the following key issues:

Local Government Employment Practices

The magnitude of pension and benefit abuses, particularly at the municipal level, points to a profound gap in New Jersey's framework for ensuring responsible and prudent local governance: The state lacks a comprehensive statute that explicitly addresses the employment practices of local and county governments. All too often, the broad discretion exercised to set the terms of employment, including salaries, pay raises, vacation, sick leave and retirement-related arrangements, for local public employees has produced an array of costly and sometimes inequitable benefit and pension packages. The Commission, therefore, urged the Legislature to conduct a comprehensive review of local government employment practices in order to establish reasonable standards that would protect both the livelihood of the local public-employee work force and the integrity of the public treasury.

Pension Information and Guidelines

In order to ensure that all public employers are thoroughly familiar with the rules governing participation in the various state pension plans, the Commission recommended that the Division of Pensions and Benefits prepare a simple informational booklet

outlining which types of pension arrangements are allowed and which are proscribed both by regulation and law. The booklet should be disseminated to the appropriate officials in every participating governmental entity in the state.

The Commission further recommended that the documents used by municipalities and other public entities to certify a retiring employee's final salary and years of service be enhanced to include a checklist delineating common violations of the pension rules.

Resources for Better Pension Oversight

The depth and range of abuses of the pension rules has rendered the Division of Pensions and Benefits, as presently constituted, incapable of providing adequate oversight to detect and address violations. Accordingly, the Commission recommended that the Division be provided with budgetary resources sufficient to establish an internal investigative unit capable of conducting random audits.

Penalties

The Commission recommended that intentional violations of pension standards and rules be made punishable by appropriate civil penalties. Additionally, pension certification forms should incorporate a signed statement attesting, under penalty of perjury, to the truthfulness of the information contained therein.

Pensions and Part-Time Employees

The Commission urged the Legislature to enact measures to prevent schemes by which "final average salaries" are deliberately inflated in order to boost public pensions.

The Legislature also should scrutinize that aspect of the system which allows pension eligibility for persons who, on a part-time basis, provide to any public entity services in a profession in which they maintain a private practice, to ensure that the eligibility is in the public interest.

Public's Right to Know

All public employers should be required by law to reveal to the public the complete terms of any and all buyout, separation-of-employment, early retirement or related agreements negotiated with an individual employee or a group of employees. Further, the Open Public Meetings Act should be amended to require that the terms of such agreements be disclosed on the public record.

Additionally, all components of employee compensation in general should be presented accurately and made readily available for public inspection. This is particularly crucial in the area of longevity raises, which are used by many municipalities to reward employees strictly for length of service. Such raises boost salaries in the same fashion as standard pay increases but often are treated separately and minimized in terms of their overall budgetary impact.

Early Retirement Liability

The Commission recommended that any governmental entity which takes action to encourage an employee to retire earlier than predicted by state actuarial tables, thus creating an additional cost to the pension system, should be held liable for that cost, as determined by the Division of Pensions and Benefits.

Pension Calculation Limits

No compensation other than base pay should be used in determining the final pensionable salary of any public employee. The Commission recommended that all governmental entities should be provided with a complete list of the types of compensation that are disallowed for pension calculation purposes, and be required to certify that none have been included in totals submitted to the Division of Pensions and Benefits.

Compensation Limits

Because no public employee should receive any compensation except for work actually performed, the Commission urged the Legislature to prohibit any form of severance pay or terminal leave.

Benefit Limits

The Commission recommended that participation in any of the various state pension plans be conditioned upon the acceptance by all governmental entities of the basic benefit standards and policies maintained for employees at the state level. Statutes to implement this recommendation should contain grandfathering language to recognize the enforceability of conflicting provisions in collective bargaining agreements and the validity of ordinances in effect at the time of enactment:

Sick Leave:

- Public employees at all levels should be limited to no more than 15 paid sick days per year. At retirement, payment for accumulated sick leave should be limited to a lump sum representing 50 percent of an employee's unused sick leave, calculated at the current salary, up to \$15,000. Alternatively, if a governmental entity wishes to reimburse a retiring employee for any greater portion of accumulated sick leave, the payment should be calculated on a last-in, first-out basis, taking into account the salary in effect at the time each day of sick leave was accrued.
- As with state employees, no public employee at any other level of government should be permitted to "cash in" accumulated unused sick leave at any time prior to retirement, including in the event of resignation.

Vacation:

- Public employees at all levels should adhere to the state limit of a maximum of 25 paid vacation days per year after 20 years of continuous service. No more than one annual entitlement of vacation time should be carried forward from one year to the next. Upon retirement, no public employee should be entitled to a lump-sum payment greater than the value of one previous year's worth of accumulated vacation.

Budgeting and Accountability

The Commission recommended that all governmental entities, particularly municipalities, be required to compute the total value of accumulated employee sick leave and vacation time and, within five years, to budget for that amount on an annual basis. In order to ensure accountability, each municipality should establish a centralized record-keeping mechanism for tracking the accumulation and use of sick and vacation leave. No individual employee should be permitted to be the sole recorder of his or her own leave time.

PRIOR INVESTIGATIONS

ORGANIZED CRIME

1969 Garbage Industry	1986-1988 Check Cashing Industry
1970-71 Organized Crime Control of Long Branch	1987-89 Solid Waste Regulation
1972 Organized Crime in Ocean County	1988-89 Cocaine
1997-78 Organized Crime in Atlantic City	1989 Overview of Organized Crime
1980-81 Organized Crime Infiltration of Dental Care Plans	1988-91 Garment Industry
1981-82 Organized Crime Labor Relations Profiteering at Mass Housing Construction Sites	1990-91 Afro-Lineal Organized Crime
1983-85 Organized Crime in Boxing	1990-91 Video Gambling
1986-87 Organized Crime-Affiliated Sub-Contractors on Casino and Publicly-Funded Construction Projects	1991-92 Motor Fuel Tax Evasion
	1991 Organized Crime in Bars
	1993-94 Money Laundering
	1994 Medical Provider Contracts
	1995 Organized Crime in Bars Part II
	1996 Russian-Emigre Crime in the Tri-State Region

LOCAL GOVERNMENT CORRUPTION

1969-70 Monmouth County Prosecutor's Office-Misuse of Funds	1982 Inappropriate Activities of the Lakewood Municipal Industrial Commission
1970-71 Hudson County Mosquito Commission Embezzlements	1984 Misconduct and Inappropriate Controls in the Newark School Security System
1971 Misappropriation of Public Funds, Atlantic County	1984 Excessive Spending and Near-Insolvency of the Newark Board of Education/Newark Teachers Union Supplemental Fringe Benefits Fund
1971-72 Point Breeze Development Frauds, Jersey City	1992 Bergen County Utilities Authority
1972-75 Improper Municipal Planning, Zoning Procedures	1992 Local Government Corruption Overview
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WASTE, FRAUD AND ABUSE

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SPECIAL REPORT

1995 N.J. State Commission of Investigation — An Important Agency for the Future

The following list summarizes the SCI's investigations, hearings and reports since the Commission began operations in 1969:

1969 Garbage Industry

The Commission's October 1969 report, responding to the Legislature's request for an investigation, exposed infiltration of the solid waste collection and disposal industry by organized criminal elements. Responding to a Commission recommendation, the Governor and Legislature enacted the New Jersey Antitrust Act in 1970.

The SCI also recommended licensing waste collectors and determining the real persons in interest of each collection and disposal company. The Governor and Legislature in 1970 enacted a law providing for licensing and regulating of the garbage industry by the State Public Utilities Commission, later the State Board of Public Utilities (BPU). In keeping with another SCI recommendation, the law also prohibited discrimination in the use of privately owned disposal facilities. A law providing for disclosure and investigation of the backgrounds of real parties in interest of waste firms was not passed until 1983, and its a lengthy court challenge concluded in 1986.

1969-70 Monmouth County Prosecutor's Office-Misuse of Funds

After its February 1970 public hearing, the SCI recommended that all counties be served by full-time prosecutors. This proposal was gradually implemented, to the point where by 1986 all counties had full time prosecutors. The SCI recommendation that supervisory regulation of prosecutors be centered in the Attorney General's department also was implemented. The Commission's report is contained in its 1970 Annual Report.

1969-70 County Prosecutor System

In an outgrowth of its investigation into the Monmouth County Prosecutor's Office, the Commission undertook a broader inquiry resulting in a series of recommendations and actions to improve the administrative practices and accountability of prosecutor's offices statewide. One key Commission proposal led to legislation making county prosecutors and assistant prosecutors full-time positions.

1970-71 Organized Crime Control of Long Branch

Following a March and April 1970 public hearing, the SCI referred to the U.S. Attorney for New Jersey its findings, data and fiscal records relating to corporations formed by Anthony (Little Pussy) Russo. These materials were, in part, the basis for a 1971 indictment of Russo for failure to file corporate income tax returns. Russo pleaded guilty to that charge and was sentenced to three years in jail, to run concurrently with a New Jersey court sentence for perjury. (Russo subsequently was murdered).

Additionally, a police chief whose conduct was targeted by the SCI's probe resigned from office, and Long Branch voters at the next municipal election following the public hearing elected a new administration. The Commission's report is contained in its 1970 Annual Report.

1970-71 Corrupt State Purchasing Practices

After a June 1970 public hearing (reported in the Commission's 1970 Annual Report), a state buyer who was receiving payoffs from vendors was dismissed. SCI records were

turned over to the Attorney General's office, which obtained an indictment charging the buyer with misconduct in office. He pleaded guilty, was fined and placed on probation.

Additionally, officials of the State Division of Purchase and Property, who assisted in the investigation, revised purchasing and bidding procedures to deter rigging of bids, renewal of contracts without bids, and acceptance of unsatisfactory performance and supplies.

1970-71 Building Service Industry Abuses

The Commission's June 1970 public hearing (reported in its 1970 Annual Report), on restraints of trade and other abusive practices in the building service industry aroused the interest of the United States Senate Commerce Committee. The committee invited the SCI to testify at its 1972 public hearings on organized crime in interstate commerce. As a result of that testimony, the Antitrust Division of the United States Justice Department, with assistance from the SCI, began an investigation into an association which allocated territories and customers to various member building service maintenance companies in New Jersey. In May 1974, a Federal Grand Jury indicted 12 companies and 17 officials for conspiring to shut out competition in the industry. The companies were the same as those involved in the SCI's public hearings. On Oct. 25, 1977, the defendants agreed to a consent judgment to abandon the practices alleged against them. Earlier, the government's criminal action against the defendants was completed in March 1976, by which time one company had pleaded guilty to the charges and the other defendants had pleaded no contest. Fines totaling \$233,000 were levied.

Additionally, after the Senate Commerce

Committee's hearings, the U.S. General Services Administration amended its regulations to bar purchases of certain cleansing products sold by organized crime figures (as exposed by the SCI investigation).

1970-71 Hudson County Mosquito Commission Embezzlements

After the SCI probe, December 1970 public hearing and report (contained in the 1970 Annual Report), the Mosquito Commission was abolished, resulting in an annual county budget reduction of \$500,000.

After the SCI referred its findings to the Hudson County Prosecutor, a Grand Jury in 1971 handed up conspiracy and embezzlement indictments against the Mosquito Commission's executive director, his two sons, his secretary and the Commission's engineer and foreman. The executive director pleaded guilty to embezzlement in 1972 and was sentenced to two-to-four years in jail. His sons were fined \$1,000 each and placed on four-year probation. The other indictments were dismissed.

1971 Misappropriation of Public Funds, Atlantic County

In December 1971, the Commission reported the details behind the diversion of over \$130,000 in public funds by the assistant county purchasing agent between 1958 and 1970, as well as the cover-up of the affair before and after his suicide. The County implemented several Commission recommendations to insure greater financial accountability.

1971-72 Point Breeze Development Frauds, Jersey City

After an October 1971 public hearing (reported in the Commission's 1971 Annual Report), two bills implementing SCI recommendations were enacted into law. One improved the urban renewal process and the other tightened statutory provisions to prevent a purchaser of publicly owned lands from receiving any part of the brokerage fee on such a purchase.

In addition, the Commission referred records to prosecutorial authorities. A Hudson County Grand Jury returned an indictment charging a former Jersey City building inspector with extorting \$1,200 from an official of the Port Jersey Corp. and obtaining money under false pretenses. The inspector was convicted of obtaining money under false pretenses, fined \$200 and given a six-month suspended sentence.

1972 Stockton College Land Acquisition Deals

After the Commission issued a report in June 1972, the State Division of Purchase and Property implemented SCI recommendations for tighter controls over land acquisitions and evaluations, including pre-qualification of appraisers and post-appraisal reviews by nationally accredited appraisers.

1972-75 Improper Municipal Planning, Zoning Procedures

The SCI canceled scheduled public hearings after a one-day session because litigation prevented three key witnesses from testifying about land development in Madison Township in Middlesex County. Although the courts subsequently ruled the witnesses must testify, the Middlesex Prosecutor in the meantime had requested the SCI to postpone its hearings and

submit its investigative data for prosecutorial use. In early 1974 the Middlesex Grand Jury indicted three former Madison Township officials for extortion, bribery, misconduct in office and perjury in connection with housing development kickback schemes. In February 1975, a former Township councilman was found guilty of extortion and misconduct in office.

1972-73 Bank Fraud in Middlesex County

The SCI canceled public hearings in this investigation at the request of bank examiners who feared a bank would be forced to close in the face of adverse hearing disclosures. Federal authorities, after receiving the SCI's investigative findings and data, arrested Santo R. Santisi, who had been president of the targeted Middlesex County Bank, on charges of misapplication of more than \$500,000 in bank funds, authorizing bank loans not approved by bank directors to a holding company he controlled and to his associates. He pleaded guilty and was sentenced to three years in prison. A member of the bank's board of directors pleaded guilty and was sentenced to a one-year prison term. Suspended prison sentences were imposed on two others, including Santisi's lawyer, after they also pleaded guilty. The Commission's report is contained in its 1972 Annual Report.

1972-73 Office of the Attorney General of New Jersey

With the assistance of former Supreme Court Justice John J. Francis as Special Counsel, and at the request of the Attorney General and a Senate Committee, the Commission reported in January 1973 the results of its investigation into allegations surrounding the criminal investigation of former Secretary of State Paul J. Sherwin. The report exonerated the Attorney General and Criminal Justice Director on charges of a cover-up.

1972 Organized Crime in Ocean County

The Commission exposed organized crime activities in a February 1972 public hearing and its 1972 Annual Report.

SCI records were made available to federal authorities, who subsequently obtained extortion-conspiracy indictments against nine organized crime figures active in the New York-New Jersey region. One was Frank (Funzi) Tieri, then the acting leader of the Genovese organized crime family. The indictments described a shylock loan dispute which culminated in a "sit-down" — organized crime jargon for a star-chamber trial — which was described publicly for the first time by Herbert Gross, an informant, at the SCI's public hearings. The federal investigation resulted in the conviction in 1980 of Tieri, who by then had risen to "boss-of-bosses" among New York's organized crime families. An SCI agent testified for the prosecution during Tieri's trial.

1972-74 Workers Compensation Frauds

The Commission's May and June 1973 public hearing and January 1974 report helped lead to a major overhaul of the workers compensation system in New Jersey.

The SCI's investigative findings were referred to the Essex County Prosecutor, who in 1975 obtained indictments of two partners of a law firm and the firm's business manager in connection with bill-padding and a phony medical treatment scheme. The indictments charged the defendants with conspiring with certain doctors and others to submit fraudulent reports to insurance companies. All indictments were dismissed but one, which charged a lawyer-defendant with obtaining money under false pretenses. Essex authorities,

after being deputized in Middlesex County, obtained a seven-count indictment from a Middlesex Grand Jury.

In addition, the New York-New Jersey Waterfront Commission enlisted the SCI's assistance in its investigation and exposure of Workers Compensation frauds involving dock workers in 1974-75.

Finally, three New Jersey Judges of Compensation were suspended, one of whom subsequently was dismissed by the Governor and suspended from law practice for six months by the New Jersey Supreme Court.

1973-1974 Passaic County Vocational-Technical School-Misuse of Funds and U.S. Surplus

The Commission's public hearing in September 1973 and report (contained in its 1973 Annual Report) included many recommendations for improving surplus property distribution and tightening school purchasing practices to prevent thefts and abuse.

The SCI referred its probe data to the Attorney General's Criminal Justice Division, which in May 1974, obtained a State Grand Jury indictment charging the school's business manager-purchasing agent with bribery and misconduct in office. The official was convicted of bribery, sentenced to one-to-nine years in prison and fined \$9,000. The conviction was upheld by an appellate court in 1977. In March 1977, Passaic County Freeholders filed a civil suit against the official, resulting in a court order that he return all salary received while he was suspended from his job, as well as the bribe money. In February 1978, the official agreed under a court-approved settlement to repay the county more than \$50,000 in 60 installments during a five-year period after his release from

jail.

1973-74 Narcotics Traffic and Drug Law Enforcement

In a December 1973 public hearing and its 1973 Annual Report, the Commission recommended mandatory minimum sentences for serious offenders, forfeitures of money seized in connection with narcotics arrests and the establishment of full-time prosecutors. All were substantially implemented by the Legislature and law enforcement authorities.

The SCI identified the victim of a murder and then located three suspects and participated in their arrests. In October 1974, one of the suspects was convicted of the murder. The other two defendants pleaded guilty to lesser charges and testified for the prosecution. Also, as a result of evidence referred by the SCI to the Essex County Prosecutor, a burglary ring was exposed by the Prosecutor's staff. A Newark jeweler and his son were indicted and convicted of conspiracy and of receiving stolen property. The Essex Grand Jury in 1974 handed up more than 20 indictments against members of the burglary ring.

1974 Pseudo-Charitable Firms Misusing Handicapped Fundraising

The SCI acquainted federal authorities with investigative findings during and after this probe. Subsequently, the owner of one company and the sales manager of another company, who were targets of a June 1974 public hearing and September 1974 report, pleaded guilty to federal charges of fraud.

Two laws were enacted in 1977 that implemented SCI recommendations. One law required authorization by the Attorney General before a corporation could identify itself as a

fund raiser for the handicapped or the "blind." The other statute required professional fund raisers to submit financial reports to the Attorney General.

1974 Conflicts of Interest at Delaware River Port Authority

Based on evidence from the SCI probe, reported in October 1974, the Port Authority claimed more than \$64,000 from its former chairman as repayment of profits his firms made on Authority construction projects. The claim was settled in 1977 for \$50,666. Although the former chairman was absolved of any wrongdoing, he was not reappointed to the Authority.

1974-75 Lindenwold Municipal Corruption

As a result of State Grand Jury indictments in 1975, a former Lindenwold mayor and a real estate developer pleaded guilty to bribery and conspiracy charges as their trial was scheduled to begin. One former councilman was found guilty on three counts and another former councilman was found guilty on two counts at the conclusion of the trial in October 1977. The SCI's December 1974 public hearing and investigative findings reported in its 1974 Annual Report led to these actions.

1975-77 Investigation of Medicaid Abuses

A number of statutory and regulatory steps were taken during and subsequent to the Commission's investigations, interim reports and public hearings. These actions included the Legislature's enactment of a New Jersey Clinical Laboratory Improvement Act, as well as a law increasing maximum penalties for bilking the Medicaid program through overbilling and false billing.

Many of the Commission's recommendations were adopted by the Division of Medical Assistance and Health Services as a result of the SCI's six reports and its public hearings in June 1975 and January, May and October 1976.

1975-76 Land Acquisition Deals in Middlesex County

As a result of the SCI's exposures in this investigation, the Administrator of the County's Land Acquisition Department was suspended and the County government moved to institute a more stringent process of checks and balances on land acquisition procedures. Even before the SCI completed its hearings in January 1976, arrangements were being formalized voluntarily by state officials, alerted by the Commission's findings, for the transfer of the Green Acres appraisal and post-appraisal review and control system from the Department of Environmental Protection to the Department of Transportation — one of many general and technical recommendations by the Commission that were implemented. The SCI reported its findings in its 7th Annual Report for 1975.

SCI data was referred to the Middlesex County Prosecutor's office, which investigated the conduct of the County Land Acquisition Department. In September 1976, a Grand Jury returned a presentment in which it said that while it found "no provable criminal act" by the department's former administrator, his activities "indicated an insufficient expertise and lack of concern to perform his office in the best interest of the citizens." The presentment also criticized the collection of political contributions from appraisers, "which if not improper under law certainly gave the appearance of impropriety."

1976-77 Prison Furlough Abuses

Following the SCI probe and May 1976 public hearing, a State Grand Jury indicted in December 1976 a former Trenton State Prison clerk for false swearing and perjury. These charges related to a forged Superior Court Appellate Division opinion which was inserted into the record of an inmate, Patrick Pizuto, enabling him to obtain a premature release from incarceration. (Pizuto became a federally protected informant in an unrelated case.) In January 1977, five former inmates of Leesburg Prison were indicted on charges of escape by means of fraudulent furloughs. These indictments led to convictions or guilty pleas. The Commission's report is contained in its 8th Annual Report for 1976.

1977-78 Misuse of Public Funds in the Operation of Non-Public Schools for Handicapped Children

The Commission's January 1978 public hearing and May 1978 report exposed widespread misuse of public funds and recommended legislative and administrative changes.

1976-77 Casino Gambling

After voters approved casino gambling in Atlantic City on November 2, 1976, the Governor asked the Commission to undertake a review of the problems and consequences and to recommend measures to preclude criminal intrusion. Many of the Commission's recommendations, contained in its April 1977 report, were enacted into law.

1977-78 Organized Crime in Atlantic City

The Commission's investigation and August 1977 public hearing confirmed the infiltration by the organized crime family of Angelo Bruno of Philadelphia into certain legitimate businesses

— cigarette vending and nightclubs — after the legalization of casino gambling in Atlantic City. Also revealed were attempts by associates of the Gambino organized crime family to purchase a major Atlantic City hotel and by a New England mobster to intrude into the operation of a casino gambling school. In 1979, the Legislature enacted a law strengthening the licensing requirements for the cigarette industry to proscribe licensure of organized crime members or associates. The Commission's reports on these problems are contained in its 9th Annual Report for 1977 and a separate December 1977 report.

1977-78 Boarding Home Abuses

The SCI's June 1978 public hearing and November 1978 report on this investigation were among a number of public actions by various agencies that led to the enactment of a boarding home reform law. However, this law did not implement a major recommendation of the SCI — that is, to center boarding home licensing and monitoring obligations, which were spread among three departments of government, into one department.

1978-79 Absentee Ballot Frauds

The Commission's report is contained in its 10th Annual Report for 1978. Many of the SCI's proposed reforms, drafted in cooperation with the Attorney General's office after a December 1978 public hearing, have been enacted.

1978-79 Injury Leave Practices

After the January 1979 Commission report, inappropriate deductions of social security and income taxes from wages paid to public employees under various municipal and

county injury leave policies were halted and efforts were made to recoup such deductions in the past.

1979 Inadequate Sudden Death Investigations

Following the Commission's November 1979 report, efforts to reform the county medical examiner system were begun. However, none of the proposed revisions included the SCI's major recommendations that a statewide regional system of medical examiners be established, operating with accredited forensic pathologists in conjunction with the Institute of Forensic Science in Newark.

1979-80 Questionable Public Insurance Procedures

The Commission's proposed reforms for the purchase and regulation of county and municipal insurance programs, contained in an April 1980 report, were submitted to the Legislature in bill drafts.

1980-81 Organized Crime Infiltration of Dental Care Plans

The Commission held a public hearing in December 1980 and issued a report in June 1981. Legislation was enacted in 1982-83 incorporating the Commission's recommendations for barring organized crime influence in dental care plans sold to labor unions and for increased auditing, monitoring and financial disclosure for such plans. The SCI was represented by a Commissioner and its Executive Director at a U.S. House Aging Committee hearing in 1981 on abuses of health care trust funds and at a public hearing by the Pennsylvania Crime Commission in 1981 on its probe of mob influence over the operation of labor union dental plans.

1981-82 Mismanagement of the New Jersey Housing Finance Agency

During the course of this investigation, the HFA's Executive Director, William Johnston, a subject of the inquiry, resigned and a new reform administration was put in place. After the issuance of the SCI's initial report in March 1981, certain HFA personnel discussed in the report resigned or were dismissed and new procedures for processing housing projects were instituted. The Commission's investigative findings, also contained in a December 1982 final report, were submitted to various prosecutorial authorities.

1981-82 Organized Crime Labor Relations Profiteering at Mass Housing Construction Sites

Contained in the 13th Annual Report for 1981, this report spurred tremendous interest, but no action was taken on the SCI's recommendations at either the state or federal level.

1981-83 Misconduct in the Operation of Certain County and Local Sewerage and Utility Authorities

This probe, July 1982 public hearing and March 1983 report resulted in the enactment of a comprehensive law giving the State Local Government Services Division the same effective control over the fiscal and administrative operations of sewerage and other local authorities that it exercises over municipalities.

1982 Inappropriate Activities of the Lakewood Municipal Industrial Commission

The August 1982 report on this inquiry resulted in the enactment in 1984-85 of the SCI's recommendations for reforming the

operations of all such commissions.

1983 Abuse and Misuse of Credit Controls at Gambling Casinos

This inquiry, March 1983 public hearing and June 1983 report resulted in more effective casino credit controls, albeit less stringent than recommended by the Commission.

1983 Improprieties in the Leasing of State Lands at Great Gorge in Sussex County to a Ski Resort

The March 1983 public hearing and August 1983 report were followed by criminal and civil actions based on the SCI's investigative findings, which resulted in the reimbursement of millions of dollars owed to the State and in substantial fines and other penalties against the major principals of the Vernon Valley conglomerate and its subsidiary companies.

1983-84 Inadequacy of Laws and Regulations Governing the Boxing Industry

In line with the SCI's recommendations, contained in its March 1984 interim report, a law was passed revising the tax structure for boxing events, and another bill revising the entire administration of the sport, including medical and safety provisions, was subsequently enacted. Revelation of improprieties by the State Athletic Commissioner led to his resignation. The regulatory reforms, particularly those that were intended to protect the health and physical welfare of boxers, as enacted in 1988, fell far short of the SCI's reform proposals.

1984 Misconduct and Inappropriate Controls in the Newark School Security System

Bills were introduced in the 1986-88 Legislature to implement certain reforms recommended by the June 1984 SCI report.

1984 Excessive Spending and Near-Insolvency of the Newark Board of Education/Newark Teachers Union Supplemental Fringe Benefits Fund

After a December 1984 public hearing, a report on the investigative findings was incorporated in the Commission's 16th Annual Report for 1984. Litigation involving the Fund's director, who was dismissed during the SCI probe, was brought.

1983-85 Organized Crime in Boxing

The SCI's December 1985 final report confirmed so serious an intrusion of organized crime into boxing that, were the same mob presence to afflict such other professional sports as baseball or football, it would constitute a public scandal. Dissection of a dozen case histories not only reflected the ineffectiveness of the regulatory process in stamping out organized crime but also the inability of the regulators — and managers and promoters as well — to prevent boxers from becoming brain-damaged and blinded. As a result, the SCI joined the American Medical Association and other medical groups in urging that professional boxing be banned. In the meantime, the SCI proposed a series of further reforms, to reduce the physical hazards of boxing, as well as its organized crime taint. Bills requiring background checks of prospective licensees, including promoters and managers, were enacted in 1986-87. Other "reforms" which were below the standards urged by the SCI also were enacted in 1988 (See 1983-88 interim report on boxing).

1985-86 Probes of N.J. Division of Motor Vehicles

1) Photo license controversy, an investigation directed by the Legislature to be completed in 30 days. In a June 1985 report, the Commission criticized the Division of Motor

Vehicles and the Attorney General for the intentional non-disclosure of a major political contributor's proposed role in a universal photo license system.

2) Investigation, December 1985 public hearing and report (combined with the Commission's 1985 Annual Report) on the DMV's politicized, inefficient agency system. The Commission recommended conversion of all motor vehicle agencies to state operated entities, as well as internal reforms within the Division to enhance the integrity of the licensing and registrations processes.

3) Investigation of the DMV-Price Waterhouse computer fiasco, which had its origins in the collapse of the DMV's services to the public in mid-1985. This probe resulted in a June 1986 report critical of DMV's management of the computer project, as well as the serious policy misjudgments and professional misconduct by the computer contractor. The report made recommendations for reform of bid waiver procedures.

1986 State Racing Commission's Regulatory Deficiencies

In an October 1986 letter to the Racing Commission, the SCI noted the Racing Commission's reform efforts during the course of the investigation, but emphasized numerous areas — race track security and integrity, regulatory timidity, auditing of track operations, more stringent drug controls and tighter licensing procedures — that remained to be corrected. Legislation incorporating SCI reform proposals was enacted.

1986-87 Organized Crime-Affiliated Sub-Contractors on Casino and Publicly Funded Construction Projects

This report was combined with the Commission's Annual Report for 1986. It recommended centralization and strengthening of state and Casino Control Commission procedures for prequalifying and disqualifying prospective contractors and subcontractors. The investigative findings demonstrated that two mob-operated companies had amassed millions in revenues from casino projects and public works from which they should have been barred. Bills which would extend Control Commission scrutiny to subcontractors and casino license applicants were enacted.

1986-87 Impaired and Incompetent Physicians

A report on the Commission's investigation on Impaired and Incompetent physicians was issued in October 1987. The report was critical of the New Jersey Medical Society's Impaired Physicians Program and the inability of the IPP and the State Board of Medical Examiners to adequately rehabilitate and monitor impaired doctors to prevent harm to patients. After Commission staff participated in Senate committee hearings, the Legislature and Governor enacted the Professional Medical Conduct Reform Act on January 12, 1990 (effective July 13, 1990). The law substantially improves the reporting, rehabilitation and supervision of impaired and incompetent doctors.

1986-88 Union Lake

The Commission investigated the process by which the State Green Acres program acquired Union Lake in Cumberland County.

The March 1988 report concluded that the Department of Environmental Protection failed to follow good management and internal communications procedures in taking title to the lake, which was contaminated with arsenic and held in place by a deteriorated dam. Revised acquisition procedures and a successful state lawsuit resulted from the Commission's findings.

1986-88 Check Cashing Industry

The Commission revealed in an April 1988 public hearing and August 1988 report the extent to which the check cashing industry in New Jersey is used by organized crime to finance loansharking and other forms of racketeering, as well as to defraud companies. Dozens of referrals of information were made to law enforcement and administrative agencies in New Jersey and New York.

1987-89 Solid Waste Regulation

Revisiting regulatory failures and criminal involvement in the solid waste industry in New Jersey, the Commission concluded in an April 1989 report that the Solid Waste Utility Control Act of 1970, enacted after the Commission's 1969 report on the garbage industry, had failed as a regulatory mechanism. The Commission found that organized crime, while no longer dominant, still had a presence in the industry. Moreover, the regulatory system had failed to stimulate competition in an industry that was amenable to it. In response to a Commission recommendation, the Legislature and Governor enacted a law to phase out an ineffective system of utility-style rate regulation of solid waste collectors.

1988-89 Cocaine

The SCI held a public hearing in November 1988 and issued a report in March 1989 regarding the cocaine problem in New Jersey. The Commission recommended a major increase in the state's commitment to help solve all facets of this serious criminal, social and health problem.

1989 Overview of Organized Crime

In its 1989 Annual Report, the Commission detailed the status of traditional and non-traditional organized crime groups in New Jersey.

1989-90 AIDS Prevention Program — State Department of Health

Allegations of impropriety in the AIDS prevention program in the Department of Health were made at a public hearing of the Assembly Committee on Health and Human Resources. The Commission found most of those allegations to be without merit but did find some laxity in the grant review process. In its January 1990 letter to the Committee Chairman, the Commission also found a mindset at the Department that virtually no irregularity would be sufficient to cancel a financial grant so long as the avowed purpose of the grant appeared on the surface to be served.

1988-90 New Jersey School Boards Association

The Commission issued a report in April 1990 about serious deficiencies in the management of the School Boards Association that led to losses of more than \$800,000 in the investment of funds entrusted to the NJSBA Insurance Group by local school districts. The NJSBA has made substantial progress toward reform.

1988-91 Garment Industry

An October 1990 public hearing and April 1991 report on the garment industry revealed numerous economic problems in the industry as a whole, as well as many instances of workers and contractors being taken advantage of by unscrupulous entrepreneurs. The investigation also revealed the intrusion of organized crime into garment trucking in New Jersey.

1990-91 Afro-Lineal Organized Crime

In furtherance of its responsibility to keep the public informed about organized crime in the state, the Commission held a November 1990 public hearing into the problem of organized criminality by persons of African heritage. The hearing and a March 1991 report dealt with gangs of African-Americans, Jamaicans and others.

1990-91 Video Gambling

In a January 1991 public hearing and September 1991 report, the Commission assessed the complicated problem of video gambling, including the ramifications of organized crime involvement as well as weaknesses in the statutes that apply to gambling devices.

1992 New Jersey Transit's Bus Subsidy Program

The Commission held a public hearing in July 1992 into allegations of serious irregularities in NJT's \$5 million Bus Subsidy Program. The Commission revealed that two bus companies had, largely through the inattention of NJT overseers, been able to obtain several million dollars in subsidies for the personal and private commercial expenses of the companies' owners. As a result of the

Commission's findings, NJT undertook an extensive reform effort. Criminal charges stemming from the Commission's probe resulted in prison terms and/or community service and restitution totaling more than \$750,000 by five individuals in February 1995.

1991-92 Organized Crime in Bars

At a public hearing in February 1992, the Commission released information for the first time showing that elements of organized crime had gained control of numerous bars and restaurants in New Jersey. The Commission's investigation found that state and local regulators were doing little to enforce fundamental policies established by the Legislature in 1937 and reaffirmed in 1985. A preliminary report on investigations of liquor license applications was issued in March 1992 and a final report was issued in October 1992.

1991-92 Motor Fuel Tax Evasion

In an October 1991 public hearing and February 1992 report detailing the findings of an investigation, the Commission showed how motor fuel tax evasion in New Jersey resulted in tens of millions of dollars in annual tax losses to the state. Legislation resulting from the Commission's work corrected the statutory flaws which permitted the fraud to occur, and allowed the state Treasury to recoup at least \$22 million annually. The Commission's report in this case was among the first in the nation to demonstrate publicly a direct link between traditional organized crime elements of La Cosa Nostra and the emerging trans-national Russian Mafia.

1992 Bergen County Utilities Authority

The Commission issued a comprehensive report in December 1992 detailing how the

BCUA, through mismanagement and poor planning, had crafted an extravagant solid waste disposal program that needlessly cost the ratepayers of Bergen County many millions of dollars. The Commission's report resulted in a number of significant cost-saving actions and led to a 1995 task force study recommending privatization of BCUA sewage treatment services.

1992-Present — Local Government Corruption

As part of the Commission's continuing assault on local government corruption and the conditions which sustain it, public hearings were held in January 1992 and a report was issued in September. The report detailed purchasing scams, corrupted inspections, tainted land use decisions and a raft of embezzlements of government funds. A key focus involved troubling examples where organized crime has capitalized on the presence of municipal corruption. At least two statutes incorporating the Commission's recommendations have been enacted, and a number of other bills are under consideration by the Legislature.

1993 Fiscal Year '89 Over-Expenditures, Division of Developmental Disabilities

At the Attorney General's request, the Commission reviewed issues related to overspending in fiscal 1989 by the Division of Developmental Disabilities amid disclosures that the Division, under a former director, greatly exceeded its budget by awarding unauthorized contracts to providers of services for the disabled. The Commission found deficient contract monitoring coupled with a lack of competition in procurement at the Division's parent agency, the Department of Human Services. The Commission recommended a range of improvements in DHS procurement and oversight procedures.

1993 Belleville Township

Pursuing a widespread probe of municipal corruption in New Jersey launched statewide in 1992, the Commission identified various failings in financial and purchasing areas in Belleville, including violations of bidding laws, expenditures in excess of appropriations and the absence of appropriate fiscal checks and balances. The Commission also examined allegations of administrative abuse involving the Township Fire Department.

1993 Quality Education Money-Lyndhurst

In conducting fact-finding for the State Board of Education, the Commission determined that the Commissioner of Education's failure to follow announced grant-review procedures led to an improper grant of \$1.5 million in discretionary funds to the community of Lyndhurst, Bergen County.

1993 Passaic High School Print Shop

Examining irregularities within the Passaic School District, the Commission reported on an industrial arts supervisor's use of high school facilities, supplies, faculty on overtime and work-study students to conduct a private printing business at taxpayer expense. The supervisor, Lawrence Mayo, was sentenced and ordered to pay restitution in early 1995 based upon criminal charges stemming from the Commission's probe.

1993-94 Criminal Street Gangs

Recognizing that criminal street gangs pose a most serious threat to New Jerseyans as a whole, and to New Jersey youths in particular, the Commission conducted a groundbreaking assessment that culminated in two days of public hearings in June. The Commission's work product became an integral part of a broad new

push by policy makers to reform and reinvigorate the state's juvenile justice system. In a March 17, 1994 executive order, Governor Whitman listed the Commission's report, Criminal Street Gangs, published in February 1994, as an important resource to be utilized by her Advisory Council on Juvenile Justice.

1993-94 Money Laundering

In December 1993, to highlight its assault on the deleterious effects of money laundering by the criminal underworld in New Jersey, the Commission held two days of public hearings to focus on the need for an explicit criminal statute targeting such unscrupulous financial activity for prosecution. In October, 1994, the Legislature enacted and Governor Whitman signed into law a measure implementing the Commission's key recommendations.

1994 Nursing Home Certificates of Need

At the request of the Assembly Health and Human Services Committee, the Commission examined the state Health Department's certificate-of-need process and the efficacy of an executive branch policy aimed at insulating the program from abuse by unscrupulous officials. In a February 25, 1994 letter, the Commission recommended statutory codification of Gov. Whitman's Executive Order No. 2, which sets forth criteria for the establishment of blind trusts by officials with financial holdings in such facilities.

1994 River Vale Recreation Department

Responding to complaints from residents of River Vale Township, Bergen County, the Commission examined the township's recreation department and the operation of its youth sports programs. In a May 26, 1994 letter to the township administrator, the

Commission noted cash missing from departmental accounts amid sloppy and inappropriate recordkeeping. Recommendations included an overhaul of internal control mechanisms and the establishment of effective fiscal safeguards.

1994 Point Pleasant School District

Alerted by concerned local taxpayers, the Commission examined questionable financial practices related to the operations of the Point Pleasant Community School in Ocean County and the terms of a lucrative separation-of-employment agreement with a former schools superintendent. As a result of the Commission's August 1994 report, the Community School's former director, Vito Dellegrippo, pled guilty to two criminal charges of theft by deception. At his June 16, 1995 sentencing, he was placed on probation for 30 months, required to pay \$5,000 in restitution and barred for life from holding public office. The school district transferred operation of the Community School to the County Educational Services Commission. The Commission's report served as a guide for other school districts and municipalities on avoiding similar abuses.

1994 Marlboro State Psychiatric Hospital

In an October 1994 report, the Commission revealed a tableau of waste, fraud, theft and corruption in which the squandering of taxpayer dollars virtually had become business as usual. The report prompted the Department of Human Services to send special review teams to Marlboro and other state institutions, and on February 23, 1995, the department confirmed serious problems across the board in inventory control, the granting of sick leave/injury benefits, purchasing and fiscal oversight. The findings spurred a number of systemic reforms in those

and other key areas. Utilizing the Commission's evidence, the department also disciplined six Marlboro employees, dismissing two.

1994 Borough of Jamesburg

The Commission launched an investigation into the governmental operations of the Borough of Jamesburg, Middlesex County, in February 1993 after receiving numerous citizen complaints of corruption at the hands of key municipal officials. In a November 1994 report, the Commission revealed a systemic pattern of official misconduct, nepotism and abuse of the public trust so pervasive as to cause local budgetary hardships and jeopardize the local police department. The probe prompted the departure of longtime Borough Tax Assessor Carmen Pirre, spurred a Treasury Department audit and paved the way for wholesale municipal reforms. Richard Gardiner, director of the state Division of Taxation, stated in a February 27, 1995 letter: "This case is a prime example of governmental agencies working in a cooperative and efficient manner to accomplish common goals and to achieve worthwhile objectives."

1995 Organized Crime in Bars Part II

Following up on the ground-breaking 1992 report, the Commission exposed organized crime's continuing infiltration of New Jersey's licensed commercial bar and tavern industry. The 1995 report highlighted the threat posed by this phenomenon both to the integrity of the licensing system and to the state's overall economy. In a series of recommendations for systemic reform, the Commission urged more vigorous enforcement of existing laws, as well as the adoption of additional measures necessary to strengthen the system of licensure and enforcement.

1995 Garfield School District

Pursuing a statewide assault on local government corruption launched in 1992, the Commission detailed evidence of organized crime connections, conflicts of interest and malfeasance involving personnel of the Garfield School District in Bergen County. Responding to the Commission's finding, district officials took steps to ensure greater accountability in the administration of a \$9 million lease/purchase program, as well as in other areas. A follow-up investigation by the state Education Department's Office of Compliance resulted in a number of reforms and actions, including a recommendation that the district reimburse the lease/purchase program fund \$279,647.45 and that it re-state its financial statements accordingly.

1995 County Clerks' Trust Funds

The Commission conducted a statewide review of trust funds for county clerks and registers of deeds and found that substantial sums were being used outside the statutory scope for which they were established. The investigation also revealed a number of questionable disbursements for such things as renovations, expensive decorations and furnishings in personal offices; the purchase of "specialty advertising," including pens, T-shirts and calendars; the payment of service club dues; and excessive travel expenses for conferences in resort cities.

1995 Casino Control Commission

A Commission probe of irregularities at New Jersey's Casino Control Commission revealed records that had been falsified and forged in connection with an improper scheme to award "golden parachutes" to former employees. The investigation also produced evidence of abuses involving official cars and expense allowances by Casino Control Commission

personnel. The Commission's report, issued in September, resulted in a range of internal administrative reforms and in disciplinary action against the Casino panel's chief of staff.

1995 Grant to N.J. Marine Sciences Consortium and Sham Retirement of East Brunswick School District Teacher

The Commission found that a \$500,000 grant was improperly awarded based upon undue political pressure to the New Jersey Marine Sciences Consortium. The investigation also revealed that East Brunswick School District officials, at unnecessary cost to taxpayers, circumvented tenure rules and orchestrated the retirement of a teacher who held dual employment under the grant. In a written response to the Commission's report, Education Commissioner Leo Klagholz said the findings provided "several valuable observations and recommendations concerning the approval of contract settlements, the outside employment of school staff who are on sick leave, and the potential for abuse of pension funds. The Department of Education will pursue each of these matters and recommended needed policy changes to the appropriate authorities."

1995 N.J. State Commission of Investigation — An Important Agency for the Future

In May, the Commission submitted a comprehensive report recounting its history and record of performance to a special review committee. The report provided the panel and the public at large with a detailed and authoritative recitation of the salutary results of the nearly 90 investigation undertaken by the Commission up to that date.

1996 Russian-Émigré Crime in the Tri-State Region

The Commission joined forces with state-level agencies in New York and Pennsylvania to examine the increasing threat posed by criminal elements emanating from within the former Soviet Union. The resulting report, issued in June, warned that gangsters with roots in the former Soviet Republics have established a strong and abiding presence in the region, engaging in a wide array of crimes that range from sophisticated financial frauds to narcotics trafficking to murder. Evidence developed by the project's staff showed that members of disparate Russian-émigré crime groups here have the potential to become one of the most formidable organized crime challenges since the advent of *La Cosa Nostra*.

1996 Insurance Interests and Licensure of Former Insurance Commissioner Andrew J. Karpinski

A Commission investigation of circumstances leading to the 1995 resignation of this cabinet officer revealed a range of serious lapses in the ethics oversight system for officials in the Executive Branch of state government. In an October report, the Commission called for extensive reforms, the centerpiece of which was a recommended overhaul of the Executive Commission on Ethical Standards. Legislation incorporating key elements of the Commission's proposals was introduced in the Senate and Assembly in the aftermath of the investigation.

1997 Borough of Seaside Heights

Responding to citizen complaints, the Commission investigated the operations of the Borough of Seaside Heights, Ocean County, and found fiscal, administrative and procedural malfeasance so widespread as to transform the community's governing body itself into a tool for taxpayer abuse. This investigation, part of an intensified assault on local government

corruption launched by the Commission in 1992, galvanized local reform efforts and led to the recovery of thousands of dollars in taxpayer funds by various levels of government.

1997 Contract Labor — The Making of an Underground Economy

The Commission examined the activities of unscrupulous contract-labor providers, revealing an underground economy in which millions of dollars in state and federal income taxes and other levies are siphoned from the public coffers every year. This unprecedented investigation resulted in proposed legislative reforms and in heightened oversight at both the state and federal levels.

1997 New Jersey Detective Agency

Pursuing its statutory authority to provide oversight of the state's law enforcement system, the Commission examined an obscure entity known as the New Jersey Detective Agency and concluded that its members — handgun-carrying civilians who believe they have full police powers — pose a distinct danger to the community. The Commission's central recommendation — that the NJDA be abolished — was endorsed by the Governor and by top law enforcement officials, including the Attorney General and the Superintendent of the State Police.

1997 New Jersey School Busing Industry

A Commission investigation of New Jersey's public school transportation industry revealed a system rife with collusion, questionable bidding practices, poor record keeping and lax oversight. The Commission's findings and recommendations provided a comprehensive framework for legislative and administrative reforms aimed at containing the state's exorbitant school-busing costs.

MEMBERS OF THE COMMISSION

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Appointed by the Governor

William F. Hyland
1969-1970
Chair

Charles L. Bertini
1969-1976

John F. McCarthy, Jr.
1970-1973
Chair

Lewis B. Kaden
1976-1981

Joseph H. Rodriguez
1973-1979
Chair

Robert J. DelTufo
1981-1984

Henry S. Patterson, II
1979-1990
Chair (1985-1990)

James R. Zazzali
1984-1994
Chair (1990-1994)

Kenneth D. Merin
1990-1993

Justin J. Dintino
1994-1996

Dante J. Sarubbi
1993-1995

W. Cary Edwards
1997-

M. Karen Thompson
1995-

Appointed by the President of the Senate

Glen B. Miller, Jr.
1969-1971

Paul Alongi
1985-1987

Wilfred P. Diana
1971-1973

W. Hunt Dumont
1988-1991

David G. Lucas
1973-1976

William T. Cahill, Jr.
1991-1995

Stewart G. Pollock
1976-1978

Leslie Z. Celentano
1995-
Chair

Arthur S. Lane
1979-1985
Chair

Appointed by the Speaker of the General Assembly

Emory J. Kiess
1969

John J. Francis, Jr.
1979-1982

James T. Dowd
1969-1971

William S. Greenberg
1982-1987

Thomas J. Shusted
1971-1972

Barry H. Evenchick
1987-1993

Thomas R. Farley
1973-1977

Louis H. Miller
1993-1997

Arthur S. Lane
1977-1978

Audriann Kernan
1999-

