

Steven M. Lonigan
24 River Road, Suite 205
Bogota, New Jersey 07603
Tel: (201) 487-8844

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By Overnight Delivery

Members of the Joint Committee on Ethical Standards
ATTN: Alan Rosenthal, Chairman
New Jersey State House Annex
Trenton, New Jersey 08625-0068

Re: Complaint Against Senator Robert M. Gordon

I request that the New Jersey State Legislature's Joint Committee on Ethical Standards (hereinafter the "Joint Committee") investigate whether Senator Robert M. Gordon unlawfully used his power as a member of the Legislature to direct taxpayer funds to his wife's employer and, through his wife's employer, to his own limited liability company, The Goldfinch Group, LLC. I also request that the Joint Committee take appropriate punitive measures if it determines that Senator Gordon has in fact done so.

Senator Gordon, in his position as a member of the state senate's Environment Committee, on December 14, 2009 voted in favor of legislation (S-3118) to increase taxpayer-funded grants to local governments for renewable energy projects, for site remediation and for redevelopment of contaminated property. The legislation was ultimately approved by the full state senate, this time without Senator Gordon's vote, on January 11, 2010, in advance of its final passage into law on January 17, 2010.

Senator Gordon's vote in favor of S-3118 on December 14, 2009 was unethical and potentially illegal, and in contravention of both the state's Conflicts of Interest Law and the Legislative Code of Ethics because the legislation directly and financially benefited him and his wife.¹

Senator Gordon's wife, lobbyist Gail Balph Gordon, is an employee of Bradley M. Campbell, LLC (hereinafter, "BMC, LLC"), a Trenton-based lobby/law firm headed by former state bureaucrat-turned-taxpayer-subsidized-entrepreneur and former McGreevy-era commissioner of the state Department of Environmental Protection (hereinafter the "NJDEP"), Bradley M. Campbell, Esq.

BMC, LLC actively lobbied the state Legislature to garner support for S-3118 and the accompanying assembly bill, A-4341. BMC, LLC continues to tout its role in the passage of the law at issue here on its website.

Bradley M. Campbell is also the president of Swan Creek Energy, LLC (hereinafter “Swan Creek”), a New Jersey limited liability company formed in 2007, which shares office space in Trenton with BMC, LLC. BMC, LLC lists Swan Creek as a lobbying client.

After the passage of the subject legislation into law, Swan Creek was directly enriched when it won contracts enabling it to benefit from the state’s increased grant funding for renewable energy contracts:

- € January 2010: NBS Energy Partners, LLC, of which Swan Creek is a partner, contracted with the New Brunswick Renewable Energy Consortium to install and maintain multiple solar panel systems throughout the city. The project was slated to be the single largest solar panel project in New Jersey.
- € December 2010: Swan Creek was selected, under the terms of a fifteen (15) year contract, by the South Hunterdon Renewable Energy Co-op to build and operate a solar energy system to be mounted on the grounds of the West Amwell municipal building and the South Hunterdon Regional High School.

The enrichment of Swan Creek under the above-cited arrangements, at least partially funded by the taxpayer-provided grants boosted by the legislation supported by Senator Gordon and pushed by his wife’s lobbying firm, in turn have provided significant personal income to Senator Gordon and his wife, as revealed in Senator Gordon’s legislative financial disclosure statements:

- € Senator Gordon’s Fair Lawn, New Jersey-based company, The Goldfinch Group, LLC (hereinafter “Goldfinch”), which is located at his home address, received an infusion of between \$25,000 and \$49,999 in 2010 from its principal client, Swan Creek. It is unknown what actual work was performed by Goldfinch on behalf of Swan Creek.
- € Senator Gordon’s wife, Gail Balph Gordon, received between \$25,000 and \$99,999 from Swan Creek during the 2009-2010 periods.

If Senator Gordon used the power of his office to secure public funds either directly or indirectly for his wife’s client/employer and his personal limited liability company (Goldfinch) in order to enrich himself, his wife and political cronies at the expense of other similarly situated entities, it would bring into question his objectivity and independence of judgment.

If the Joint Committee determines that Senator Gordon personally benefitted from his support of S-3118 in committee, then I respectfully suggest that he was in violation of the

Conflicts of Interest Law and the Legislative Code of Ethics² and urge you to take strict action³ against him.

I am saddened when state laws include specific appropriations that improperly benefit the spouses and political allies of legislative members and the legislators themselves, whose votes made the spending increases possible.

Sincerely,

Steven Lonagan

cc: Hon. Paul J. Fishman, United States Attorney, by regular mail
cc: Hon. Paula Dow, State Attorney General, by regular mail

¹ **See Conflicts of Interest Law, N.J.S.A. 52:13D-18** No member of the Legislature shall participate by voting or any other action, on the floor of the General Assembly or the Senate, or in committee or elsewhere, in the enactment or defeat of legislation in which he has a personal interest.... No member of the Legislature shall be deemed to have a personal interest in any legislation within the meaning of this section if, by reason of his participation in the enactment or defeat of any legislation, no benefit or detriment could reasonably be expected to accrue to him, or a member of his immediate family, as a member of a business, profession, occupation or group, to any greater extent than any such benefit or detriment could reasonably be expected to accrue to any other member of such business, profession, occupation or group.

See also, Legislative Code of Ethics, 2:1. No member of the Legislature shall... act in any way that impairs the objectivity or independence of judgment of the member of the Legislature in the exercise of his or her duties or... which creates a justifiable impression among the public that such trust is being violated.

² **Conflicts of Interest Law, N.J.S.A. 52:13D-22j** A member of the Legislature who shall be found guilty by the joint committee of violating the provisions of this act, of a code of ethics promulgated pursuant to the provisions of this act or of any rule of either or both Houses which gives the joint committee jurisdiction and the authority to investigate a matter shall be fined not less than \$500.00 nor more than \$10,000, which penalty may be collected in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), and shall be subject to such further action as may be determined by the House of which the person is a member. In such cases the joint committee shall report its findings to the appropriate House and shall recommend to the House such further action as the joint committee deems appropriate, but it shall be the sole responsibility of the House to determine what further action, if any, shall be taken against such member.