

December 8, 2009

Dear [name deleted for member confidentiality]:

You have asked that the Joint Legislative Committee on Ethical Standards (Joint Committee) issue a formal advisory opinion on whether a paid-for announcement in local newspapers and a posting on a business website announcing that you have become a director of a local bank, and including the fact that you are a State [title deleted for member confidentiality], currently serving as [office deleted for member confidentiality], would violate Legislative Code of Ethics (Code) §2:1.c., or any other provision of the Code or Conflicts Law (N.J.S.A. 52:13D-12 et seq.). Code §2:1.c. does not have a corresponding provision in the Conflicts Law. Code §2:1.c. provides as follows:

c. No member of the Legislative shall use, or permit the use of, his or her official title in an endorsement or advertisement that promotes a for-profit enterprise or venture.

A copy of the proposed announcement for the newspapers and a copy of the text for Business Wire are attached hereto. The relevant language is:

[name deleted for member confidentiality] currently serves on the New Jersey Legislature for Legislative District [district number deleted for member confidentiality]. He has served on the [House deleted for member confidentiality] since [year deleted for member confidentiality] and is currently [office deleted for member confidentiality].

This language appears in both the newspaper announcement and the on-line posting. You have advised us that you have requested that neither announcement be made public until and unless you receive a favorable decision from the Joint Committee. You have further advised that such announcements are published for all new directors of the bank. In fact, the announcement in question also announces that [name deleted for member confidentiality] has joined the bank's board of directors.

There is no question but that the announcement uses your official title and that the bank is a for-profit enterprise or venture. This narrows the question to whether the announcement is an endorsement or advertisement to promote the bank. In our view, the use of your official title in the announcement is for identification purposes and not for the promotion of the bank. While becoming a director may be a tacit endorsement of the bank, it is not the type of endorsement contemplated by the Code.

The New Jersey Legislature is a part-time legislature. (Approximately one quarter of the members of the Legislature, including yourself, list their occupation as [occupation deleted for member confidentiality].) The members are expected to engage in other activities to earn a living while serving the public as members of the Legislature. This provides the public with a diversity of backgrounds, experiences and expertise among the members of the Legislature which, in theory, leads to a better understanding of the problems facing the State and what is needed to solve those problems through legislation.

Becoming a director of a bank is not prohibited by the Code or Conflicts Law.\* To allow the type of announcement in question, which is done for all directors, is appropriate under the circumstances. It is a normal business practice of the bank.

Therefore, as long as the announcement is handled in the same fashion as □announcements for other bank directors, it is not an endorsement of or advertisement for the bank. However, if this announcement is handled in a substantially different manner than the announcements for other directors (small announcement for other directors, compared to a full page announcement for you, for example), such a difference may cause a different result. No other provisions of the Code or Conflicts Law apply based on the facts before the Joint Committee. This opinion covers only the question asked and does not address any other issues raised by your becoming a director of a bank.

Very truly yours,

JOINT COMMITTEE ON ETHICAL STANDARDS

Albert Porroni  
Counsel

By: \_\_\_\_\_  
James G. Willson  
Assistant Counsel

AP:W/fa  
Enclosures

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\* Pursuant to Code §2:14, this position would need to be reported on your financial disclosure statement for 2009 as would any remuneration received.