

James Bean  
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IN THE MATTER OF

MATTHEW J. DOHERTY,  
MAYOR OF BELMAR (MONMOUTH  
COUNTY)

STATE OF NEW JERSEY  
LOCAL FINANCE BOARD

**ETHICS COMPLAINT PURSUANT  
TO N.J.S.A. 40A:9-22.9**

I, Jim Bean, do hereby make the following Complaint against Matthew J. Doherty, Mayor of Belmar, Monmouth County, State of New Jersey:

1. Matthew J. Doherty ("Doherty") is the mayor of Belmar, New Jersey and has served in that position since January 2011. Doherty is also a candidate for Monmouth County Freeholder in the 2016 general election. In May 2016, Doherty was a candidate for Monmouth County Freeholder in the Democratic Primary.
2. On May 4, 2016, according to records of the Election Law Enforcement Commission, Leo Ayala ("Ayala") of 27-03 42<sup>nd</sup> St., Apt. 27B, Long Island City, New York, 11101, made a campaign contribution in the amount of \$2,500.00 to Doherty's campaign account for Monmouth County Freeholder.
3. On June 7, 2016, Doherty was successful in the Democratic Primary for Freeholder, assisted by the contribution from Ayala.
4. As reported in the local newspaper, *The Coast Star*, On July 7, 2016, Ayala chartered a helicopter ride between Belmar, New Jersey and New York City with his fiancé. Doherty, unilaterally and without notice to the Borough Council, the public or County officials

as provided by law, permitted Ayala's helicopter to land in Silver Lake Park, a public park owned by the Borough of Belmar.

5. According to *The Coast Star* report, the New Jersey Department of Transportation issued a temporary aeronautical license for a helicopter landing in Silver Lake Park after the "proper documents were submitted to NJDOT, including permissions from the township and the property owner. In this particular case, Belmar is both the property owner and the township."

6. When approached about the helicopter at their July 20, 2016 meeting, members of Borough Council stated that that was the first time they had heard of it, were never approached about it and did not approve it.

7. According to *The Coast Star*, "when asked why the council was not informed of the plan to land the helicopter in Silver Lake Park, Mayor Doherty stated that the plans were not finalized until the last minute." However, according to the New Jersey Department of Transportation website (<http://www.state.nj.us/transportation/airwater/aviation/forms.shtml>), in order to obtain a temporary aeronautical permit, such as a helistop like the one Ayala received, an applicant must file Form DA-5 at least ten (10) days business days prior to the event. See N.J.A.C. 16:54-6.2(a)(1) and (a)(2); see also N.J.A.C. 16:54-2.2(a)(1).

8. Furthermore, Form DA-5 requires a certificate or statement from the applicant that he has notified the appropriate governing body and county authorities by personal delivery or certified mail. See also N.J.A.C. 16:54-6.2(b)(1) and N.J.A.C. 16:54-2.1(a)(1)(iv)(applicable pursuant to N.J.A.C. 16:54-2.2(a)(2)). Here, neither the governing body nor county officials were notified of the permit.

9. Additionally, N.J.A.C. 16:54-2.3 requires any applicant to provide public notice of the application and provide a period for public comment of not less than 30 days. Here, this was not done.

10. Thus, what we have here is the mayor of Belmar, who is running for Freeholder, accept a campaign contribution of \$2,500.00 in May 2016, and then, only two months later, use his position as mayor to circumvent the law and allow that campaign contributor to land a helicopter in a public park in Belmar. This was done without complying with the applicable notice requirements to the public. In violation of the law, this was done without notifying the governing body of the Borough. In violation of the law, this was done without notifying County officials.

11. N.J.S.A. 40A:9-22.1 et seq., the Local Government Ethics Law, regulates the conduct of local officials for which there is no local ethics board. Neither the Borough of Belmar nor the County of Monmouth has local ethics boards. Thus, the Local Finance Board has jurisdiction over this matter.

12. In pertinent part, N.J.S.A. 40A:9-22.5 provides, "Local government officers or employees under the jurisdiction of the Local Finance Board shall comply with the following provisions:

a. No local government officer or employee or member of his immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest;

c. No local government officer or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others;

d. No local government officer or employee shall act in his official capacity in any matter where he, a member of his

immediate family, or a business organization in which he has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence of judgment;

f. No local government officer or employee, member of his immediate family, or business organization in which he has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the local government officer has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the local government officer in the discharge of his official duties;"

13. Doherty violated N.J.S.A. 40A:9-22.5(a), (c), (d), and (f) by accepting a political contribution and then using his public position as the mayor of Belmar to ignore the law so that campaign contributor could land a helicopter in a public park in Belmar. As such, the Local Finance Board should impose penalties as provided by law.

The foregoing statements made by me are true to the best of my knowledge. I understand that if any of the foregoing statements made by me are willfully false, I may be subject to punishment.

  
James Bean

Date: 08/19/16