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202 Walnut Avenue • Cranford, New Jersey 07016

October 5, 2009

Anne Millgram
Attorney General
Office of The Attorney General
P.O. Box 080
Trenton, NJ 08625-0080

Dear Attorney General Milgram:

Re: Public employees working on partisan campaigns during work hours

I am writing to respectfully request your office to issue an advisory opinion regarding public employees working on partisan campaigns during work hours.

Union County employees can be seen all over on Election Day, on the campaign trail when freeholders give interviews to the press and at campaign debates. They can also be found on ELEC reports getting paid for campaign work.

I've compared the Union County Public Information department to other county's and found that Union is spending the most, some counties do without this department. I've counted up Union County press releases churned out by this department, which they consider public information, and found that the lions share in any particular year features the three freeholders that are up for re-election.

A libel lawsuit was thrown out in December 2008; it was filed by the county spokesperson Sebastian D'Elia, he is the public information officer for the Union County Freeholders. The suit was against me, Patricia Quattrocchi and the Elizabeth Reporter newspaper. Although being involved in a lawsuit is unpleasant, the upside was I could ask all about D'Elia's involvement with freeholder campaigns and D'Elia didn't disappoint. He confirmed my suspicions and admitted to working on campaigns during work hours.

During a deposition (attachment 1) the county spokesperson admitted to working on campaigns during work hours. He revealed that he verbally communicates his intentions to take time off, including vacation days, personal days and comp time to the county manager. He doesn't submit a form, nor did he mention email. The process is all verbal. The county manager is George Devanney, former State Democratic Chairman and Senator Raymond Lesniak's nephew.

An OPRA request in 2005 seeking the county spokesperson's days off came with a disclaimer from the clerk "this record may contain errors or omissions". When I questioned this, I received a letter (attachment 2) from county council which stated in part "there appear to be duplicative and/or incorrect entries in the attendance records of Sebastian D'Elia (missing data)". Therefore there is no accountability of when D'Elia is on campaign time or taxpayer time.

The county spokesperson admitted to a wide variety of campaign activities including prepping freeholders for their debates. "I've distributed flyers. I've stuffed envelopes I've made phone calls. I've got out the vote, knocked on doors."

The county spokesperson stated that he does not use his county issued computer to work on partisan political campaign materials, he uses his personal laptop, which he brings into the office in the Union County Administration Building. He stated he doesn't use his laptop inside the building. When asked "What would be the reason you would bring your laptop to the office?" He replied "I - well, I always carry my laptop around with me, in case I have to leave the office and do - do work, you know, someplace else. I don't have a county laptop, so I can use that laptop in case I need to have something around during emergency."

The county spokesperson also admitted to writing for campaigns, although he didn't have a copy of what he described as a letter where he "Just talked about some of the accomplishments the Board did. That was it."

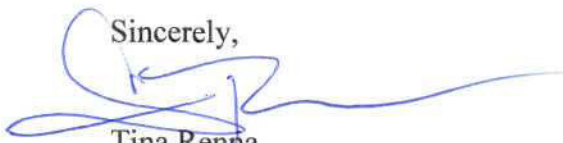
In 2005 a letter tailored to each town (attachment 3) was mailed to all residents, it talked about some of the accomplishments the Board did. The letter was printed in the County print shop and was mailed using county postage.

When asked who instructed him on where to go on one Election Day he replied in part "I asked Charlotte DeFilippo where she needed me." Charlotte DeFilippo is the Chairman of the Union County Democratic Committee

D'Elia's present annual salary is \$111,420. The county manager outlined a justification for a promotion in 2005 (attachment 4). It stated in part: "Known for his overriding work ethic, Sebastian has proven his value through his handling of media inquiries, his speech writing, press releases and media placements. He is also involved and well-versed in crisis communication, strategic planning and policy counsel. Seb works around the clock, and handles major issues and hostile inquiries on a daily basis. I therefore am recommending a promotional increase of \$2500."

This isn't just an issue with Union County employees, it is a problem with political strongholds across the state and it undermines our democracy.

Sincerely,



Tina Renna
President

Attachments



Union County spokesman, Sebastian D'Elia, denied taking pictures of women while harassing them at a polling station on Election Day in April 2006. The above is a picture of D'Elia taken by one of the women while he was taking pictures of them. Standing behind E'Elia is Union County Employee Michael Yuska who is the Division Head of the Purchasing Department. He has campaign literature in his hand.

Thursday, April 27, 2006

BY JASON JETT

Star-Ledger StaffIn a lingering issue from last week's school election, Nathalie Yafet has filed a police report about an incident that allegedly occurred outside a polling place at A. P. Morris School.

Yafet, whose husband, Steve, finished fourth with 629 votes in the school board race, charged she and former mayor Barbara Rowen were harassed by county employees supporting the rival Democratic slate of Daniels, Smith and Katina Ginyard.

She charged communications director Sebastian D'Elia confronted her and Rowen as they were handing out fliers and persisted at taunting them.

"Had they just come there and handed out their flyers, nothing would have happened," said Yafet. "They were sent there to harass us." Yafet said D'Elia accosted her and Rowen, and took pictures without consent of them with an unidentified voter. **D'Elia, who denied the allegations****Hillside Democratic Chairwoman Charlotte DeFilippo defended D'Elia.**

"He is a friend who I sent out to help with a campaign," she said,.....

To the Editor:On Tuesday, April 18, 2006 I was handing out flyers for Yafet, Menza & Simmons for Board of Education at the A. P. Morris School polling place on Coe Avenue in Hillside. There were two other people there passing out materials for the opposition candidates. Late in the afternoon, they were joined by two county workers - James Pellettiere and Sebastian D'Elia. Mr. Pellettiere raised his voice to me several times,

particularly after I had just spoken with a voter, but he did not threaten me nor did I feel threatened.

However, Mr. D'Elia began by taking an unsolicited photo of me and two other women. I told him that I did not want my picture taken and he replied, "Now I have all I need." Then he continued harassing me and taunting me even going so far as to hint that he might try to get a friend of mine fired.

One of the women with me asked who he was and - since I had seen him last year at the same polling place bothering one of the mayoral candidates I knew who he was - I told her that he was Sebastian D'Elia. At this point, I was also extremely tired from having been there all afternoon in the sun and upset because Mr. D'Elia would not leave me alone, so in my response to my friend I added that he was, "The Lord High Minister of MIsinformation for Union County," but that was the only "name" that I called him.

After this exchange, he followed after me when I went to speak to a voter, reached across to me while jabbing his hand towards me and said, "I ain't through with you yet," which I perceived as a direct threat especially in connection with the unsolicited photo.

I asked the other county worker for his name and he would not give it to me so my friend photographed this worker as well as Mr. D'Elia for identification purposes. He took additional unsolicited pictures of us as long as he remained at the polling place.

Mr. D'Elia went on a tirade, at one point, and called me an "idiot" and then remarked that he "loved lunatics like you because you help my people get elected." He refused to stop the harassment, although we kept walking away from him and I asked him several times to leave us alone. Eventually, he got in his car and left but he yelled out the window at us as he drove away.

On Thursday, April 20 I made a report to the Hillside Police Department on Sebastian D'Elia's harassment of me and his threats.

Election days do tend to bring out heightened behavior in people and I certainly understand that. However, there can be no excuse for D'Elia's actions and his threats. And why are county workers sent to polling places to harass residents and voters? Are they being paid by taxpayer money to do this? If so, I am in the ironic position of reimbursing Mr. D'Elia for harassing me during the last school board election.

Nathalie Yafet, Hillside

Excerpts from the deposition of Sebastian D'Elia, begins with question regarding compensation for working on partisan political campaigns:

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A I volunteered on – I volunteered my time on campaigns

Q So was this payment for get out the vote efforts, if you understand what that phrase means?

A Correct, I do. It might have been for expenses I incurred in volunteering. Could have been for variety of things that I did.

Q How is the – how does the county of Union track vacation time for – for you? Do you have a particular way that you handle your vacation time?

A What do you mean?

Q Do you have to make a formal request to take a vacation day, send an e-mail to the County manager or someone in the organization to advise them that you're using vacation time?

A I verbally communicate with the County manager

Q As to – as to vacation time?

A Uh-huh.

Q Would that be the same as to sick days or personal days?

A Personal days I verbally communicate to him. Sick days I may call in. I call in, obviously, if it's a sick day.

Q Do you know whether – do you know whether there is any written recordation – whether there is any written recordation of your vacation, personal or sick days as a county employee?

A Written recordation – what do you mean?

Q Does someone keep a written record?

A Time sheets, if that what you mean.

Q Well, of your – you said you advised – you advised verbally of vacation and and personal days. You advised the County manager?

A Uh-huh

Q Does he then – does he or someone else then mark that down, keep track of it; or is it just –

A Not that I'm aware of.

Q It's up to you guys to make sure you stay within whatever your allotment is?

A I can't speak for the County manager. I don't know what his process is.

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Q Have you ever worked on partisan political campaign materials while in the Union

County Administration Building?

A No.

Q Have you ever accessed your work computer to draft statements or press releases or speeches on behalf of political candidates?

A No.

Q Have you utilized your Union County e-mail to distribute any partisan political campaign materials?

A No

Q Do you have a computer in the Union County Administration Building?

A Yes

Q Is that a computer owned by the County of Union?

A Yes

Q Do you have more than one computer in your office?

A One, only one.

Q You only have the one Union County-issued computer?

A Uh-huh.

Q Do you own a personal computer?

A Yes

Q Is that at your home?

A Uh-huh. I have a laptop too.

Q Do you bring your laptop into the – into the office in Union County Administration Building?

A My own laptop. I have my own laptop I have.

Q It's your personal laptop?

A Right, personal laptop I have.

Q And do you utilize that laptop to work on partisan political campaign materials?

A I have used my laptop.

Q For that purpose?

A Uh-Huh

Q. Yes?

A Yes, I have used my laptop.

Q Have you used it when you had been in the county administration building?

A No.

Q What would be the reason you would bring your laptop to the office?

A I – well, I always carry my laptop around with me, in case I have to leave the office and do – do work, you know, someplace else. I don't have a county laptop, so I can use that laptop in case I need to have something around during emergency.

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Q. When you worked on political campaigns, how many political campaigns would you say you worked on?

A Oh, I don't know. It's hard to say. One a year I would say.

Q More than six?

A One a year.

Q Pardon me?

A One a year.

Q For the last 15 years?

A No, no for the last six years.

Q Okay. And you said you were involved in making up campaign literature?

A I may have, yeah, literature. What do you mean "making up"?

Q You helped write –

A I might

Q mailings?

A I might – I may have edited some, not written some, yeah.

Q Some of them that I have seen are very pointed. Were you involved in writing pointed castings –

A No.

Q – Casting candidates in an unfavorable light?

A No.

Q Which campaigns were you involved in that you – which you edited or wrote campaign literature?

A Freeholder campaigns.

Q The last one? And which Freeholder – which group were you?

A I'm sorry, last one – I don't know if I wrote anything for the last one. Might have been a few years.

Q What year?

A '07, '06 maybe. When was the last one '07? No '06 maybe, '05.

Q You wrote some of the mailings?

A I wrote – I may have written or eddied some letters, and that was it.

Q Letters that were sent out to the general public?

A Yeah.

Q And what did those letters say?

A Just talked about some of the accomplishments the Board did. That was it.

Q Did you keep copies of the items that you edited or that you wrote?

A No.

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Q Would you - would you consider yourself politically active?

A I am politically active, yes.

Q I'll rephrase the question that was pending. Have you volunteered for political campaigns in Union County say since -- from 2005 on have you performed some volunteer work for campaigns, political campaigns? Yes?

A Yep - yes, sorry.

Q Have you ever served as a campaign manager for a political campaign during that period of time?

A Not for the Freeholder Board. I've been involved in campaigns but never been a campaign

manager.

Q You have been involved in the Freeholder campaigns?

A Yeah.

Q Have you — what types of volunteer services have you performed for the Freeholder campaigns?

A Wide variety of activities. I've distributed flyers. I've stuffed envelops I've made phone calls. I've got out the vote, knocked on doors.

Q You'd say typical grass roots type campaign?

A Uh-huh.

Q Have you assisted the Freeholder campaign in preparation for public debates?

A They've asked me to, and I helped.

Q The question was have you — have you worked as a — as a challenger at the polls on election days?

A Yeah, I have.

Q All right. And have you — have you accompanied Freeholder candidates on interviews with the press?

A I have.

Q Did you attend any interviews?

A Yes, I believe I did.

Q How about in 2006?

A Yes.

Q Okay. And 2005, as well?

A Yes.

Q And again, this is not ~

A There were numerous —

Q Right.

A — interviews, numerous interviews with various publications; and I don't do all of them.

Q And would you use — would any of these interviews be during the day?

A Some have been during the day, uh-huh.

Q Have you used vacation time or personal days to attend those meetings?

A I may have, yes.

Q When you say you may have, does that mean —

A I have used off time.

Q you may or may not have?

A No, I have used off time, my off time, which is vacation, personal, comp time, two, three.

Q Do you recall being at the — being at any polls in Hillside in April of 2006?

A Yes, I do.

Q And in what capacity were you at the — where — sorry. Where were you -- was there a

particular place that you stationed yourself in Hillside during the April 2006 elections?

A I — I volunteered my time and I asked where I was needed and I went to where I was needed.

Q Who instructed you where — where to go?

A Well, I was — I was asked by Peter Corvelli if I could help. And then I asked Charlotte DeFilippo where she needed me.

COUNTY OF UNION

OFFICE OF THE COUNTY COUNSEL
Robert E. Barry, Esq., County Counsel

June 6, 2005

**BOARD OF
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M. ELIZABETH GENEVICH,
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*Deputy County Manager/
Director of Administrative
Services*

ROBERT E. BARRY, ESQ.
County Counsel

NICOLE L. TEDESCHI, M.P.A.
Clerk of the Board

Mrs. Tina Renna
202 Walnut Avenue
Cranford, New Jersey 07013

**Via Facsimile to: (908) 709-9209 &
First Class Mail**

Re: Letter of June 3, 2005

Dear Mrs. Renna:

Receipt of your correspondence, dated June 3, 2005, is hereby acknowledged.

Contrary to your stated position, your request of May 20, 2005 did appear to be inconsistent relative to the offices identified and the individuals listed. As a result, in my letter to you, dated May 27, 2005, I stated that with regard to the attendance information for the three individuals identified as *not* working for the Office of Public Information or the Clerk of the Board, "please advise this office as to whether or not you desire this information as well."

It is now clear from your letter, dated June 3rd, that you are also seeking attendance information for the additional three individuals; copies of these records are attached hereto.

As noted above, the County of Union's response to your request was delivered to you via facsimile on May 27th. Had you informed me on that date or even by May 31st that you were, in fact, requesting the attendance records for the individuals in question, this information would also have been forwarded to you within the time frame allotted by OPRA.

Additionally, in response to your June 3rd correspondence regarding the "minor errors" appearing on a couple of the attendance records, there appear to be duplicative and/or incorrect entries in the attendance records of Sebastian D'Elia (missing data) and Sean Carr (overlapping dates). Also, for your information, there is also a minor error in the attendance record of Victoria Durbin Drake (duplicate entry). As previously stated, these are apparently simple errors stemming from incorrect data entry.

ADMINISTRATION BUILDING

Elizabethtown Plaza

Elizabeth, NJ 07207

(908) 527-4250

fax (908) 289-4230

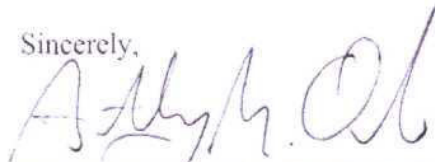
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COUNTY OF UNION

Should you have any questions regarding this letter, please contact me at (908) 527-4250.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony M. Orlando". The signature is fluid and cursive, with the first name "Anthony" being the most prominent.

ANTHONY M. ORLANDO, ESQ.
Assistant County Counsel

cc: Nicole L. Tedeschi



COUNTY OF UNION

[REDACTED]
CRANFORD, NJ 07016

Dear Homeowner:

July 2005

BOARD OF
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DEPUTY COUNTY MANAGER/
DIRECTOR OF ADMINISTRATIVE
SERVICES

ROBERT E. BARRY, ESQ.
COUNTY COUNSEL

NICOLE L. TDESCHI, M.P.A.
CLERK OF THE BOARD

Homeowners have witnessed historic increases in property values over the past five years. In Cranford, property values have soared more than 65 percent from 1999-2004. As we work with our partners to strengthen economic opportunities and offer innovative governmental services for seniors and our working families, Union County has become one of the great places in New Jersey to live and do business.

As your county and local government work together to improve services, your quality of life, and the value of your home, we must also work to address New Jersey's most regressive method of taxation – property taxes.

Because our property taxation is based on the State Constitution, the system cannot be reformed by municipal or county government. As homeowners, we also are impacted by property taxes.

With this in mind, we are supporting a citizens' convention on property taxes and any other measure that would reform New Jersey's system of property taxation. We have sponsored a county resolution supporting the convention at the state level. **We believe New Jersey's over reliance on the property tax is unfair to homeowners and in dire need of reform.**

We're also taking a two-part approach toward a long-term solution: First, we're using economic development as a tool to build a solid tax base, and bring greater prosperity to all our residents. Second, we're developing innovations and working harder to deliver quality governmental services with greater economy and efficiency.

COUNTY STRATEGY STRENGTHENS CRANFORD'S ECONOMY

Our success at jumpstarting economic development has led to a record-rise in ratables. Over the past two years, ratables have increased by more than \$13 billion – a 28 percent increase. The rise is also due to ***the fact that Union County is a great place to live.*** All of this is quite a reversal in fortune from 1992, when Union County was last in the state in economic development.

We have worked to leverage more than \$5 billion in successful economic development projects over the past decade in Union County. We have worked with Mayor George Jom and Deputy Mayor Dan Aschenbach and the Cranford governing body on the following projects and services over the past several years:

- We provided the Cranford school district with \$95,000 to provide Internet access through our Access 2000 program.
- We provided \$150,000 in Senior Focus funds that were used at the Cranford Community Center for two new ADA compliant bathrooms, new railings for safety, flooring, lighting improvements, furnishings and recreational equipment.
- We provided \$75,000 in historic preservation funds that were used to renovate and restore the Crane-Phillips House.

ADMINISTRATION BUILDING

Elizabethtown Plaza Elizabeth, NJ 07207 (908) 527-4100 fax (908) 289-4143 www.uacnj.org

We're Connected to You

- Thirty-seven students from Cranford use our award-winning Vocational Technical Schools.
- We have completed more than \$1 million in public works projects that have included the building of a new bridge, road resurfacings, and inspections of culverts.
- We have committed more than \$2 million in oncoming public works improvements, including flood control projects, another new bridge, intersection work, business district improvements and resurfacings.
- More than 30 Cranford residents have been assisted at Runnells Specialized Hospital.
- Seventy-seven Cranford residents take advantage of our Prescription Drug Program which provides a discount to Union County residents.
- Approximately 4,600 paratransit rides were provided to Cranford seniors this past year.
- Approximately 17,500 meals were provided this past year to seniors in Cranford through our Meals on Wheels and Congregate Meal programs.
- More than 300 Cranford seniors have enrolled for free college courses through our "Senior Scholars" program at Union County College.
- We provided more than \$600,000 in Community Development Block Grant funds that have been used for a variety of services, including the senior citizen nutrition program, senior citizen social services, and neighborhood improvement programs.
- Thirty-five Cranford students have attended Union County College for free through our Freeholder Scholars program.
- We provided more than \$175,000 through the Field of Dreams initiative to install lights at Memorial Park football field and \$106,000 that was used to renovate the Shane Walsh ballfield.
- We provided \$57,000 through the "Kids Recreation Trust Fund" that was used for scholarships, equipment and field renovations to benefit Cranford's children.

Over the past several years, Union County's Department of Economic Development has leveraged more than \$38 million in grants, funding and support that will be used to improve our infrastructure and increase the flow of goods and services in and out of Union County.

While our national economy remains uncertain, our partnership with Cranford has helped keep our local economy among the most vibrant in the nation.

TIGHTENING OUR GOVERNMENTAL FISCAL BELTS

We've continued to implement ways of achieving greater governmental efficiencies, whether through innovations such as shared services with municipalities, or joint purchasing programs.

This year, we trimmed our 2005 Executive Budget by more than \$1 million without cutting essential services, and have embarked on a wide range of efficiencies that have saved taxpayers millions.

Over the past couple of years, we've worked to realize savings through the privatization of our print shop, our employee furlough program, and innovations such as the targeted outsourcing at Runnells Hospital, the early retirement program and elimination of positions.

We initiated a performance-based budgeting program, which challenges our managers and employees on fiscal decisions. Our aggressive pursuit of state and federal funds has brought in \$12 million in grants more than last year.

While we've held down costs, we've maintained our policy of strong public safety. We created the Freeholder Committee on Homeland Security, opened the Ralph Froehlich Public Safety Building, and fully funded our Prosecutor's Office. Violent crime has continued to drop in Union County - down more than 13.5 percent during the last period reported by the state.

Our partnership with Cranford in spurring economic development and our efforts to realize governmental efficiencies are paying off. But because of New Jersey's over-reliance on property taxes, we still need your help to achieve lasting reform. If you would like to make your voice heard on the property tax convention or need more information, please take the time now to log onto our website at www.ucnj.org/taxconvention/

Thank you for your ongoing cooperation.

Sincerely,



Rick Proctor, Chairman
Union County Board of
Chosen Freeholders



Daniel Sullivan, Freeholder
Union County Board of
Chosen Freeholders



COUNTY OF UNION

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BOARD OF CHOSEN FREEHOLDERS

ADMINISTRATION BUILDING

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**IMPORTANT INFORMATION ON
PROPERTY TAX REFORM**

PRESORTED STANDARD

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