January 12, 2015

Susana Guerrero
Executive Director
State Ethics Commission of New Jersey
P.O. Box 082
Trenton, NJ  08625-0082

Dear Ms. Guerrero:

   New Jersey’s ethics rules make it clear that a government official “may not accept any gift of more than nominal value related in any way to [his or her] official duties.” ¹ Nevertheless, it has been widely reported that Governor Chris Christie accepted gifts of travel and tickets for him and his family to watch the NFL football playoff game in the owner’s private box in Dallas, Texas on December 21, 2014. The Campaign Legal Center, Democracy 21 and Public Citizen strongly urge the State Ethics Commission of the State of New Jersey to immediately launch an inquiry into whether Gov. Christie’s acceptance of these gifts, estimated to be valued at tens of thousands of dollars, violated the gift acceptance prohibitions found in New Jersey’s ethics and conflict of interest laws governing the office of the governor.

I. The Facts

A. The Gifts

   It has been widely reported that on January 4, 2015, New Jersey Governor Chris Christie and his family attended the NFL playoff game between the Detroit Lions and Dallas Cowboys held at AT&T Stadium in Texas, home field for the Cowboys.² As was shown on national television, Gov. Christie sat in the skybox of Cowboys team owner Jerry Jones to watch the game. Further, it has been reported that Mr. Jones paid for the tickets to Gov. Christie and his family’s tickets to attend the game and for the cost of a private jet to for their travel. While the exact cost of the seats and the private jet are not yet known, it has been reported that that “replicating the experience would cost tens of thousands of dollars.”³

   Gov. Christie’s spokesperson stated that the Governor believes the acceptance of these gifts is permissible under New Jersey ethics laws and standards because an

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² International Business Times, January 5, 2015, “Chris Christie Gets Luxury Box Seats After NJ Gave NFL Big Subsidies.”
³ NJ.Com, January 6, 2015, “Christie's all-expenses paid Dallas Cowboys trip raises 2016 concerns.” Published reports also indicate that New Jersey taxpayers paid for the governor’s security detail while traveling and attending the game.
“executive order signed by a previous governor says governors ‘may accept gifts, favors, services, gratuities, meals lodging or travel expenses from relative or personal friends that are paid for with personal funds’.”

**B. Mr. Jones’s Business Dealings with New Jersey**

Published reports indicate that Mr. Jones, as the owner of an NFL team, has business with the State of New Jersey. On January 5, The *International Business Times* reported:

Christie has had myriad high-profile dealings with the National Football League – many of which have proven highly profitable to the league (and by extension, Jones). Under Christie’s watch, New Jersey officials delivered almost $18 million of taxpayer money to the league to offset costs associated with the 2014 Super Bowl. That included $8 million worth of sales tax breaks, plus millions more in security costs the state picked up for the league. All that was on top of New Jersey property tax breaks that benefit the league.

Christie’s office has already said he’s interested in having New Jersey host another Super Bowl. The league also has a deep interest in the state’s policy governing sports gambling. Meanwhile, with Christie potentially running for the White House in 2016, the NFL also has an interest in shaping the next president’s thinking on its antitrust exemptions and tax-exempt status.

The *International Business Times* subsequently reported on January 6 that Gov. Christie “personally pushed the Port Authority to approve a lucrative contract for a firm part-owned by Jones.” The article went on to report that:

On March 19, 2013, Christie and New York Gov. Andrew Cuomo issued a press release announcing their selection of Legends Hospitality LLC to operate the observation deck on the top floor of One World Trade Center. The next day, the Port Authority board – which is appointed by Christie and Cuomo – specifically cited the governors’ announcement in voting to approve the contract for the company, which is jointly owned by the Dallas Cowboys, New York Yankees and Checketts Partners Investment Fund.

The Port Authority press release announcing the vote quotes Dallas Cowboys executive Jerry Jones, Jr. as saying: “We are humbled to have been chosen to operate the Observatory Deck.”

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4 *NJ.Com*, January 5, 2015, “Dallas Owner Jerry Jones paid for Chris Christie’s trip to root for Cowboys, including private jet.”
6 *International Business Times*, January 6, 2015, “Chris Christie Pushed Port Authority to Give Contract to Jerry Jones’ Firm.”
The same article also quoted a board member of Legends Hospitality who said that while Jones was not involved in the negotiations with Port Authority for the observation deck, the Jones’ family is a “significant” investor in the firm.

The response from the Governor’s office so far has been that “the Governor believes the acceptance of these gifts is permissible under New Jersey ethics laws and standards because an ‘executive order signed by a previous governor says governors ‘may accept gifts, favors, services, gratuities, meals lodging or travel expenses from relative or personal friends that are paid for with personal funds’.”

II. The Laws and Regulations

New Jersey ethics laws further prohibit public officials from accepting any gift “whether directly or indirectly and whether by himself or through his spouse or any member of his family... which he knows or has reason to believe is offered to him with intent to influence him in the performance of his public duties and responsibilities.” N.J.S.A. 52:13D-14. Further, the New Jersey Ethics Commission limits a government official’s attendance at an event sponsored by “an interested party,” which includes “a person or entity that is or may reasonably be anticipated to be subject to the regulatory, licensing, or supervisory authority of [an] agency,” as well as anyone who does business with the State. N.J.A.C. 19:61-6.2.

Executive Order No. 24, signed by Gov. Christie in 2011, states that “[t]he Governor shall not knowingly act in any way that might reasonably be expected to create an impression or suspicion among the public having knowledge of his official duties that he may be engaged in conduct inconsistent with this Code. E.O No. 24. APPENDIX A, Sec. III. F.8 Further, the Governor’s E.O. provides in the Code of Conduct regarding the Solicitation and Receipt of Gifts and Other Items provides:

Except as otherwise provided herein or unless offered to the general public, the Governor shall not solicit, receive, or agree to receive, directly or indirectly, any... gift, favor, service ... discounts, gratuities, meals, lodging, travel expenses or anything of monetary value intended to influence him in the conduct of his public duties. Id. Sec. III.A.1.

Moreover, the section of the Code governing Conflicts and Appearances of Conflicts states:

The Governor shall not accept any personal gift, favor, service or other thing of value under circumstances from which the Governor knows or has reason to believe that such personal gift, favor, service or other thing of value is offered with the intent to unduly influence him in the performance of his public duties or under circumstances

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7 NJ.Com, January 5, 2015, “Dallas Owner Jerry Jones paid for Chris Christie’s trip to root for Cowboys, including private jet.”

8 See, also Plain Language Guide, page 6-7.
from which it might be reasonably inferred that such gift, service or other thing of value was given or offered for the purpose of influencing the employee in the discharge of the employee's official duties.  
Id. Sec. III.F.7.

The only exception to these prohibitions claimed by the Governor is what is referred to as the “personal friendship” exemption. This exemption states that “[a]n employee may accept gifts, favors, services, gratuities, meals, lodging or travel expenses from relatives or personal friends that are paid for with personal funds.” Id. Sec. III.A.2. However, determining whether a gift is provided on the basis of personal friendship generally relies on several factors. First, the history of the official's relationship with the giver, including reciprocity of gifts of similar value between the public official and the private individual; second, whether the gift giver personally paid for the gift and whether he seeks a tax deduction or business reimbursement for the gift; and third, whether, the gift giver has given similar gifts to other public officials and staff. A relationship based on the fact that a gift recipient is a governor and the giver has conducted, or wishes to conduct, business with the state is not a “friendship” under any meaningful definition of the word. To find otherwise, would turn every person looking to do business with a state and every lobbyist into a potential “friend” of any state official they are seeking to influence.

Even if the Governor’s defense is colorable, the Governor’s Executive Order requires that “[t]he Governor...shall seek the advice of the Advisory Ethics Panel when there are questions concerning the propriety of the Governor's conduct under the Code.” E.O No. 24. Sec. IV.4

Summarizing these laws, The Plain Language Guide to New Jersey’s Executive Branch Ethics Standards, Revised June 2014, states: “You may not accept any gift of more than nominal value related in any way to your official duties.” It also says: “You may not be “wined and dined” by people with whom your agency conducts business.” The Guide goes on to say that “[t]he business of New Jersey must be conducted in a manner intended to assure the citizens of our State that the character and conduct of its officials and employees are above reproach. ...Under the general rules, “you must not: ...use or attempt to use your official position to secure privileges or advantages for yourself or others.”

The Guide goes on to state that “the Commission has adopted a zero tolerance policy for acceptance of gifts offered to you, your spouse, immediate family member, partner or associate, that are related in any way to your official duties.”

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III. The Need for and Investigation

As the Code of Conduct for the Governor states, “The position of Governor exists to serve the public in a manner that fosters the respect, trust, and confidence of the public.” E.O No. 24. Appendix A, Sec. II.

The reported facts, including Mr. Jones’ dealings with the State of New Jersey and his interests as an NFL owner in actions and policies set by State, require the State Ethics Commission to initiate an inquiry into whether Gov. Christie violated State gift and/or conflict of interest laws by accepting free attendance in the owner’s skybox and travel to the NFL game for him and his family. As part of this investigation, the Commission should address whether Mr. Jones and Gov. Christie becoming friendly acquaintances as a result of dealings between Mr. Jones and Gov. Christie as a result of the Governor’s performance of his official duties is sufficient grounds for accepting these gifts under the “personal friendship: exemption.

Sincerely,

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Meredith McGehee
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