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TINA RENNA, Plaintiff, v. COUNTY OF UNION, et al., Defendants.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: UNION COUNTY DOCKET NO. UNN-_____ CIVIL ACTION CERTIFICATION OF TINA RENNA
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TINA RENNA, of full age, certifies and says as follows:

1. My name is Tina Renna, and I am making this certification in support of this application, open to the Court via Order to Show Cause, for the release of documents and information relating to the use of generators by Union County personnel for personal use. I am making this certification based on my personal knowledge.

2. In the immediate aftermath of Hurricane Sandy, approximately 15-20 Union County took county-owned generators for their personal usage at their homes. Public records show that Union County then paid \$42,892.30 to rent and purchase 27 new generators. (**Exhibit 1**). It is my understanding that the funds for this came from Federal Hurricane Relief funds.

3. The removal and use of County-owned generators for personal use was first brought to light via my blog on the website of the Union County Watchdog Association, www.countywatchers.com. Sources provided information to me regarding information about

unlawful use of generators, and I received a letter with a photograph of a county-owned generator on the front lawn of a Union County Police Sergeant. (**Exhibit 2; Exhibit 3**)

4. When I published this information on my blog, I was subpoenaed by the Grand Jury sitting in Union County. On April 12, 2013 Judge Karen Cassidy of this Court quashed the subpoena pursuant to New Jersey's "newsperson's privilege." (**Exhibit 4 & Exhibit 5**). Before coming to that decision, the Court held a two-day plenary hearing during which I was cross-examined for two days by the Office of the Prosecutor. At one point during the hearing, nine Union County Prosecutor's Office employees were present.

5. Presumably as a result of my work on the issue of the personal use of County generators by Union County employees, the Union County Prosecutor's Office prepared a report that apparently is named "The Union County Prosecutor Report on the Unauthorized Use of County Property." The date of the report is not known to me, but it was delivered to the County Manager on or about June 13, 2013, which is when the County Manager commented during a public meeting of the Board of Chosen Freeholders that he had received such a report from the Prosecutor's Office.

6. Initially when I reported that County employees were using County-owned generators at their homes, my reports were denied in other news outlets. (**Exhibit 3**). Then, the County claimed that it was only four low-level employees in the Public Works department who had permission to use the generators at their homes. (**Exhibit 3**). My coverage of this issue culminated in the publication of a blog post which featured a photo of an industrial-sized County-owned generator on a County police sergeant's front lawn located on the main thoroughfare of Kenilworth Boulevard. (**Exhibit 3**).

7. When, at the June 13, 2013 meeting of the Board of Chosen Freeholders, First Assistant Prosecutor Cernadas discussed the Prosecutor's Office decision not to bring charges against any employee, he explained that employees did use generators during Super Storm Sandy, but they were not prosecuted because there was no evidence that they intended to keep the generators "permanently." According to the meeting minutes of that meeting, Mr. Cernadas "explained that employees did use the generators during Storm Sandy, but there is no evidence to permanently keep them from the residents of Union County. Therefore, it is not a criminal matter." (Parenthetically, this is a downright strange reading of the law. If I were to take possession of a piece of County-owned property, such as a video camera or a chair or a chainsaw or a vehicle, but I intend to return it in two weeks, haven't I still committed a crime?).

8. Currently, OPRA requests have confirmed that outside counsel has been retained by Union County government to handle the generator issue as personnel matters. It is believed that individual employees are being offered deals to accept punishment packages.

9. I authorized this lawsuit so that I can gain access to all or portions of the Prosecutor's report. I want access to the entire report. But if I am not allowed access to the entire report, I want access to a redacted version of the report.

10. Official misconduct in New Jersey continues to be a serious problem. A quick look at the "news" section of the website of the New Jersey Division of Criminal Justice shows indictments or convictions for, among other things, a state police technician posing as an inspector to get a free generator after Sandy; a former Middlesex County Sheriff and two of his colleagues who took \$112,000 in bribes; a State warehouse supervisor who led a scheme to steal and sell scrap metal; a City of Newark employee was part of a \$1 million scheme to defraud the Federal Child Nutrition Program. (**Exhibit 6**).

11. If the report is released in full, I will blog about it and I will put a copy of it on my website. I expect that the report will be of intense interest to the public, because of the news coverage that this issue has received in the past. And because of the resources the Union County Prosecutor used pursuing me in this matter (at one point there were nine Prosecutor employees present in the courtroom during my hearing to determine if I would be protected by the Newsperson Shield Law). It would also be of interest to affected employees who are being singled out for punishment without having knowledge of what employees, if any, were allowed to escape punishment.

12. There are particular facts in the report that I want access to.

13. **Names**: I want to know the names of the individuals who took generators. Employee names will allow me to identify whether the generator issues were focused on a few departments or offices or were County-wide. Also, names can identify whether any individuals who were investigated are elected officials, or their relatives.

14. **Employee Titles**: If I can't have access to employee names, I want access to employee titles. If a generator were taken by a higher level employee with responsibility of supervising others, that is more serious than the same actions by a lower-level employee. Were these generators taken by employees with emergency management responsibilities who were required to be available 24/7?

15. **The Circumstances of the Incidents**: I would also like to know the circumstances surrounding the taking of these generators. Were they taken in the middle of the night or during the day? Were the employees on or off duty? Did other employees help transport the generators? Were there witnesses? How were these generators secured? Was there tacit approval? Was there an internal procedure in place to request approval and was it followed? An

inventory system which showed this expensive equipment was checked out at a certain date and time, and returned in good condition on a certain date and time? Since large generators are presumably stationary and cannot be moved by hand, was County equipment used to move these generators around, or were they moved by personal equipment? Were other County resources taken, such as extension cords and gas? To what length of time and expense was the public deprived of these public resources during an emergency?

16. **Analysis:** I would also like to see the Prosecutor's analysis and see at what point did the Prosecutor decide that this was not a criminal matter. And how the Prosecutor's office determined that the behavior here was not official misconduct within the meaning of *N.J.S.A. 2C:30-2*, which prohibits a public employee from knowingly acting in an unauthorized manner that relates to their office or position to obtain a benefit for themselves or another.

17. There have been other reports of generator abuse by public officials from around the State, many of these other people were held up to public scrutiny. According to a comment made during a public meeting by county counsel Robert Barry, the State Attorney General's office is overseeing these investigations state-wide to insure punishments are meted out equally. If this is true, why are some government bodies and their employees allowed to hide and others aren't? This is not equal treatment.

18. In light of continued reports of mismanagement by Union County, I am deeply concerned that the county is misspending funds it receives from the federal government. State and local governments received significant amounts of money from federal Hurricane Sandy relief funds, and with that increased funding must come increased oversight. It is my understanding that Sandy relief funds were used to pay for the new generators.

19. In closing the public has the right to know how Union County government used their resources during an emergency where tens of thousands of residents suffered. The facts in this matter show that Union County government conspired against transparency which is an affront to our democracy. Further, affected county employees, those being punished administratively for taking generators, deserve to know who, if anyone, was not punished.

20. The privacy interests of disciplined public employees and officials do not outweigh the public's right to know which of them were allowed access to emergency equipment for personnel comfort when tens of thousands of Union County residents suffered. Also, the lives of residents were put in danger when generators that could have powered traffic lights at major intersections, pharmacies, clinics, shelters, food pantries, and other public services, were being used to power county employee homes.

21. The County's denial of access to the Prosecutor's report is attached as Exhibit 7.

22. All of the documents attached hereto are true and correct copies.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Executed on August 28, 2013



TINA RENNA