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January 13, 2010

Assembly Speaker Sheila Y. Oliver
15-33 Halsted Street
Suite 202
East Orange, NJ 07018

Dear Speaker Oliver,

Congratulations on your recent installation as Speaker of the New Jersey General Assembly. I am sure that you will serve in an exemplary fashion as you have done so far in your public service career.

I am writing to offer my opinion on a matter that was announced in today's Jersey Journal. Apparently, the indicted Assemblyman from the 31st District (my district) is requesting that you overturn an action taken by the previous Assembly Speaker.

Speaker Roberts suspended the pay of Assemblyman Chiappone on the news of Mr. Chiappone's indictment on charges of public corruption. At the time of Speaker Roberts' action, I contacted his office questioning his decision. Mr. Roberts' office forwarded me a letter from Mr. Albert Porroni, Legislative Counsel, with the legal opinion related to the action of the Speaker.

I found the document most informative. The heart of the matter, it seems to me, is expressed on page six of that letter, and I quote.

“ Thus, while the court found no "property right" in plaintiff's expectation of salary, it nevertheless determined that notions of due process –a fair hearing– applied, however, putting the burden on plaintiff to request one.

Our opinion is that the Speaker has the authority to suspend, not terminate, the compensation of a member for good cause (in this case intimating a sense of the General Assembly that it is in the public interest), subject to affording the member a fair hearing and, of course, ultimately upon such further review as the General Assembly deems appropriate.”

The Legislative Counsel points out that the Speaker has the right, and often the duty, to take actions on behalf of the Assembly, subject to the approval of the members of that body. This advice was provided to the former Speaker in July of 2009 almost two months before Assemblyman Chiappone's indictment for corruption. The former Speaker followed the same procedure with Assemblyman Chiappone as he did with Assemblyman Smith and Assemblyman Vas. He applied the standard consistently.

It seems to me that Assemblyman Chiappone's announced plan is unusual and irregular. As the Legislative Counsel's advice indicates, Assemblyman Chiappone has a proper avenue of appeal available to him. He has had that option since the day that his salary was first suspended. He has the right to ask that the action of the former Speaker be voted upon by the members of the Assembly. Those members have the ability to overturn the action of the Speaker if they believe that action was improper. As far as I know, there is no Assembly member who has raised a question to the membership about the actions taken by Speaker Roberts.

As far as I know, Assemblyman Chiappone has sat on his hands these past months without subjecting the action of Speaker Roberts to the approval of the membership.

Assemblyman Chiappone seems to believe that his best chance of reinstating his salary is by appealing to an individual, hoping that a new Speaker will undo the actions of the old. I believe that the only proper course is to require Assemblyman Chiappone to assert the right that he already has. If he believes that the action of Speaker Roberts is unfair, then he should put that contention to the membership for a vote.

Respectfully submitted,

Michael C. Ransom