

Assembly Republicans tried unsuccessfully to find out about legislative slush fund

By **Matt Friedman**

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Two-and-a-half years before a state budget aide brought back to light a slush fund that gave key legislative leaders sole discretion over millions of dollars in state money, Assembly Republicans were suspicious of the program and sought to learn more about it.

They didn't get very far, however, according to documents the Assembly Republicans provided to *PolitickerNJ*.

The Property Tax Assistance and Community Development grants program became the subject of controversy again yesterday when Democratic Senate budget staffer George LeBlanc, testifying at former State Sen. Wayne Bryant's corruption trial, said that Bryant got \$4 million from the fund to distribute at his own discretion. \$200,000 went to his employer, UMDNJ. LeBlanc also testified that former Senate Majority Leader Bernard Kenny also was allocated \$4 million.

In January, 2006, the Republicans filed an OPRA requests with the Department of Treasury requesting copies of any documents from the Governor's office or the legislature expressing support for allocating funds from the program, which allocated \$88 million in 2005 and \$40 million in 2006.

A month and a half later, the Department of Treasury said that there were no requests from the governor's office, and denied the request for records received from the legislature.

In March, the Assembly Republicans filed another OPRA request asking for documents the department used to identify prospective grantee organizations and a list of organizations being considered for the grants, as well as their contact information. Later that month, the department responded that it "does not identify eligible grantees" and that the organizations' contact information was exempt from OPRA as a "privilege log listing."

The requests came seven months after then-Assemblyman Kevin O'Toole (R-Cedar Grove) questioned former treasurer John McCormac about the program at a May, 2005 Assembly hearing.

O'Toole asked why the type of grants that were normally specifically laid out in the budget were suddenly grouped into one large grant project.

McCormick answered that "for whatever reason late last June the money was not specifically earmarked and it was put into a pool to be decided upon the leadership of both houses."

The idea puzzled O'Toole, who said "it just strikes me as somewhat odd that this \$88 million allocation is in your department but yet you have no say as to the review, the selection or the follow-up in terms of auditing these grant monies."

Tom Vincz, a spokesman for the Department of Treasury, said it was hard to remember exactly why parts of the Assembly Republicans' requests were turned down because multiple parties were seeking the same documents. They were given some documents, he said. But the lists in question, he argued, were likely denied because the legislature exempted its own correspondence from OPRA.

"It's very difficult to make sense of this other to say that information was turned over, but there were certain restrictions.... due to the fact that the legislature itself exempted its own correspondence from OPRA," he said. "So therefore, if there's legislative correspondence, according to the law written by the legislature, it's not something that was releasable under the OPRA law."

Republican lawyer Mark Sheridan, who represented a private citizen in a lawsuit over the program until 2006, disagreed.

"That's absolutely incorrect," he said. "The exemption under OPRA provides for the exemption between legislators and their constituents, which the legislators then have an obligation to keep confidential. If they take those and turn them those over to a third party, they've waved the exemption they've given themselves. There's no exemption in OPRA between the legislative and executive branch."

Faced with complaints and Sheridan's lawsuit, the newly sworn in Gov. Corzine ordered the Treasury Department to review the program and ceased distributing grants through it.

Assembly Minority Leader Alex DeCroce (R-Morris Plains) today asked Gov. Corzine to disclose the outcome of that review, and asked the legislature's leadership – Senate President Dick Codey (D-West Orange) and Assembly Speaker Joe Roberts (D-Camden)– to disclose who sought and received grants from the fund.

"Over the course of four grueling years, Assembly Republicans have challenged the Democrats to produce proof that these 'grants' were really awarded on a competitive or merit basis and not a slush fund controlled by top Democrats to finance pork projects for favored legislators and key decision-makers," he said.