

STATEMENT REGARDING LIEUTENANT GOVERNOR DR. DALE G. CALDWELL

Counsel disputes three findings in investigation, citing disputed facts, lack of corroborating witness or evidence and concerns about the investigative process

TRENTON, N.J. — Counsel for Lieutenant Governor and Secretary of State Dr. Dale G. Caldwell today strongly disputed the three findings in the investigation into allegations concerning his conduct, saying the conclusions go further than the evidence supports.

“The question is not simply whether investigators believed one person over another,” counsel Thomas Calcagni of Calcagni & Kanefsky said. “The question is whether the evidence actually proves that a violation occurred. In our view, the evidence does not support these findings.”

The Workplace Harassment Allegation

The most serious finding involves an allegation that Dr. Caldwell made an inappropriate comment during a car ride. Dr. Caldwell categorically denies making that statement.

Another person was in the vehicle at the alleged time, a New Jersey State Police trooper assigned to Dr. Caldwell's security detail. According to findings, the trooper did not hear the alleged conversation.

The report states there is no recording, text message, email or other contemporaneous evidence showing that the statement was made.

The investigators cited a photograph as part of the evidence supporting the allegation. But the photograph, which was redacted in the report, only establishes that an individual took a photograph on a particular date and time. It does not establish that the individual was with the Lt. Gov. at the time or, if she was, what was said during any conversation.

Mr. Calcagni stressed that where a central allegation is denied, and there is no recording or other substantiating evidence or corroborating witnesses, the evidence should be examined particularly carefully before reaching a finding of workplace harassment.

The Ethics Findings Involving Events and Guests

The second finding concerns Dr. Caldwell's attendance at events and the attendance of guests.

Dr. Caldwell does not dispute that he has a responsibility to understand and follow the state's ethics rules. The issue, according to his counsel, is whether the circumstances support the conclusion that he intentionally misused his office.

Dr. Caldwell received ethics training after taking office. As both Lieutenant Governor and Secretary of State, Dr. Caldwell attended countless government, nonprofit, civic and community events.

When Dr. Caldwell learned that reimbursement was appropriate in one particular situation, he reimbursed \$175 for the event.

According to Mr. Calcagni, “Circumstances matter. There is a meaningful difference between making a good-faith error when analyzing the regulations and deliberately using public office for personal benefit.”

Forwarding the Resume of a State Employee

The third finding concerns Dr. Caldwell forwarding the résumé of a State employee whom he believed was qualified for a position with greater responsibility.

The evidence, however, does not establish that Dr. Caldwell used his office to obtain a government benefit for the individual.

“The report cites no evidence indicating that Dr. Caldwell ordered anyone to promote her, or controlled the hiring decision or demanded that she receive a new position,” said Mr. Calcagni. And, most importantly, “she did not receive a promotion, a raise or any other State benefit and ultimately left State government.”

“There is a difference between failing to disclose a personal relationship when forwarding the resume of a qualified job applicant and actually using the power of public office to secure a job or financial benefit for someone,” counsel said.

Dr. Caldwell maintains that if he had been told that disclosure or recusal was required, he would have followed that guidance.

“We firmly disagree with the three findings,” Mr. Calcagni said. “Dr. Caldwell believes that a fair review of the complete record will show that the conclusions reached in the report go far beyond what the evidence establishes.”

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