

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.

“This unnecessarily protracted and one-sided process lacked the requisite due process that should be afforded every citizen of this state,” according to Thomas Calcagni of Calcagni & Kanefsky, LLP. “The Lieutenant Governor was not provided a meaningful opportunity to address each of these anonymous allegations or offer readily identifiable witnesses who possessed more pertinent, first-hand knowledge of the events in question. It appears, in fact, that even those who voluntarily came forward with first-hand accounts were entirely excluded from the process. These due process concerns, coupled with breaches of confidentiality throughout the process, render any findings palpably deficient and create a dangerous and challenging precedent for anyone who wishes to defend against anonymous conjecture and character assassination.”

The Workplace Harassment Allegation

The veracity of these anonymous claims, which were simultaneously pushed to a news outlet, were never meaningfully tested or fairly questioned. 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.

“And when the analysis came down to credibility determinations, about what was or wasn't said between two people, the accuser's motives were never tested and the Lieutenant Governor's and other eyewitnesses' accounts were discounted if not entirely disregarded,” said Mr. Calcagni.

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.

“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.

“The Lieutenant Governor participated in the investigative process faithfully to the limited extent permitted, expecting a genuine truth-seeking inquiry. Unfortunately, the report twists seemingly benign phrases, such as ‘executive presence,’ to imply improper motive; relies heavily and unduly on the anonymous complainant’s perceptions, characterizations, and multi-layered hearsay; and disregards the testimony of staffers who did not share those views, as well as the Lieutenant Governor’s own account.”

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