

N.J. arts council members balance personal connections with council activities

arts-council-members-conflict-interest.jpg

Public Enemy performs during the Kings of the Mic Tour at NJPAC, Tuesday June 18, 2013. Three of 16 council members have affiliations with the Newark arts center and must recuse themselves from voting on its grant. (*Saed Hindash/The Star-Ledger*)

Peggy McGlone/The Star-Ledger By **Peggy McGlone/The Star-Ledger**

Email the author | **Follow on Twitter**

on July 22, 2013 at 7:10 AM, updated July 22, 2013 at 7:45 AM

TRENTON — As a stage hand who works behind the scenes in many theaters, Kevin O'Brien knows how to keep his mouth shut.

Last July, O'Brien, who is also a member of the **New Jersey State Council on the Arts**, was obliged to keep quiet for another reason. Because he works with several organizations that receive arts council grants, O'Brien was forced to abstain from voting on three-quarters of the \$16 million in public funds awarded to museums, theaters and music ensembles.

It's a recurring issue at the Council on the Arts. Records show eight of the 13 council members in attendance last July had to recuse themselves from 11 motions and 30 combined votes because of various conflicts. Many members volunteer at one or more organizations receiving council grants.

Meanwhile, a new member joins the council tomorrow, bringing similar baggage. Gary Blackman, co-founder and producer of **ArtsPower**, a touring theater for young audiences in Verona and long-time arts council grantee, will be sworn in at the council's annual meeting in Trenton. Blackman, like O'Brien, earns his living doing business with council-supported groups and comes to the council with a minefield of potential conflicts.

Blackman said procedures are in place to avoid conflict issues among council members, who are appointed by the governor and approved by the senate for three-year terms. And he has already discussed them with council staff.

"There is a recusal process, a regular protocol," said Blackman, who has served on grants panels in the past. "The arts council, all arts organizations, are very stringent about it."

Personal connections affect members of many government boards and commissions, John Weingart, Associate Director of the **Eagleton Institute of Politics at Rutgers University**, said.

"There's a benign inevitability to some of this," Weingart said. "You want people on the council with an interest and expertise. (But) there is a fundamental difference between someone who makes their living, or part of their living, from an organization that could be seeking funding from the arts council, as opposed to someone who volunteers their time with such an organization."

Either situation can be resolved by transparency, Weingart said. O'Brien, however, would not discuss his affiliations and instead referred all questions to arts council spokeswoman Allison Tratner. She responded to an interview request with an email stating the council follows the procedures provided by the Attorney General's office and takes the process "very seriously."

But the issue is more about perception than reality, Weingart said. "In most of these situations, there's nothing but good intentions involved, but if there is an appearance of conflict of interest, someone not given a grant will feel it's not a level playing field," he said.

In addition, there's a problem of balance: When does a member become ineffective because of the number of affiliations he or she has?

"That becomes a question for the individual, and potentially the governor, because maybe it's not a person they should

reappoint," he said. "Certainly it could make them less of an asset to the council."

[View full size](#)

Much of the work of distributing public dollars is done by the eight-person grants committee, a closed door setting with "the most chance of conflict of interest," James Abruzzo, co-founder of the **Institute for Ethical**

Leadership at Rutgers Business School, said.

The rules for committee discussions are clear, Abruzzo said. "Not only can you not vote, but you can't be in the room when the vote is taken."

Six members have affiliations with potential grantees, and four members — O'Brien, Lana Gold Walder, Carol Herbert and Sharon Burton Turner — recused themselves a total of 18 times last year.

Former member Judith Leone, who served as grants committee chairwoman, said the rules are carefully followed. While committee members have grants panel evaluations, rankings and recommendations about all groups, they are not permitted to discuss the ones they are connected to.

"I would get up and leave the room when (the Garden State Philharmonic) came up," Leone, who served on that ensemble's board, said.

During her tenure, Leone said council members with more than one affiliation weren't allowed to be on the grants committee. This year, three have multiple conflicts.

In the end, Abruzzo said, the public must trust the council's good intentions.

"It's better than having dilettantes, or people who are appointed for political reasons," he said. "I would go with informed people over less informed, and I would trust, ultimately, they will get the best art to the people of the state."

FOLLOW THE STAR-LEDGER: TWITTER | FACEBOOK