

AGENCY DKT. NO. 1-1/14A
SEC DKT. NOS. C16-13 and C22-13 (consolidated)

JAMES MESSNER AND ROBERT CONDO, :

COMPLAINANTS, :

V. :

STACY GRAY, DEPTFORD TOWNSHIP :
BOARD OF EDUCATION, :
GLOUCESTER COUNTY, :

RESPONDENT. : COMMISSIONER OF EDUCATION

AND : DECISION

WALTER BERGLUND, :

COMPLAINANT, :

V. :

STACY GRAY, DEPTFORD TOWNSHIP :
BOARD OF EDUCATION, :
GLOUCESTER COUNTY, :

RESPONDENT. :

The record of this consolidated matter and the decision of the School Ethics Commission (Commission) have been reviewed. This matter involves an appeal of the Commission’s December 19, 2013 decision finding that the Respondent-Appellant Stacy Gray (respondent) violated *N.J.S.A. 18A:12-24.1(e)* and *N.J.S.A. 18A:12-24.1(g)* of the Code of Ethics for School Board Members for sharing an audio recording of a portion of the Deptford Township Board of Education’s (Board) executive session with her attorneys. The Commission recommended a penalty of reprimand for the violation. The respondent filed a Notice of Appeal appealing the Commission’s finding of a violation pursuant to *N.J.A.C. 6A:4-1.3(c)*.¹

¹ The petitioners did not file a reply to respondent’s brief in support of her appeal.

In her appeal to the Commissioner, the respondent does not dispute the Commission's factual findings, but rather contends that she did not violate *N.J.S.A. 18A:12-24.1(e)* and *N.J.S.A. 18A:12-24.1(g)*. The respondent maintains that the sharing of her recording with her attorneys did not have the potential to compromise the Board because her attorneys had a professional obligation not to violate the Board's right to confidentiality. The respondent also stressed that the contents of the recording were never shared with the public.

Upon a comprehensive review of the record, the Commissioner finds that the decision of the Commission as to a determination of a violation of *N.J.S.A. 18A:12-24.1(e)* and *N.J.S.A. 18A:12-24.1(g)* is supported by sufficient credible evidence. The evidence in the record fully supports the Commission's determination that the respondent breached the confidentiality of the Board's deliberation during the executive session by sharing the recording with two individuals who would not have been permitted to attend the executive session. As a result, the Commissioner finds that the Commission's determination that the respondent violated *N.J.S.A. 18A:12-24.1(e)* and *N.J.S.A. 18A:12-24.1(g)* was not arbitrary, capricious or contrary to law. *N.J.A.C. 6A:4-4.1(a)*.

The Commissioner also accepts the Commission's recommendation – for the reason expressed in the Commission's decision – that a reprimand is the appropriate penalty in this matter. In so ruling, the Commissioner is satisfied that the Commission fully considered the nature of the offense and weighed the effects of aggravating and mitigating circumstances. Therefore, the Commission's recommended penalty in this matter will not be disturbed.

Accordingly, IT IS ORDERED that Stacy Gray is hereby reprimanded as a school official found to have violated the School Ethics Act.

IT IS SO ORDERED.²

ACTING COMMISSIONER OF EDUCATION

Date of Decision: June 9, 2014

Date of Mailing: June 10, 2014

² This decision may be appealed to the Superior Court, Appellate Division, pursuant to *P.L. 2008, c. 36*.