

RICHARD BOMBARDIER	:	BEFORE THE SCHOOL
	:	ETHICS COMMISSION
	:	
v.	:	
	:	
RICHARD CIULLO	:	Docket No. C36-05
<i>BERKELEY TOWNSHIP</i>	:	
<i>BOARD OF EDUCATION,</i>	:	DECISION
<i>OCEAN COUNTY</i>	:	
	:	

PROCEDURAL HISTORY

This matter arises from a complaint filed on July 27, 2005, by Richard Bombardier against Richard Ciullo, a member of the Berkeley Township Board of Education (Board) alleging that Mr. Ciullo violated the School Ethics Act (Act), N.J.S.A. 18A:12-21 et seq. In response to a request from the Commission, the complainant specifically alleges that Mr. Ciullo violated N.J.S.A. 18A:12-24(c) and (d) when, on December 16, 2004, he voted to allow the Berkeley Township Republican Club (Club) to hold its meetings at a school in the Berkeley Township School District (District) while he was Vice-President of the Club, and when, on February 17, 2004, he voted to allow the Ocean County Federation of Republican Women (Federation) to use a school in the District when he had done work for the Federation.

For good cause, the Commission granted Mr. Ciullo an extension of time to answer the allegations. Through his attorney Thomas G. Gannon, Esquire, Mr. Ciullo filed an answer in which he responded that, while he was an officer of the Club, he received no financial benefit from his association with the Club. He also responded that he is not employed by the Federation and has never received any compensation from that organization. He requested that the Commission find no probable cause and dismiss the complaint.

The Commission invited both parties to attend its February 28, 2006 meeting to present witnesses and testimony for a hearing, but did not require that they attend. Neither of the parties attended the meeting. During the public portion of the meeting, the Commission voted to table the matter to get additional information. The matter was placed on the agenda for the Commission's March 28, 2006 meeting, where the Commission reviewed the Board's facility use policy. During the public meeting on March 28, 2006, the Commission voted to find no probable cause to credit the allegations that Mr. Ciullo violated N.J.S.A. 18A:12-24(c) and (d).

FACTS

The Commission was able to discern the following facts based on the pleadings and the documents submitted.

Mr. Ciullo was a member of the Board and an officer of the Club. He does not receive compensation from the Club, but contributes to the Club as a private citizen. Mr. Ciullo is not employed by the Federation and has not received compensation from that organization. Mr. Ciullo has donated a website to the Federation. At the December 16, 2004 meeting of the Board, Mr. Ciullo voted in the affirmative to allow the Club to use a school in the District. At the February 16, 2005 meeting of the Board, Mr. Ciullo voted in the affirmative to allow the Federation to use a school in the District.

ANALYSIS

The complainant alleges that Mr. Ciullo violated N.J.S.A. 18A:12-24(c) and (d) when, on December 16, 2004, he voted to allow the Club to hold its meetings at a school in the District while he was Vice-President of the Club, and when, on February 17, 2004, he voted to allow the Federation to use a school in the District when he had done work for the Federation. N.J.S.A. 18A:12-24(c) provides:

No school official shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial involvement that might reasonably be expected to impair his objectivity or independence of judgment. No school official shall act in his official capacity in any matter where he or a member of his immediate family has a personal involvement that is or creates some benefit to the school official or member of his immediate family;

In order to find a violation of N.J.S.A. 18A:12-24(c) the Commission must first determine if Mr. Ciullo has an interest in the Club and/or the Federation, or has a direct or indirect financial involvement in the Club and/or the Federation that might reasonably be expected to impair his objectivity or independence of judgment. "Interest" is defined at N.J.S.A. 18A:12-22 as, "the ownership or control of more than 10 percent of the profits, assets, or stock of a business but shall not include the control of assets in a labor union." Mr. Ciullo is an officer of the Club. There is no evidence to show that he holds any interest in the Club. Mr. Ciullo's only contact with the Federation is a donation he made to the organization. There is no evidence to show that he holds any interest in the Federation. Therefore, the Commission finds that Mr. Ciullo did not have a direct or indirect financial involvement that might reasonably be expected to impair his objectivity or independence of judgment.

The Commission must next determine if Mr. Ciullo has acted in his official capacity in any matter where he or a member of his immediate family has a personal involvement that is or creates some benefit to the school official or member of his

immediate family. When Mr. Ciullo voted to allow the Club and the Federation to use a school in the District, he was acting in his official capacity. While Mr. Ciullo is an officer in the Club, there is insufficient evidence to show that his position as an officer of the Club was a personal involvement that created a benefit to him when he voted to allow the Club to use a school in the District. Similarly, Mr. Ciullo had no ties to the Federation except for the donation of a website. There is no evidence to show that Mr. Ciullo had any personal involvement in the Federation that created a benefit to him when he voted to allow the Federation to use a school in the District. Based on the foregoing, the Commission finds no probable cause to credit the allegation that Mr. Ciullo violated N.J.S.A. 18A:12-24(c) and the Commission dismisses that allegation.

N.J.S.A. 18A:12-24(d) provides:

No school official shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his independence of judgment in the exercise of his official duties;

Mr. Ciullo was an officer of the Club and made donations to the Club. He also made donations to the Federation. He undertook such political endeavors as a private citizen. However, such activities do not rise to a level where the public could reasonably expect that his independence of judgment would be prejudiced in the exercise of his duties as a member of the Board. Therefore, the Commission finds no probable cause to credit the allegation the Mr. Ciullo violated N.J.S.A. 18A:12-24(d) and dismisses that allegation.

DECISION

For the reasons expressed above, the Commission finds no probable cause to credit the allegations that Mr. Ciullo violated the Act and therefore dismisses the complaint in its entirety.

This decision is a final decision of an administrative agency. Therefore, it is appealable only to the Superior Court--Appellate Division. See, New Jersey Court Rule 2:2-3(a).

Paul C. Garbarini
Chairperson

Resolution Adopting Decision – C36-05

Whereas, the School Ethics Commission has considered the pleadings and the response filed by the parties and the documents submitted in support thereof; and

Whereas, the Commission finds no probable cause to credit the allegations that Respondent violated N.J.S.A. 18A:12-21 et seq.; and

Whereas, the Commission has reviewed the proposed decision of its staff dismissing the complaint; and

Whereas, the Commission agrees with the proposed decision;

Now Therefore Be It Resolved that the Commission hereby adopts the proposed decision to dismiss as its final decision in this matter and directs its staff to notify all parties to this action of the Commission's decision herein.

Paul C. Garbarini, Chairperson

I hereby certify that the Resolution was duly adopted by the School Ethics Commission at its public meeting on April 25, 2006.

Lisa James-Beavers
Executive Director