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<b>IN THE MATTER OF</b>	:	<b>BEFORE THE SCHOOL</b>
	:	<b>ETHICS COMMISSION</b>
	:	
<b>EILEEN QUINN</b>	:	<b>Docket No. C45-04</b>
<b>WINFIELD BOARD OF ED.</b>	:	
<b>UNION COUNTY</b>	:	<b>DECISION</b>
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## **PROCEDURAL HISTORY**

This matter arises from a complaint filed on July 8, 2004, by Ronald Hade, President of the Winfield Board of Education (Board), alleging that Eileen Quinn, also a member of the Board, violated the School Ethics Act (Act), N.J.S.A. 18A:12-21 et seq. when she printed and distributed flyers that contained information regarding the fiscal impact of the 2004-2005 budget for the Board. The Board authorized the filing of the complaint by a vote of 7 to 0 with two Board members abstaining including Ms. Quinn. Specifically, the complainant alleges that the above conduct was in violation of N.J.S.A. 18A:12-24.1(e), (f) and (g) of the Code of Ethics for School Board Members in the School Ethics Act.

On July 26, 2004, the Commission notified Ms. Quinn that she had 20 days to file an answer to the complaint. On September 9, 2004, the Commission provided Ms. Quinn with another 10 days to respond to the complaint and notified her that should she fail to respond, the Commission would deem each allegation in the complaint TO BE admitted. Having not received an answer from Ms. Quinn, on October 14, 2004, the Commission notified her that the allegations were deemed admitted, that the Commission would discuss the matter at its October 26, 2004 meeting and that, since she had failed to file an answer, she had waived her right to appear at the meeting.

The Commission invited the complainant to attend its October 26, 2004 meeting to present witnesses and testimony, but did not require that he be present. In lieu of attending the hearing, complainant, through his attorney Brian J. Aloia, Esq., submitted an additional statement to the Commission for its review at the meeting. At its October 26, 2004 meeting, the Commission voted to find probable cause to credit the allegations that Ms. Quinn violated N.J.S.A. 18A:12-24.1(e) of the Act. The Commission did not find probable cause to credit the allegations that she violated N.J.S.A. 18A:12-24.1(f) and (g).

The Commission found that the material facts were not in dispute with respect to the issue upon which it found probable cause and, therefore, the Commission advised Ms. Quinn that it would decide the matter on the basis of written submissions. Ms. Quinn was invited to provide a written submission to the Commission within 30 days of the date of the probable cause decision to set forth why the Commission should not find her in violation of N.J.S.A. 18A:12-24.1(e). Ms. Quinn was also told that her written

submission should include her position on an appropriate sanction should the Commission determine that the Act was violated. The Commission provided Ms. Quinn with a copy of complainant's additional statement which the Commission reviewed at its October 26, 2004 meeting. Ms. Quinn did not provide a response to the Commission's probable cause determination. The matter was scheduled for the Commission's December 21, 2004 meeting for further discussion. At the December 21, 2004 meeting, the Commission voted to table the matter. The Commission found Ms. Quinn in violation of N.J.S.A. 18A:12-24.1(e), recommended a penalty of censure and adopted this decision at its meeting of February 7, 2005

## **FACTS**

The Commission based its finding of probable cause on the following facts.

At all times relevant to this complaint, Ms. Quinn was a member of the Board. From January to April 1, 2004, the Board reviewed and prepared the Board's preliminary 2004-2005 budget. During that time, Ms. Quinn was running for reelection. After an extensive debate, the Board, including Ms. Quinn, unanimously adopted the budget, which, if approved by the voters, would have resulted in an increase in monthly taxes of approximately \$55 for the first five months and then \$22 for each ensuing month.

During her campaign for reelection and prior to the vote on the Board's budget, Ms. Quinn paid for the printing and distribution of fliers that included the following statements:

"This year we are asked to vote for a budget that increases spending \$250,000. While \$50,000 will be offset by the State of New Jersey, we as taxpayers are being asked to support an increase of nearly \$200,000. That means our monthly payment will increase by approximately \$55.00."

The Board's budget was defeated by 46 votes out of 292 votes that were cast.

## **ANALYSIS**

The Commission found probable cause to credit the allegations that Ms. Quinn violated N.J.S.A. 18A:12-24.1(e) of the Code of Ethics for School Board Members in the School Ethics Act. N.J.S.A. 18A:12-24.1(e) provides:

I will recognize that authority rests with the board of education and will make no personal promises nor take any private action that may compromise the board.

The Commission found probable cause that when Ms. Quinn printed and distributed a flier which indicated that if the budget passes the taxpayers' "...monthly payment will increase by approximately \$55.00," she harmed the Board's chances of

having the voters approve the budget. The complainant presented evidence that the Board's budget was defeated by 46 votes out of 292 votes cast. The Commission notes that Ms. Quinn printed and distributed the flier prior to the vote on the budget. She also included incomplete information in the flier regarding the amount of the tax increase. She left out that the increase would drop at the sixth month, which gave the impression that the tax increase was greater than it actually was.

The Commission finds that Ms. Quinn's distribution of the flier was a private action since it did not involve her board member duties and occurred during her reelection campaign. The Commission also finds that the private action compromised the board's ability to raise the necessary revenue for the school district. Therefore, the Commission finds that Ms. Quinn violated N.J.S.A. 18A:12-24.1(e) when she took private action by printing and distributing a flier during her reelection campaign and prior to the public vote on the budget, which provided incomplete information regarding the amount of the tax increase, which compromised the board's ability to pass its budget.

## **DECISION**

For the reasons discussed above, the Commission finds that Eileen Quinn violated N.J.S.A. 18A:12-24.1(e) when she printed and distributed a flier during her reelection campaign which contained incomplete fiscal information regarding the board's budget thus compromising the board's ability to pass its budget. The Commission recommends that the Commissioner of Education impose a penalty of censure because the public should be aware that Ms. Quinn provided incomplete information regarding the potential tax increase of the board's proposed budget.

This decision has been adopted by a formal resolution of the School Ethics Commission. This matter shall now be transmitted to the Commissioner of Education for action on the Commission's recommendation **for sanction only**, pursuant to N.J.S.A. 18A:12-29. Within 13 days from the date on which the Commission's decision was mailed to the parties, Ms. Quinn may file written comments on the recommended sanction with the Commissioner of Education, c/o Bureau of Controversies and Disputes, P.O. Box 500, Trenton, NJ 08625, marked "Attention: Comments on Ethics Commission Sanction." A copy of any comments filed must be sent to the School Ethics Commission and all other parties.

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Paul C. Garbarini  
Chairperson

### **Resolution Adopting Decision – C45-04**

**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**, at its meeting of February 7, 2005 the Commission found that Eileen Quinn violated N.J.S.A. 18A:12-24.1(e) of the Act and recommended that the Commissioner of Education impose a sanction of censure; and

**Whereas**, at its meeting of February 7, 2005, the Commission reviewed a draft decision prepared by its staff and agrees with the decision;

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

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Paul C. Garbarini, Chairperson

I hereby certify that the Resolution was duly adopted by the School Ethics Commission at its public meeting on February 7, 2005.

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Lisa James-Beavers  
Executive Director

PCG/LJB/MET/ethics/decisions/C45-04