
LIZABETH VIGGIANO

v.

JEAN SHELEN
FLORENCE TOWNSHIP BOARD OF EDUCATION
BURLINGTON COUNTY

: **BEFORE THE SCHOOL**
: **ETHICS COMMISSION**
:
:
: **DOCKET NO. C32-10**
: **DECISION**
:
:

PROCEDURAL HISTORY

This matter arises from a complaint filed on October 13, 2010 by Lizabeth Viggiano which was not accepted by the Commission in that it did not allege a violation of the School Ethics Act. N.J.A.C. 6A:28-1.4. On October 28, 2010, an amended complaint was filed, which did not meet the requirements of N.J.A.C. 6A:28-6.3(a). On November 3, 2010, a second amended complaint was filed, which was accepted by the Commission. Therein, the complainant asserts that Jean Shelen, a member of the Florence Township Board of Education (“Board”) violated the School Ethics Act (“Act”). Specifically, the complainant asserts that the respondent violated N.J.S.A. 18A:12-24.1(e), (g), (h) and (i) of the Code of Ethics for School Board Members in connection with statements made during the Board’s closed session meeting on March 22, 2010. The respondent filed an answer on November 30, 2010. At its meeting on December 21, 2010, pursuant to N.J.A.C. 6A:28-10.8(a), the Commission voted to retain this complaint for hearing. By letter dated March 8, 2011, the parties were notified that this matter would be scheduled for hearing at the Commission’s meeting on May 24, 2011. However, by letter dated April 14, 2011, the respondent requested an adjournment of the May 24th hearing date. Consequently, the hearing was rescheduled for July 26, 2011. The parties attended the hearing on July 26, 2011, with counsel. After hearing testimony from the complainant, as summarized below, respondent’s counsel moved for dismissal of the complaint. The Commission granted the motion and so voted during the public portion of its meeting.

SUMMARY OF THE RECORD

Susan Cunningham was a member of the Board from 2007 until 2010. She testified that she was present at the Board’s meeting on March 22, 2010. On that date, the Board was discussing its budget. It went into closed session to further discuss budget issues. According to Ms. Cunningham, Ms. Shelen stated in the closed session that she had obtained QSAC scores for the District and she wanted the Director of Curriculum to be fired because of the District’s failing score.¹ According to Ms. Cunningham, the respondent stated that she wanted the complainant to be replaced by Donna Ambrosious, who is now the Superintendent. Ms. Cunningham testified that the QSAC statement “came out of the blue.” The respondent did

¹ “QSAC” means the New Jersey Quality Single Accountability Continuum. NJQSAC is a system for evaluating and monitoring all public school districts in the State. It is designed to be a single, comprehensive accountability system that consolidates and incorporates the monitoring requirements of applicable State and Federal programs. Under NJQSAC, districts are evaluated in the areas of instruction and program, personnel, fiscal management, operations and governance, so as to determine the extent to which they are providing a thorough and efficient education. N.J.A.C. 6A:30-1.1.

not say how she came upon the scores. Ms. Cunningham further stated that Mr. Dimon, then the President of the Board, told the respondent to stop speaking on the issue. Ms. Cunningham said that the respondent did not say or do anything further.

On cross-examination, Ms. Cunningham stated that she heard the respondent instruct the Superintendent to contact the Board solicitor for advice about removal. However, the complainant was not removed from her position. She acknowledged that the respondent's statement relative to the QSAC score was made in closed session and that no members of the public were present. Ms. Cunningham stated that she was no longer on the Board when the actual QSAC scores were presented to the District. However, to the best of her knowledge, Ms. Cunningham believed that a passing score is "about 70." Ms. Cunningham was shown a copy of a letter dated April 28, 2010 from the Commissioner of Education to Dr. Louis Talarico, former Superintendent of the District. The letter states that the District's QSAC placement score in the area of instruction and program was 24% below the needed score of 80%.

Mark Dimon served as a Board member for three terms between 2000 and 2010. At the time of the March 22, 2010 meeting, he was the Board President. He did not win reelection that year; according to his testimony, his term ended on April 26, 2010. Mr. Dimon stated that he was present for the March 22, 2010 meeting and that the purpose for going into closed session that evening was to discuss the budget and potential areas for cutting. He testified that the respondent stated that she had obtained the District's QSAC score for instruction and it was 40. According to Mr. Dimon, the respondent stated that the District was failing because of Ms. Viggiano, that the District's curriculum guide was a failure, and that the complainant needed to be fired and replaced by Ms. Ambrosious. Mr. Dimon testified that he told the respondent that a personnel matter could not be discussed; there was no further discussion. Mr. Dimon stated that the Superintendent was also present at the closed session meeting. He further testified that the QSAC scores were not yet public, as of that meeting.

On cross-examination, Mr. Dimon conceded that he spoke with the complainant, who is not a member of the Board, about the respondent's statements in closed session. He acknowledged that the complainant attested in her complaint that this conversation took place on April 22, 2010. When pressed to confirm the April 22nd date, he stated, "I guess it was." However, he denied that in sharing this information with the complainant, he disclosed "confidential information" to a member of the public. Mr. Dimon acknowledged that committee members may do research, and then bring that research back to the full Board. He further acknowledged that this typically occurs in closed session. However, he stated that members of the Board are supposed to work through either the Superintendent or the Board President before reaching out to others. Mr. Dimon stated that he was not aware that the chair of the Finance Committee asked the respondent to contact the Executive County Superintendent about the QSAC scores. Mr. Dimon testified that the chair of the Finance Committee never notified the Board President or the Superintendent, which was his understanding of the accepted practice. Mr. Dimon stated that he did not know if the respondent took any action to have the complainant terminated. While he was serving on the Board, it did not take any action to have the complainant terminated from her position.

In response to questions from the Commission, Mr. Dimon testified that on March 22, 2010, the Board was considering its budget. The public meeting was well-attended. After the Board heard comments from the public, it went into closed session “to discuss likes and dislikes” and to make adjustments to the budget, which included the possibility of removing items and eliminating positions. Mr. Dimon testified that no one was “Riced” prior to the meeting.² He stated that he was aware that the Board could only speak about positions and titles, but not specific names. Mr. Dimon testified that he knew that the public had asked for a cut in administration. However, the District was below average cost in this area and he did not believe that cutting the administration was a prudent decision; neither did the Board favor administrative cuts. The Board attorney was not present.

Mr. Dimon was shown a copy of the Board’s Resolution #09/10-081-R-518 authorizing the Board to go into closed session on the evening of March 22, 2010. He read from the portion of the resolution stating that the subject to be discussed in closed session is “terms and conditions of employment/personnel matters relative to [the] 2010-2011 school budget.”

The complainant, Lizabeth Viggiano, testified that she has been employed by the Florence Township School District since the 2004-2005 school year. She is the Director of Curriculum and Instruction. She has always reported to the Superintendent. She filed this complaint after she learned of the conversation that took place in closed session on March 22, 2010. It was her understanding that the respondent wanted her fired from her position and replaced by Ms. Ambrosious, who, as of July 1, 2011, became the Superintendent of Schools. The complainant stated that on July 18, 2011, her position was reduced to a 10-month position, effective immediately. Ms. Viggiano testified that as the Director of Curriculum and Instruction, it was her duty to complete and update the District’s curriculum. This was done and approved by the Board in March 2011. According to the complainant, the respondent never discussed concerns that she had about either QSAC or her performance as the Director of Curriculum and Instruction. She has earned exemplary performance reviews. The complainant testified that she discussed with former Superintendent Talarico the fact that the scores would be weak; she projected at best a QSAC score of 60% in the area of instruction. According to the complainant, the low score was attributable to a lack of funding, thereby hampering her ability to fully complete the curriculum guide prior to the QSAC evaluation.

Ms. Viggiano conceded that she was not present at the closed session meeting on March 22, 2010. She learned of the closed session discussion from Mark Dimon. She asked the Superintendent about what happened at the meeting. She also asked Ms. Cunningham about the meeting after she was no longer on the Board and Ms. Cunningham verified what the respondent said. The complainant acknowledged that she waited until the last minute to file the within complaint because she did not want to file, but thought it was necessary. She did not contact the respondent. However, without providing specifics, the complainant merely stated that by September 2010, it became apparent “that this was not going to be a dead issue.”

² Rice notice refers to the matter entitled, Rice v. Union County Regional High School Bd. of Ed., 155 N.J. Super. 64 (App. Div. 1977), certif. den. 76 N.J. 238 (1978) which established the right of employees to obtain notice when they will be discussed by the Board of Education.

On cross-examination, Ms. Viggiano conceded that after the Commissioner's letter of April 28, 2010 was sent to the District indicating a score of 24% in the area of instruction and program, her salary was not reduced and she did not lose her position. However, according to the complainant, the QSAC scores "were the talk of Burlington County," which was very embarrassing to her. Ms. Viggiano stated that the town council asked for her removal as the Director of Curriculum and Instruction. When asked what proof the complainant had that any such repercussions were attributable to the respondent's actions, the complainant stated that the scores had not yet been released, although they were known by the Executive County Superintendent; she believed that the information was leaked by the respondent, along with someone else, but has no proof of this. Ms. Viggiano testified that after the scores were released in the April 28, 2010 letter, she wrote to the Commissioner of Education and presented a rebuttal. This, she testified, generated an immediate response and the District's scores were reconsidered and changed to 60% for instruction and program.

In response to questions from the Commission, the complainant clarified that when the scores initially came from the Executive County Superintendent, they were in the range of 40%. This is the information that was given to the Board on March 22, 2010 and was not yet public. The Superintendent did not have the scores yet. The April 28, 2010 letter from the Commissioner to the Superintendent reflected a much lower score of 24% for instruction and program, which was later revised to 60%. Ms. Viggiano acknowledged that the District's budget failed in 2010, which is why the governing body was reviewing the budget and, more specifically, her position. She also stated that her position as Director of Curriculum and Instruction is the only administrative position that was recently reduced.

Pursuant to N.J.A.C. 6A:28-8.3(d), upon completion of complainant's case, the respondent's counsel moved to dismiss the complaint. After hearing arguments from the parties, the Commission asked the parties to leave the room so that it could deliberate. When the parties returned, the Commission informed the parties that it would grant the respondent's Motion to Dismiss.

FINDINGS OF FACT

As the trier of fact in this matter, the Commission had the opportunity to observe the demeanor of the witnesses and to judge their credibility. In this connection, the Commission notes that the critical witnesses were Ms. Cunningham and Mr. Dimon, since they were present at the closed session meeting on March 22, 2010. While the Commission found Ms. Cunningham to be sufficiently credible so as to accept her testimony, the Commission finds that Mr. Dimon's testimony was marked by a lack of certainty on critical facts,³ interspersed with moments of apparent confusion, so as to render his statements less than trustworthy. Thus, the Commission makes the following factual findings:

1. The respondent, Jean Shelen, was at all times relevant to this matter a member of the Board of Education.

³ Indeed, in the course of his testimony, Mr. Dimon opened his laptop computer and began reading, rather than testifying from his memory. The Chairperson of the Commission instructed Mr. Dimon to close his laptop.

2. The complainant, Lizabeth Viggiano, was at all times relevant to this matter the District's sole Director of Curriculum and Instruction.
3. At the March 22, 2010 Board meeting, the Board was discussing its budget. It went into closed session to discuss matters relative to the 2010-2011 budget.
4. Once in closed session, the respondent told the Board that she had obtained its QSAC scores. These scores were not yet public or otherwise formally released to the District.
5. The respondent told the Board in closed session that the scores in the area of curriculum were in the range of 40% and, therefore, failing. In so doing, she was referring to the preliminary QSAC score in the area of instruction and program.
6. The respondent told the Board in closed session that she wanted the Director of Curriculum and Instruction to be fired and replaced by Donna Ambrosious.
7. Board President Mark Dimon reminded the respondent that the Board could not discuss a personnel matter.
8. The complainant had not received a Rice notice.
9. The respondent did not speak further on the issue.

ANALYSIS

The complainant bears the burden of factually proving any violations of the Code of Ethics for School Board Members in accordance with the standards set forth at N.J.A.C. 6A:28-6.4(a). See also, N.J.S.A. 18A:12-29(b).

The complainant includes four "counts" in her complaint, all with respect to the March 22, 2010 closed session Board meeting. That is, the complainant alleges that the respondent: (1) "referenced" her employment without advising her of the same when she acquired and discussed unofficial QSAC scores not yet released to the District, then shared that unconfirmed information with the Board in violation of N.J.S.A. 18A:12-24.1(g); (2) took deliberate action which resulted in undermining, compromising or harming the Director of Curriculum and Instruction in the proper performance of her duties when discussing the QSAC scores in violation of N.J.S.A. 18A:12-24.1(i), then made untrue statements about the District's QSAC scores in violation of N.J.S.A. 18A:12-24.1(g); (3) demanded that the complainant be fired and replaced with someone else, in violation of N.J.S.A. 18A:12-24.1(e); and (4) acted on a personnel matter without the recommendation of the chief administrative officer, in violations of N.J.S.A. 18A:12-24.1(h). (Complaint at pp. 1-2)

The Commission first considers the allegation that the respondent violated N.J.S.A. 18A:12-24.1(g) when, at the March 22, 2010 closed session Board meeting, she "referenced" the complainant's employment without advising her of the same, as the respondent acquired and discussed unofficial QSAC scores not yet released to the District, then shared that unconfirmed

information with the Board. (Complaint at paragraph 1) Additionally, the complainant asserts in the second count of her complaint that the respondent violated N.J.S.A. 18A:12-24.1(g) by making untrue statements about the District's QSAC scores. (Complaint at paragraph 2) N.J.S.A. 18A:12-24.1(g) provides:

I will hold confidential all matters pertaining to the schools which, if disclosed, would needlessly injure individuals or the schools. In all other matters, I will provide accurate information and, in concert with my fellow board members, interpret to the staff the aspirations of the community for its school.

The Commission's regulations require that:

Factual evidence of a violation of the confidentiality provision of N.J.S.A. 18A:12-24.1(g) shall include evidence that the respondent(s) took action to make public, reveal or disclose information that was not public under any laws, regulations or court orders of this State, or information that was otherwise confidential in accordance with board policies, procedures or practices. Factual evidence that the respondent violated the inaccurate information provision of N.J.S.A. 18A:12-24.1(g) shall include evidence that substantiates the inaccuracy of the information provided by the respondent(s) and evidence that establishes that the inaccuracy was other than reasonable mistake or personal opinion or was not attributable to developing circumstances. N.J.A.C. 6A:28-6.4(a)7.

As noted above, the complainant established that, in the closed session on March 22, 2010, the respondent told the Board that she had obtained its QSAC scores. These scores were not yet public or otherwise formally released to the District. Additionally, the respondent told the Board that the scores in the area of curriculum were in the range of 40% and, therefore, failing and that she wanted the Director of Curriculum and Instruction to be fired.

To the extent that the complainant alleges in the first count of her complaint that the respondent violated the "confidentiality" provision of N.J.S.A. 18A:12-24.1(g) when she discussed unofficial QSAC scores during the closed session meeting on March 22, 2010, factual evidence of a violation of the confidentiality provision of N.J.S.A. 18A:12-24.1(g) must include evidence that the respondent took action to make public, reveal or disclose information that was not public under any laws, regulations or court orders of this State, or information that was otherwise confidential in accordance with board policies, procedures or practices. N.J.A.C. 6A:28-6.4(a)7. Here, the statement about the District's "unofficial" QSAC scores took place during a closed session meeting. There was no factual evidence presented that this information was revealed beyond the Board so as to suggest that this information was made public, revealed or disclosed. There was no competent evidence to support the complainant's beliefs that the QSAC scores were "the talk of Burlington County" because of actions taken by the respondent.

To the extent the complainant asserts in the second count of her complaint that the respondent violated N.J.S.A. 18A:12-24.1(g) by making untrue statements about the District's QSAC scores, the Commission notes that factual evidence that the respondent violated the "inaccurate information" provision of N.J.S.A. 18A:12-24.1(g) must include evidence that substantiates the inaccuracy of the information provided by the respondent and evidence that establishes that the inaccuracy was other than a reasonable mistake or personal opinion or was not attributable to developing circumstances. N.J.A.C. 6A:28-6.4(a)7. However, all testimony on this record supports the conclusion that the scores, both preliminarily and ultimately received by the District, were failing in that they were well below the required 80% necessary to demonstrate sufficient performance in the area of instruction and program. N.J.A.C. 6A:30-1.2. Therefore, the Commission finds that the complainant failed to establish that the respondent violated N.J.S.A. 18A:12-24.1(g).

The Commission next considers the complainant's allegation in the second count of her complaint that the respondent took deliberate action which resulted in undermining, compromising or harming the complainant in the performance of her duties when discussing the failing QSAC scores, using phrases "meant to incite the board and the public" in violation of N.J.S.A. 18A:12-24.1(i). (Complaint at paragraph 2). N.J.S.A. 18A:12-24.1(i) states:

I will support and protect school personnel in proper performance of their duties.

The Commission's regulations require that:

Factual evidence of a violation of N.J.S.A. 18A:12-24.1(i) shall include evidence that the respondent(s) took deliberate action which resulted in undermining, opposing, compromising or harming school personnel in the proper performance of their duties. N.J.A.C. 6A:28-6.4(a)9.

The complainant established that, in the closed session on March 22, 2010, the respondent told the Board that the scores in the area of curriculum were failing and that she wanted the Director of Curriculum and Instruction to be fired and replaced by another staff person. Board President Mark Dimon reminded the respondent that they could not discuss the matter; the complainant had not received a Rice notice. The respondent did not speak further on the issue. While the Commission in no way diminishes the respondent's defiance of accepted standards of practice relative to employee notice when she called for the complainant's firing on March 22, 2010, it cannot find, on the limited facts and pleadings in this matter, that the respondent's statement, albeit troubling from an employment rights context, rises to the level of a violation of N.J.S.A. 18A:12-24.1(i), consistent with its prior rulings. In this connection, the Commission notes that it has found violations of N.J.S.A. 18A:12-24.1(i) where the comments made to or about the school employee were direct, confrontational and intimidating.⁴ Under the circumstances in this matter,

⁴ See, I/M/O Charles Fischer, Eatontown Bd. of Ed., Monmouth County, C30-03 (February 24, 2004), Commissioner of Education Decision No. 157-04SEC, April 12, 2004, where the Commission found that a board member violated N.J.S.A. 18A:12-24.1(i) when he called an employee at home and became angry when she refused to provide him with the reports that he had requested; I/M/O David Kanaby, Hillsborough Bd. of Ed., Somerset

the Commission finds that the complainant failed to establish that the respondent violated N.J.S.A. 18A:12-24.1(i).

The Commission next considers the complainant's allegation in the third count of her complaint that, during the March 22, 2010 closed session meeting, the respondent demanded that the complainant be fired and replaced with someone else, in violation of N.J.S.A. 18A:12-24.1(e), which 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's regulations require that:

Factual evidence of a violation of N.J.S.A. 18A:12-24.1(e) shall include evidence that the respondent made personal promises or took action beyond the scope of his or her duties such that, by its nature, had the potential to compromise the board. N.J.A.C. 6A:28-6.4(a)5.

There is no allegation in this matter that the respondent made personal promises to anyone. Moreover, the Commission cannot find the facts set forth in the factual findings above would support a conclusion that the respondent took "private action" in a manner that is consistent with its prior rulings.⁵ As such, there is no reason to reach to the question of whether the action was

County, C53-05 (July 24, 2007), Commissioner of Education Decision No. 350-07SEC, September 10, 2007, where the Commission found that the respondent Board member violated N.J.S.A. 18A:12-24.1(i) when he sent an email to the Superintendent, along with all Board members and some administrators, which was both "threatening and intimidating" in that it asked the Superintendent for an accounting of her personal leave; I/M/O Ethylene Grimsley, Roselle Bd. of Ed., Union County, C21-04 (January 22, 2008) Commissioner of Education Decision No. 79-08SEC, decided February 19, 2008, where the Commission found that a Board member violated N.J.S.A. 18A:12-24.1(i) when she confronted the Superintendent in the parking lot after a Board meeting and became involved in a heated exchange and physically blocked the Superintendent from getting into her car; and Brown et al. v. David Matthews, City of Englewood Bd. of Ed., Bergen County, C13-07 (October 27, 2008), *aff'd*, Commissioner of Education Decision No. 123-09A, April 14, 2009, where the Commission found the respondent in violation of N.J.S.A. 18A:12-24.1(i) when he refused to cooperate with the District's affirmative action officer (AAO) and, in so doing, engaged in offensive comments so upsetting to the employee that she resigned as the District's AAO.

⁵ See, I/M/O Randie Zimmerman, Rocky Hill Bd. of Ed., Somerset County, C49-02 (July 22, 2003), Commissioner of Education Decision No. 497-03SEC, decided August 21, 2003, where the Commission found that a Board member violated N.J.S.A. 18A:12-24.1(e) when she investigated a complaint and drafted a letter which created the impression that she was representing the interests of the Board; I/M/O Bruce Freilich, Washington Township Bd. of Ed., Burlington County, C18-04 & C19-04 Consolidated, (April 4, 2005) Commissioner of Education Decision No. 156-05, decided May 2, 2005, where the Commission found that a Board member violated N.J.S.A. 18A:12-24.1(e) when he sent a letter to a private donor giving the impression that the letter was written on behalf of the board when, in fact, the board had not authorized the respondent to send the letter; I/M/O Rudolph McCullers, Gateway Charter School Bd. of Trustees, Hudson County, C06-05 & C12-05(September 27, 2005) Commissioner of Education Decision No. 416-05SEC, decided November 9, 2005, where the Commission found the respondent violated N.J.S.A. 18A:12-24.1(e) when he sent an email to Board members, with a copy to the complainant, an employee of the charter school, a few hours before a closed executive meeting which effectively dismissed the complainant from his position as Board Secretary, although the Board had not decided on this course of action; I/M/O Edmund J.

of such a nature that it had the potential to compromise the Board. Therefore, the Commission finds that the complainant failed to establish that the respondent violated N.J.S.A. 18A:12-24.1(e).

Finally, the Commission considers the allegation that the respondent acted on a personnel matter without the recommendation of the chief administrative officer, in violation of N.J.S.A. 18A:12-24.1(h), which states:

I will vote to appoint the best qualified personnel available after consideration of the recommendation of the chief administrative officer.

The Commission's regulations require that:

Factual evidence of a violation of N.J.S.A. 18A:12-24.1(h) shall include evidence that the respondent(s) acted on a personnel matter without a recommendation of the chief administrative officer. N.J.A.C. 6A:28-6.4(a)8.

The complainant established that the respondent told the Board in closed session that the scores in the area of curriculum were failing and that she wanted the Director of Curriculum and Instruction to be fired and replaced by another staff person. These facts do not establish, however, that the respondent acted on a personnel matter without a recommendation of the chief administrative officer. N.J.A.C. 6A:28-6.4(a)8. Therefore, the Commission finds that the complainant failed to establish that the respondent violated N.J.S.A. 18A:12-24.1(h).

DECISION

The Commission finds that the complainant failed to factually establish that the respondent violated N.J.S.A. 18A:12-24.1(e), (g), (h) and (i) of the Code of Ethics for School Board and consequently, the Commission granted the respondent's Motion to Dismiss the

Zilinski, Bloomfield Bd. of Ed., Essex County, C20-05(October 25, 2005) Commissioner of Education Decision No. 428-05SEC, decided November 23, 2005, where the Commission found a Board member violated N.J.S.A. 18A:12-24.1(e) when he organized confidential information containing the names of students that had been suspended, placed them in an Excel spreadsheet and accidentally transmitted this information as an attachment to an email sent to all board members; Brown et al. v. David Matthews, City of Englewood Board of Education, Bergen County, C13-07 (October 27, 2008), *aff'd*, Commissioner of Education Decision No. 123-09A, April 14, 2009, where the Commission found a Board member violated N.J.S.A. 18A:12-24.1(e) when he attended a meeting without authorization from the board; Jacobs v. Delbury, Sussex Wantage Reg'l Bd of Ed., Sussex County, C44-07 (November 25, 2008) Commissioner of Education Decision No. 7-09SEC, decided January 9, 2009 where the Commission found that the respondent Board member publicly posted (online) a confidential email that included information about a District employee; and Dericks et al. v. Schiavoni, Sparta BOE, Sussex County, C41-07 (February 24, 2009) *aff'd* Commissioner of Education Decision No. 260-09SEC, decided August 18, 2009, where the Commission found that a Board member violated N.J.S.A. 18A:12-24.1(e) when he sent a letter to the editor which addressed Board matters, without the full knowledge and consent of the Board.

complaint. 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).

Robert W. Bender
Chairperson

Mailing Date: August 24, 2011

Resolution Adopting Decision – C32-10

Whereas, the School Ethics Commission has considered the pleadings filed by the parties, the documents submitted in support thereof, and the testimony from its hearing on July 26, 2011; and

Whereas, at its meeting on July 26, 2011, the Commission found that the complainant failed to factually establish that the respondent violated N.J.S.A. 18A:12-24.1(e), (g), (h) and (i) of the Code of Ethics for School Board Members; and

Whereas, the Commission granted the respondent’s Motion to Dismiss the complaint; and

Whereas, at its meeting on August 23, 2011, the Commission agreed that the within decision accurately memorializes its findings and recommendations; and

Now Therefore Be It Resolved, that the Commission hereby adopts the within decision and directs it staff to notify all parties to this action of the decision.

Robert W. Bender, Chairperson

I hereby certify that the Resolution was duly adopted by the School Ethics Commission at its public meeting on August 23, 2011.

Joanne Boyle
Executive Director