
IN THE MATTER OF THOMAS GUARASCIO, BERKELEY TOWNSHIP BOARD OF EDUCATION OCEAN COUNTY	: : : : : : : : :	BEFORE THE SCHOOL ETHICS COMMISSION Docket No. C40-08 DECISION
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PROCEDURAL HISTORY

This matter arises from a complaint filed on December 11, 2008 by Stephen J. Pellecchia, alleging that Thomas Guarascio, a member of the Berkeley Township Board of Education, Ocean County, violated the School Ethics Act (Act), N.J.S.A. 18A:12-21 *et seq.* The complainant thereafter submitted a request to withdraw the complaint, which was denied by the School Ethics Commission on January 27, 2009. An answer was filed on behalf of the respondent on March 6, 2009. The matter was scheduled for a probable cause determination by the Commission on December 15, 2009, at which time the Commission voted to find probable cause to credit the allegations that the respondent violated N.J.S.A. 18A:12-24(c) and N.J.S.A. 18A:12-24(e) in connection with seven instances of voting. The Commission also found that the complaint was not frivolous. The Commission determined to resolve this matter on a summary basis pursuant to N.J.A.C. 6A:28-6.8(b), in that the material facts are not in dispute.¹ Pursuant to N.J.A.C. 6A:28-6.8(b), the respondent was accorded 30 days from the mailing date of the Probable Cause Notice on January 27, 2010 to submit a written statement of the reasons he should not be found in violation of the Act based on the undisputed facts set forth in the Probable Cause Notice.

On February 25, 2010, a statement was filed on behalf of the respondent. Therein, the respondent referred to his answer and his arguments why he should not be found in violation of the Act. Additionally, the respondent cited to the Commission’s determinations in Dressel v. Spitzer, Monroe Township Board of Education, C10-07 (August 26, 2008) and I/M/O William Depsee, Woodland Park Board of Education, Passaic County, C30-09 (January 26, 2010), Commissioner of Education Decision No. 65-10SEC, decided March 11, 2010 to support his position that he should not be found in violation of the Act. As to the question of potential penalty, the respondent again refers to his answer and the mitigating circumstances set forth therein which, respondent asserts, would support a penalty no greater than reprimand. In the alternative, and notwithstanding that this matter is being reviewed under the regulations that were in existence at the time the complaint was filed (see, footnote 1), the respondent requests that the Commission consider, based upon the circumstances in this matter, that the violations are

¹ On April 15, 2009, the State Board of Education adopted amendments to N.J.A.C. 6A:28, the regulations governing matters that come before the School Ethics Commission. These rules became effective on May 18, 2009. However, because the complaint in this matter was filed before May 18, 2009, the Commission followed procedures and rendered its determinations herein in accordance with the rules that were in effect at the time the complaint was filed. To the extent this decision cites to regulations, they are the regulations that were in effect when the complaint was filed.

de minimis, in accordance with the newly-adopted rule at N.J.A.C. 6A:28-10.12(a). (Respondent's Statement at pp. 1-2)

At its March 23, 2010 meeting, and upon consideration of the respondent's arguments, the Commission found that the respondent violated N.J.S.A. 18A:12-24(c), as set forth below, and recommended a penalty of censure.

FINDINGS OF FACT

The following facts are deemed to be undisputed:

1. The respondent was a newly-elected Board member in April 2008 and was sworn into office on April 30, 2008. (Answer at p. 3)
2. The respondent's wife is employed by the District as a tenured sixth grade elementary school teacher. (Id. at p. 2)
3. At the Board's reorganization meeting on April 30, 2008, the respondent voted to:
 - o reappoint his wife as a teacher in the District. (Id. at p. 8)
 - o reappoint Berkeley Township Elementary School Principal, James D. Roselli, his wife's immediate supervisor. (Id. at p. 9)
 - o reappoint Berkeley Township Elementary School Assistant Principal, Harry Colangelo, his wife's immediate supervisor. (Id. at p. 10)
 - o reappoint Berkeley Township District Supervisor of Elementary Education, Dr. Dyann Declerico, a central office administrator of the respondent's wife. (Id. at p. 11.)
4. At the Board's reorganization meeting on April 30, 2008, the respondent voted to appoint Guy Ryan as Board attorney. Mr. Ryan's firm made a contribution of \$2,000 to "A Better Berkeley," which was the campaign name for four candidates, including the respondent. (Id. at pp. 16-17)
5. On May 19, 2008, the respondent participated in Executive Session discussions, including a discussion which concerned the automatic renewal, pursuant to statute, of the Superintendent's contract. He voted in the affirmative in a 5-4 vote not to automatically renew the Superintendent's contract. (Id. at pp. 13-14; Complaint Exhibit F: May 19, 2008 Regular Meeting Executive Session Minutes)
6. The respondent attended training for new board members in June 2008.
7. On September 23, 2008, the respondent voted to reappoint his wife as club sponsor for the Scrapbook Club. (Id. at p. 15) She was appointed "at the hourly supplemental

contractual rate of pay.” (Complaint Exhibit G: September 23, 2008 Board Minutes at p. 10)

ANALYSIS

Based on the undisputed facts set forth above, the Commission previously found probable cause to credit the allegation that the respondent violated N.J.S.A. 18A:12-24(c) in connection with his votes as set forth in Factual Findings #3, 5 and 7. The Commission also found probable cause to credit the allegation that the respondent violated N.J.S.A. 18A:12-24(e) in connection with his vote as set forth at Factual Finding #4.

The Commission first considers whether the respondent violated N.J.S.A. 18A:12-24(c), which 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 find that the respondent has either: 1) taken action in his official capacity in a matter where he, or a member of his immediate family² had a direct or indirect financial involvement that might reasonably be expected to impair his objectivity or independence of judgment or 2) acted in his official capacity in a matter where he or a member of his immediate family had a personal involvement that is or created some benefit to him or the member of his immediate family.

Actions Concerning the Respondent’s Spouse

The Commission first considers the respondent’s vote at the April 30, 2008 reorganization meeting to reappoint his wife, as well as the respondent’s vote on September 23, 2008 to reappoint his wife as sponsor for the Scrapbook Club. The Commission has long held that a Board member may not vote on matters where he, or a member of his immediate family, has a direct or indirect financial involvement that might reasonably be expected to impair his objectivity or independence of judgment. See, I/M/O Wayne Wurtz, Paulsboro Bd. of Ed., C01-96 (May 28, 1996), Commissioner of Education Decision No. 293-96SEC, decided July 9, 1996;

² The School Ethics Act at N.J.S.A. 18A:12-23 defines “member of the immediate family” as the spouse or dependent child of a school official residing in the same household. The Commission’s regulations at N.J.A.C. 6A:28-1.2 define “spouse” as “the person to whom the school official is legally married under New Jersey law and also includes a partner in a civil union couple as established in N.J.S.A. 37:1-33.” Thus, the respondent’s spouse is a member of his immediate family.

I/M/O Lorraine Dunckley, Denville Twp. Bd. of Ed., C37-01 (July 23, 2002) Commissioner of Education Decision No. 330-02SEC, decided September 6, 2002; I/M/O Alexander Sipos, Garfield Bd. of Ed., C20-99 (May 23, 2000) Commissioner of Education Decision No. 221-00SEC, decided July 10, 2000. In I/M/O Barry Levine, Egg Harbor Township School District, C31-97 (July 30, 1998), Commissioner of Education Decision No. 373-98SEC, decided August 26, 1998, the respondent Board member voted to approve a monthly bill list, which included a \$148.37 reimbursement to his wife, who worked in the District. The Commission therein acknowledged that “no one advised Dr. Levine that he should either abstain from voting on the bill list or ask the Board to vote on his wife’s expense reimbursement separately so that he could abstain.” (Levine at slip. op. p. 2) Nevertheless, the Commission found that the respondent’s spouse “clearly had a personal and financial involvement in the request such that the public might reasonably expect that Dr. Levine could not be objective in voting in favor of it.”³ (Id. at p. 3)

Similarly, the respondent’s vote at the April 30, 2008 reorganization meeting to reappoint his wife as a teacher in the District, together with his vote on September 23, 2008 to reappoint his wife as sponsor for the Scrapbook Club, concerned his spouse’s continued employment and her appointment to the position of club sponsor for which she would be paid. Although the respondent argues that because his wife was a tenured teacher at the time of the reappointment on April 28, 2008, his vote was a “mere formality” and “harmless error,” (Answer at p. 8) the Commission notes that tenure does not prohibit a Board from taking action to reduce its teaching staff members when it is advisable for reasons of economy, due to a reduction in the number of pupils, for administrative reorganization or other good cause. N.J.S.A. 18A:28-9. Thus, the Commission finds that on both occasions, the respondent took action in his official capacity in a matter where a member of his immediate family had “a direct or indirect financial involvement that might reasonably be expected to impair his objectivity or independence of judgment” in violation of N.J.S.A. 18A:12-24(c).

Actions Concerning Employment Issues of the Supervisors of the Respondent’s Spouse

The Commission next considers whether the respondent violated N.J.S.A. 18A:12-24(c) when, at the Board’s reorganization meeting on April 30, 2008, he voted to reappoint Berkeley Township Elementary School Principal, James D. Roselli, his wife’s immediate supervisor; he voted to reappoint Berkeley Township Elementary School Assistant Principal, Harry Colangelo, his wife’s immediate supervisor; and when he voted to reappoint Berkeley Township District Supervisor of Elementary Education, Dr. Dyann Declerico, a central office administrator for his wife. In this connection, the Commission notes that at no time does the respondent challenge the assertions made by the complainant that Principal James D. Roselli, is his wife’s immediate supervisor; that Assistant Principal Harry Colangelo is his wife’s immediate supervisor; or that Dr. Dyann Declerico, as a central office administrator, is among the administrators in his wife’s

³ At the time this case was decided, N.J.S.A. 18A:12-24(c) read: “No school 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 or personal involvement that might reasonably be expected to impair his objectivity or independence of judgment.” Although the wording of the statute has changed, the Commission finds its reasoning to be applicable to this matter.

chain of supervision. Rather, the respondent “vehemently denies” that voting for the reappointments of these administrators constituted a violation of N.J.S.A. 18A:12-24(c). (Answer at pp. 9-11).

In this context, the Commission also considers whether the respondent violated N.J.S.A. 18A:12-24(c) when, on May 19, 2008, he participated in an Executive Session discussion concerning the automatic renewal of the Superintendent’s contract, then voted not to automatically renew the Superintendent’s contract. Again, the respondent does not deny these actions, but rather contends that because his wife is a tenured teacher and member of a bargaining unit, *Advisory Opinion A30-05* (March 10, 2006) does not apply. (Id. at p. 13)

The Commission has advised that a Board member whose spouse works in the District may not participate in discussions or vote on employment issues concerning the employee’s supervisors, including the Superintendent. *Advisory Opinion A10-00* (June 27, 2000); *Advisory Opinion A30-05* (March 10, 2006). In *A30-05*, the Commission advised that Board member B, whose spouse worked as a secretary in the High School nurse’s office, “would violate N.J.S.A. 18A:12-24(c) if he were to participate in employment issues regarding the principal of the High School and the Superintendent.” (*A30-05* at p. 4) The Commission further advised that Board member B must recuse himself “from all discussions **and votes** with regard to those administrators.” (Id., emphasis added)

Recently, in I/M/O William Depsee, Woodland Park Board of Education, Passaic County, C30-09 (January 26, 2010), Commissioner of Education Decision No. 65-10SEC, decided March 11, 2010, the Commission found the respondent Board member in violation of N.J.S.A. 18A:12-24(c) when he voted on April 30, 2009 to extend the contract of the Superintendent, where his wife was employed in the District as a truant officer and reported directly to the Superintendent.⁴

In I/M/O Charles Carey, Pennsauken Bd. of Ed., C33-08 (March 23, 2010)⁵, the Commission found that the respondent violated N.J.S.A. 18A:12-24(c) by voting to approve the Superintendent’s 2008-2009 salary “even where the affiliation between the respondent’s spouse and the Superintendent is indirect,” as his wife was a secretary in the nurse’s office of the High School. The Commission therein noted that the Superintendent has general supervision over all aspects of the schools, N.J.S.A. 18A:17-20, which allows for a variety of managerial actions or decisions that could affect the employment of the respondent’s spouse. See, Carey at p. 4.

In I/M/O Richard Filipek, Saddlebrook Bd. of Ed., C18-07 (June 24, 2008) Commissioner of Education Decision No. 317-08, decided July 23, 2008, the Commission found that the respondent Board member, whose spouse was employed in the District, violated N.J.S.A. 18A:12-24(c) by being present in his capacity as president of the Board and running two closed session meetings of the Board when the tenure appointment of the middle/high school principal, his wife’s direct supervisor, was discussed, notwithstanding that he did not participate in the

⁴ It is unclear why, in his Responsive Statement, the respondent cites to this case in support of his position that the Commission should not find him in violation of the Act.

⁵ This decision is pending review by the Commissioner of Education, pursuant to N.J.S.A. 18A:12-29(c).

vote. The Commission found that the respondent had a direct financial involvement in the tenure appointment of the middle/high school principal that would reasonably be expected to impair his objectivity or independence of judgment.

In the instant matter, the Commission finds that when the respondent voted to reappoint Berkeley Township Elementary School Principal, James D. Roselli, Berkeley Township Elementary School Assistant Principal, Harry Colangelo, and Berkeley Township District Supervisor of Elementary Education, Dr. Dyann Declerico, he was acting in his official capacity in a matter where a member of his immediate family had a “direct or indirect financial involvement which a reasonable person could perceive to impair the respondent’s objectivity or independence of judgment” in violation of N.J.S.A. 18A:12-24(c) because these administrators were in the chain of supervision for his wife. Similarly, when the respondent participated in Executive Session discussions and then voted not to automatically renew the Superintendent’s contract at the Board’s Meeting on May 19, 2008, he was acting in his official capacity in a matter where a member of his immediate family had an indirect financial involvement which a reasonable person could perceive to impair the respondent’s objectivity or independence of judgment in violation of N.J.S.A. 18A:12-24(c) since the Superintendent has general supervision over all aspects of the schools, N.J.S.A. 18A:17-20, which allows for a variety of managerial actions or decisions that could affect the employment of the respondent’s spouse.

Action Concerning Appointment of Board Attorney

Finally, the Commission considers whether the respondent violated N.J.S.A. 18A:12-24(e) when, at the Board’s reorganization meeting on April 30, 2008, he voted to appoint Guy Ryan as Board attorney, notwithstanding that Mr. Ryan’s firm made a contribution of \$2,000 to “A Better Berkeley,” which was the campaign name for four candidates, including the respondent. N.J.S.A. 18A:12-24(e) provides:

No school official, or member of his immediate family, or business organization in which he has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his official duties. *This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the school official has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the school official in the discharge of his official duties;* (emphasis added)

In order to find a violation of N.J.S.A. 18A:12-24(e), the Commission must find that a school official, or a member of his immediate family, or business organization in which he has an interest, solicited or accepted a gift, favor, loan, political contribution, service, promise of future employment, or other thing of value *based upon an understanding* that the gift, favor, loan,

contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his official duties. While the respondent readily admits that Guy Ryan's firm made a contribution of \$2,000 to "A Better Berkeley," which was the campaign name for four candidates, including the respondent and at the Board's reorganization meeting on April 30, 2008, the respondent voted to appoint Guy Ryan as Board attorney (Answer at pp. 16-17), the respondent argues that N.J.S.A. 18A:12-24(e) does not apply in this instance since, at the time the campaign donation was made, he was not a "school official." Nor, according to the respondent, is there any factual support in the record to indicate that he "had 'knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence a school official in the discharge of his official duties.'" (Id. at p. 17)

Upon careful review of this provision and the cases decided there under, the Commission concurs that the plain language of N.J.S.A. 18A:12-24(e) requires that the recipient of the "gift, favor, loan, political contribution, service, promise of future employment, or other thing of value" be a school official. The Act defines "school officials" as board members, charter school trustees, administrators and employees and officers of the New Jersey School Boards Association. Thus, at the time the respondent accepted the donation, he was not a school official. Moreover, the Commission further finds that N.J.S.A. 18A:12-24(e) requires a showing that when the school official accepted the contribution, s/he did so based upon the understanding that it was given for the purpose of influencing him/her in the discharge of his/her official duties. I/M/O Meera Malik and Elizabeth Vasil, C06-98 & C08-98 (September 22, 1998)⁶ No such evidence exists on this record. Accordingly, the Commission finds that the respondent did not violate N.J.S.A. 18A:12-24(e) and this charge is dismissed.

DECISION

For the reasons set forth above, the Commission finds that Thomas Guarascio violated N.J.S.A. 18A:12-24(c) in six instances. Specifically, the respondent violated N.J.S.A. 18A:12-24(c) when, on April 30, 2008, he voted to reappoint his wife as a teacher in the District; to reappoint Berkeley Township Elementary School Principal, James D. Roselli; to reappoint the Berkeley Township Elementary School Assistant Principal, Harry Colangelo; and to reappoint reappoint Berkeley Township District Supervisor of Elementary Education, Dr. Dyann Declerico. He again violated N.J.S.A. 18A:12-24(c) when, on May 19, 2008, he participated in an Executive Session discussion and then voted not to automatically renew the Superintendent's contract. Finally, the respondent violated N.J.S.A. 18A:12-24(c) when, on September 23, 2008, he voted to reappoint his wife as club sponsor for the Scrapbook Club. The Commission dismisses the allegation that the respondent violated N.J.S.A. 18A:12-24(e).

⁶ While the Commission continues to take a strong position with respect to the actions of Board members once they have accepted campaign contributions, see *Advisory Opinion A23-02* (December 2, 2002), ordinarily such actions are reviewed under N.J.S.A. 18A:12-24(c).

PENALTY

The Commission recommends a penalty of censure. In weighing the appropriate penalty in this matter, the Commission has considered the respondent's answer setting forth the mitigating circumstances. Specifically, the respondent asserted in his answer that he was a new Board member in April 2008 and the votes taken at the April 30, 2008 reorganization meeting occurred within minutes of the time that he was sworn in. Neither the Superintendent nor the Board attorneys ("old" or "new") advised him not to vote on these matters. (Answer at p. 3) As to the vote at the May 19, 2008 meeting, the respondent asserted this vote was taken three weeks after he was sworn in and he was similarly not advised that he should abstain. (Id. at p. 3) As to the allegation that he voted for his wife for club sponsor, the respondent stated that his wife had been the sponsor for the Scrapbook Club for several years. (Id. at p. 4) In this connection, the Commission recognizes that the Commissioner of Education has found new Board member status to be a mitigating factor for a penalty determination. (See, I/M/O John Harrison, Ewing Township Bd. of Ed., C13-94 (December 14, 1995) Commissioner of Education Decision No. 78-96SEC, decided March 6, 1996).⁷ However, the Commission cautiously applies this mitigating factor, inasmuch as it finds that the school official is charged with knowing his duties and responsibilities under the Act and cannot be granted a "free pass" for errors made during his initial meetings.

Even granting that the first four violations "occurred within minutes of the respondent's swearing in," (Answer at p. 3) there was a fifth violation on May 19, 2008 which occurred during an Executive Session meeting when the respondent participated in a discussion concerning the automatic renewal of the Superintendent's contract, then when he voted in the affirmative in a 5-4 vote not to automatically renew the Superintendent's contract. In Filipek, supra., the Commission cited to SEC v. Michael Kilmurray, Lacey Twp. Bd. of Ed., C12-94 (January 27, 1998), Commissioner of Education Decision No. 155-98 (April 15, 1998) where it found that "when a school official has a conflict of interest of which the public is aware, and that school official goes behind closed doors when that item is discussed, the situation creates a justifiable impression among the public that their trust is being violated." (Kilmurray at page 3) The Commission therein advised that full recusal requires the conflicted school official to leave the room. In Filipek, the Commission recommended a penalty of censure for this single violation, and the Commissioner concurred.

The Commission also notes that after the respondent attended new board member training in June 2008, there was a sixth violation on September 23, 2008 when he voted to reappoint his wife as club sponsor for the Scrapbook Club. In I/M/O Lorraine Dunckley, Denville Twp. Bd. of Ed., C37-01 (July 23, 2002) Commissioner of Education Decision No. 330-02SEC, decided September 6, 2002, the Commission found that a Board member violated N.J.S.A. 18A:12-24(c) when she voted on a bill list which included reimbursement to her and her husband, and when

⁷ Here, a Board member was found in violation of N.J.S.A. 18A:12-24(a) and (c) when he voted for a 48-day penalty-free extension for the construction of a new school while he was concurrently a partner in a firm subcontracted as the consulting structural engineer by the architect on the same project. The Commission recommended censure and the Commissioner found mitigating factors, including the fact that he was a new Board member who had not yet received training, that he sought and received a legal opinion prior to the filing of the charges, and that the Board subsequently unanimously sanctioned the vote – absent his participation.

she voted on a student tuition payment to the school where her husband was employed. She was also found in violation of N.J.S.A. 18A:12-26(a)(3) for not disclosing the Board as a source of prepaid expenses for her conference attendance. The Commission recommended a penalty of censure and the Commissioner approved.

In I/M/O Alexander Sipos, Garfield Bd. of Ed., C20-99 (May 23, 2000) Commissioner of Education Decision No. 221-00SEC, decided July 10, 2000, the Commission found that the respondent violated N.J.S.A. 18A:12-24(c) when, after being elected to the Board in 1997, he made motions to pass resolutions in July 1998 and January 1999 that resulted in the appointment of his wife to two positions with the Board. The Commission recommended a penalty of censure and the Commissioner approved.

Pursuant to N.J.S.A. 18A:12-29(c), this decision shall be forwarded to the Commissioner of Education for review of the School Ethics Commission's recommended sanction. Parties may either: 1) file exceptions to the recommended sanction; 2) file an appeal of the Commission's finding of violation; or 3) file both exceptions to the recommended sanction together with an appeal of the finding of violation.

Parties taking exception to the recommended sanction of the Commission but *not disputing* the Commission's finding of violation may file, within **13 days** from the date the Commission's decision is forwarded to the Commissioner, written exceptions regarding the recommended penalty to the Commissioner. The forwarding date shall be the mailing date to the parties, indicated below. Such exceptions must be forwarded to: 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.

Parties seeking to appeal the Commission's finding of violation *must* file an appeal pursuant to the standards set forth at N.J.A.C. 6A:4 within **30 days** of the filing date of the decision from which the appeal is taken. The filing date shall be three days after the date of mailing to the parties, as shown below. In such cases, the Commissioner's review of the Commission's recommended sanction will be deferred and incorporated into the Commissioner's review of the finding of violation on appeal. Where a notice of appeal has been filed on or before the due date for exceptions to the Commission's recommended sanction (13 days from the date the decision is mailed by the Commission), exceptions need not be filed by that date, but may be incorporated into the appellant's briefs on appeal.

Robert W. Bender
Chairperson

Mailing Date: April 21, 2010.

Resolution Adopting Decision – C40-08

Whereas, the School Ethics Commission has considered the pleadings filed by the parties, the documents submitted in support thereof, the testimony presented on December 15, 2009; and

Whereas, at its meeting on December 15, 2009, the Commission found probable cause to credit the allegations that the respondent violated N.J.S.A. 18A:12-24(c) and (e) of the School Ethics Act; and

Whereas, the respondent was so notified and accorded 30 days to submit a written statement setting forth the reasons why he should not be found in violation of the Act.

Whereas, the written statement submitted on behalf of the respondent was considered by the Commission;

Whereas, at its meeting on March 23, 2010, the Commission determined that the respondent violated N.J.S.A. 18A:12-24(c) of the School Ethics Act and recommended a penalty of censure; and

Whereas, at its meeting on April 20, 2010, 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 this Resolution was duly adopted by the School Ethics Commission at its public meeting on April 20, 2010.

Joanne Boyle, Executive Director

