

STATE OF NEW JERSEY
STATE ETHICS COMMISSION
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**STATE OF NEW JERSEY
STATE ETHICS COMMISSION
COMMISSION CASE NO. 67-14**

**IN THE MATTER OF FRANK Y.
ZHANG, FORMER ASSOCIATE
PROFESSOR, KEAN UNIVERSITY**

Administrative Action

CONSENT ORDER

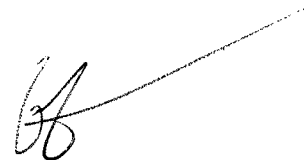
WHEREAS, the State Ethics Commission (“Commission”) is authorized to initiate, receive, investigate, review and hear complaints regarding violations of the New Jersey Conflicts of Interest Law, *N.J.S.A. 52:13D-12 et seq.* (“Conflicts Law”), applicable rules of the Commission, *N.J.A.C. 19:61-1.1 et seq.*, the Uniform Ethics Code (“UEC”), and any agency code of ethics by any State officer or employee or special State officer or employee; and

WHEREAS, this matter was brought before the Commission by a complaint filed with the Commission; and

WHEREAS, the Commission conducted an investigation of all the matters and issues raised by the complaint; and

WHEREAS, as a result of the investigation, the Commission and Frank Y. Zhang (“Zhang”) desire to enter into a final and complete resolution of all of the matters and issues raised thereby;

IT IS THEREFORE agreed by the parties as follows:

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1. Zhang became an Assistant Professor at Kean University (“Kean”) in 1997 and was subsequently promoted to Associate Professor. He became a tenured Associate Professor in 2002.

2. On or about August 2012, Zhang requested a medical leave of absence from Kean with a return date of January 2013. According to Zhang’s request for leave, he was in a car accident in China and needed the time to recover from his injuries before he could travel back to the United States. Zhang’s leave request was approved by Kean and he received full compensation during the approved leave period.

3. While Zhang was on leave, Kean discovered that he was the president and owner of Modern Education Exchange Center/Modern Group USA (“Modern Group”), a consulting company. Modern Group signed a cooperation agreement with Ming-Kai Education Consulting Company (“Ming-Kai”) to provide educational and consulting services. Zhang did not complete an Outside Activity Questionnaire (“OAQ”) for his involvement with Modern Group nor did he receive the prior approval of Kean to engage in this outside business activity.

4. In September 2012, while Zhang was on approved leave in China based on his representation that he could not travel, he traveled back to the United States for a week before returning to China. During this trip, he met with a representative from Trinity school in New York related to his outside business with Modern Group. Moreover, in late 2012 and early 2013, while on paid medical leave from Kean, Zhang also traveled to other Chinese provinces to conduct business for Ming-Kai.

5. Zhang also used his State email account to send emails relating to his work for Modern Group on behalf of Ming-Kai before and during his leave of absence. Beginning in August 2012, Zhang sent emails to various schools in the United States on behalf of Ming-Kai

A handwritten signature in black ink, appearing to be the initials 'ZJ' followed by a long horizontal stroke.

using his State email and State title. These emails began with, “My name is Frank Zhang. I am a professor at Kean University, New Jersey” and they are signed, “Frank Zhang, Ph.D., Associate Professor in Biology, Kean University.”

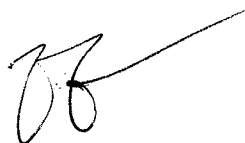
6. It is the Commission’s position that Zhang violated Section VI of the UEC by engaging in unauthorized outside business activity with Modern Group.

7. It is also the Commission’s position that Zhang violated sections 23(e)(3) and 23(e)(7) of the Conflicts Law by using his State title and State email to support his outside business activities.

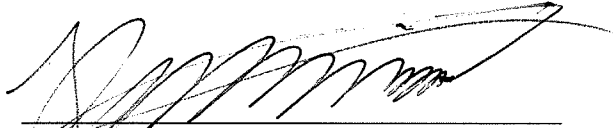
8. It is Zhang’s position that he needed to care for his mother in China and that, had he known he could apply for family leave to care for his mother, he would have done so rather than exaggerating the injuries from the car accident in China to obtain a leave of absence from Kean for this purpose.

9. Zhang acknowledges that his use of State resources and his State title in connection with his outside business activities violated section 23(e)(3) of the Conflicts Law and created the impression that he was engaged in conduct that violated the public trust, in violation of section 23(e)(7) of the Conflicts Law. Zhang also acknowledges that he engaged in an unauthorized outside business with Modern Group, in violation of Section VI of the UEC.

10. The parties agree to enter into this Consent Order in settlement of all matters and issues that are involved herein. In consideration thereof, Frank Y. Zhang agrees to pay a civil penalty in the amount of \$4,000.00. \$1,000 will be due within sixty (60) days of the date on which this Consent Order is fully executed; \$600 will be due within one-hundred-twenty (120) days of execution of the Consent Order; \$600 will be due within one-hundred-eighty (180) days; \$600 will be due within two-hundred-forty (240) days; \$600 will be due within three hundred




(300) days of execution; and a final payment of \$600 will be due within one year of the final execution of this Consent Order.



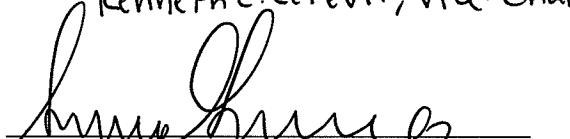
Frank Y. Zhang

Dated: 9/2/2015



State Ethics Commission
By: ~~Andrew S. Berns, Chair~~
Kenneth C. Lefevre, Vice-Chair

Dated: 9/22/15



State Ethics Commission
By: Susana E. Guerrero, Executive Director

Dated: 9/22/15