

14-25SEC
SEC Dkt. No. C78-23
Agency Dkt. No. 376-11/24

New Jersey Commissioner of Education
Final Decision

Gregory Hudgins,

Complainant,

v.

Miriam Vives-Rivera, Woodbine Board of
Education, Cape May County,

Respondent.

The record of this matter, the November 26, 2024 decision of the School Ethics Commission (SEC), and the exceptions filed by the respondent pursuant to *N.J.A.C. 1:1-18.4* have been reviewed and considered.¹

The SEC found that respondent Miriam Vives-Rivera, a member of the Woodbine Board of Education (Board), violated *N.J.S.A. 18A:12-24(b)*, *N.J.S.A. 18A:12-24(g)*, *N.J.S.A. 18A:12-24.1(c)*, *N.J.S.A. 18A:12-24.1(d)*, *N.J.S.A. 18A:12-24.1(f)*, and *N.J.S.A. 18A:12-24.1(j)* of the School Ethics Act (Act). The SEC recommended a penalty of a 60-day suspension for the violation. The SEC's decision was forwarded to the Commissioner for final determination on the recommended penalty pursuant to *N.J.S.A. 18A:12-29(c)*.

At its June 26, 2023 meeting, the Board discussed possible discipline associated with an employee's actions.² Respondent delivered a letter from Jane to the district's Business

¹ Complainant did not file a reply to respondent's exceptions.

Administrator (BA) and asked him to make copies for each Board member, but not for the Superintendent. During the discussion, respondent indicated that Jane was her good friend, who had asked respondent to deliver her letter to the Board because she had a medical condition that prevented her from attending in person. Respondent also questioned the accuracy and motivation of the Superintendent, and expressed support for Jane. After the meeting, Board counsel and the State Monitor assigned to the district informed respondent that her actions had been inappropriate; however, respondent was not asked to leave executive session or to refrain from voting on the disciplinary action.

Respondent does not appeal the SEC's underlying finding that she violated the Act, pursuant to *N.J.A.C. 6A:4-1 et seq.*, but does take exception to the SEC's recommended penalty and argues that a reprimand is the more appropriate penalty. Respondent contends that, contrary to the SEC's characterization, she admitted her actions, which were the result of an honest mistake for which she received no personal benefit. According to respondent, she sincerely believed that if her presence at, or participation in, the meeting was inappropriate, Board counsel would have had advised her accordingly, and she would have left immediately. Respondent argues that her violation was unintentional and does not raise a genuine concern regarding her integrity. Respondent indicates that she has been a Board member for 15 years with no other ethical charges against her and contends that a 60-day suspension for a first offense is unduly harsh.

Upon review, the Commissioner concurs with the penalty recommended by the SEC for respondent's actions. As explained by the SEC, respondent was a member of the Board for 15

² The employee will be referred to herein as Jane, a pseudonym.

years and should have been well aware of her ethical obligations. Despite that, she overstepped her role significantly. While respondent attempts to explain that she was only helping a medically incapacitated friend by delivering a letter, that explanation disregards the remainder of respondent's actions in participating in the discussion during executive session, advocating for Jane, and disparaging the actions of the Superintendent. Furthermore, it is irrelevant that Board counsel did not ask her to leave the meeting; while a penalty may be reduced when a board member relies on the advice of counsel, respondent neither sought nor received any advice prior to the meeting. *See In re Zisa*, 385 N.J. Super. 188 (App. Div. 2006). Furthermore, although respondent's violations are the result of a single incident, she violated multiple provisions of the Act in a manner that she should have known was inappropriate.

Accordingly, respondent is hereby suspended for 60 days for violating the School Ethics Act.

IT IS SO ORDERED.³



ACTING COMMISSIONER OF EDUCATION

Date of Decision: January 10, 2025
Date of Mailing: January 13, 2025

³ This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A. 18A:6-9.1*. Under *N.J.Ct.R. 2:4-1(b)*, a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.

Before the School Ethics Commission
Docket No.: C78-23
Final Decision
Summary Disposition

Gregory Hudgins,
Complainant

v.

Miriam Vives-Rivera
Woodbine Board of Education, Cape May County,
Respondent

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on October 23, 2023, by Gregory Hudgins (Complainant), alleging that Miriam Vives-Rivera (Respondent), a member of the Woodbine Board of Education (Board), violated the School Ethics Act (Act), *N.J.S.A.* 18A:12-21 *et seq.* More specifically, the Complaint avers that Respondent violated *N.J.S.A.* 18A:12-24(b) and *N.J.S.A.* 18A:12-24(g) in Count 1, *N.J.S.A.* 18A:12-24.1(c) and *N.J.S.A.* 18A:12-24.1(d)¹ of the Code of Ethics for School Board Members (Code) in Count 2, and *N.J.S.A.* 18A:12-24.1(f) and *N.J.S.A.* 18A:12-24.1(j)² of the Code in Count 3.

On April 2, 2024, Respondent filed a Written Statement, and also alleged that the Complaint is frivolous. Despite sending warning letters notifying Complainant to file a response to the allegation of frivolous filing, Complainant did not file a response.

At its special meeting on June 17, 2024, the Commission considered the filings, and at its meeting on July 23, 2024, the Commission adopted a decision finding that there are sufficient facts and circumstances pled in the Complaint and in the Written Statement to lead a reasonable person to believe that the Act was violated as set forth in the Complaint. The Commission also adopted a decision finding the Complaint not frivolous, and denying Respondent's request for sanctions. Additionally, the Commission voted to decide the above-captioned matter by summary decision, in accordance with *N.J.A.C.* 6A:28-9.8(c), and directed Respondent to file a statement setting forth the reasons (Statement of Reasons) she should not be found in violation of the Act. Respondent was advised that if she disputes any of the facts determined by the

¹ While the Complaint stated a violation of *N.J.S.A.* 18A:12-24(d), the language of the allegation demonstrates that Complainant intended an allegation of *N.J.S.A.* 18A:12-24.1(d).

² While the Complaint stated a violation of *N.J.S.A.* 18A:12-24.1(i), the language of the allegation demonstrates that Complainant intended an allegation of *N.J.S.A.* 18A:12-24.1(j).

Commission to be both material and undisputed, she should set forth the facts with which she disagrees, and why they are material to the case. Finally, Respondent was advised that the Commission may then make a determination of a violation on a summary basis. Respondent filed a Statement of Reasons on August 15, 2024.

Consequently, at its meeting on October 22, 2024, the Commission reviewed the record in this matter and, at its meeting on November 26, 2024, adopted a decision finding that Respondent violated *N.J.S.A. 18A:12-24(b)*, *N.J.S.A. 18A:12-24(g)*, *N.J.S.A. 18A:12-24.1(c)*, *N.J.S.A. 18A:12-24.1(d)*, *N.J.S.A. 18A:12-24.1(f)* and *N.J.S.A. 18A:12-24.1(j)*, and recommending a penalty of a 60-day suspension for Respondent's violation of the Act.

II. Summary of the Pleadings

A. *The Complaint*

Complainant notes that Respondent has been a Board member for more than 15 years. According to Complainant, on June 26, 2023, the Board was discussing "the matter of an employee's actions and possible discipline" in executive session, and Respondent "had the [Business Administrator (BA)] distribute copies of a letter the employee wrote concerning the matter" to the Board, and then "instructed the BA not to give a copy to the Superintendent." Complainant maintains that Respondent stated she was "in contact" with the employee and had picked up the letter at the employee's home. Complainant further maintains that Respondent noted she was "representing the employee because they are friends and questioned the Superintendent's statement regarding the employee's actions."

With the above in mind, and in Count 1, Complainant asserts Respondent violated *N.J.S.A. 18A:12-24(b)*, because she used her position to benefit others and *N.J.S.A. 18A:12-24(g)*, because she represented an employee in a discipline matter pending before the Board.

In Count 2, Complainant contends Respondent "exceeded her role beyond policy making and attempted to administer the schools in advocating for an employee in a disciplinary matter before the Board," and therefore, violated *N.J.S.A. 18A:12-24.1(c)*, because she did not confine herself to policy making and *N.J.S.A. 18A:12-24.1(d)*, because she actively advocated for an employee and thereby attempted to administer the schools.

In Count 3, Complainant asserts Respondent "advocated for an employee facing disciplinary action thereby surrendering her independence as a Board member and did not refer the matter to the Superintendent." In particular, Complainant contends Respondent violated *N.J.S.A. 18A:12-24.1(f)*, because she advocated for an employee who is a friend and surrendered her independence as a Board member and *N.J.S.A. 18A:12-24.1(j)*, because she did not refer the matter to the Superintendent as required, and instead "specifically denied the Superintendent access to the employee's letter."

B. *Written Statement and Allegation of Frivolous Filing*³

Respondent initially notes that Woodbine is a close-knit community, and she has many “friends,” one of them being the subject employee, who was “bed sick” and needed help, so Respondent obliged by picking up and delivering the letters to the BA to make copies for the Board members.

Respondent provides some background surrounding the Complaint, namely that it has taken nine months to receive this Complaint, since the time of the incident (June 26, 2023).⁴ Additionally, she notes the BA, Superintendent and Fiscal Monitor have resigned or have been reassigned, the remaining Board members had an “absence of written input,” “which would indicate their lack of support,” and her presence in executive session was not questioned by anyone even though they knew her relationship with the employee. Therefore, Respondent asserts “moving forward with this compliant [(sic)] would be frivolous and very little would be gained,” and therefore, Respondent “respectfully requests that this matter be dropped so that the Board can move on.”

C. *Statement of Reasons*

Respondent admits that at the Board meeting, on June 26, 2023, she gave the BA an envelope and asked him to make copies of its contents for each Board member, and also requested that the BA not give a copy to the Superintendent. During that same meeting, Respondent indicates the Superintendent “read her report to the Board concerning an employee who was facing disciplinary action.” Per Respondent, she then informed the Board that the employee “was her good friend” and the friend asked Respondent “to come to her house to pick up an envelope containing a letter for the Board to consider regarding the disciplinary action.” According to Respondent, the employee could not attend the meeting to dispute the Superintendent’s allegations due to a “medical condition.” Respondent maintains that the Superintendent’s report “differed significantly from the employee’s account,” and Respondent “essentially questioned the accuracy and motivation of the Superintendent and her report.” Consequently, Respondent states she provided the Board with information related to the employee and indicated that the employee “should not be treated this way,” and that the employee had been in the District for a long time, while the Superintendent had only been with the District for a year. Respondent acknowledges she was advised by the State Monitor and Board counsel that her “action was wrong and inappropriate”; however, Respondent asserts she was never asked to leave the meeting or abstain on the vote related to the employee.

As to a violation of *N.J.S.A. 18A:12-24(b)*, Respondent argues that she did not use her position to “secure unwarranted privileges” for her friend or herself. According to Respondent, “[a]ll employees are entitled to due process and can present a rebuttal to the administration seeking to impose disciplinary action.” Respondent contends she assisted the employee because

³ The Commission found the Complaint not frivolous at its meeting on July 23, 2024.

⁴ The Commission notes that the Complaint was timely filed on October 23, 2023. However, due to technological problems with Respondent’s computer, it appears that she did not receive the Complaint until March 2024.

the employee could not attend the meeting due to a medical condition. Respondent further argues that because the employee could not attend the meeting due to medical reasons, her employment should not have been discussed. Respondent asserts Complainant has not provided any evidence to demonstrate that the employee “received any benefit that any other employee facing disciplinary action would have received, making any alleged benefit the employee received the same benefit available to all employees facing disciplinary action recommended by the Superintendent” nor that Respondent received a benefit simply by picking up a letter and delivering it to the BA.

Regarding a violation of *N.J.S.A.* 18A:12-24(g), Respondent contends that Complainant did not provide any evidence to show that Respondent “‘represented’ the employee or presented the Board with additional evidence on the part of the absent employee during the closed session.” Moreover, Respondent further contends that during the discussion related to the employee, Respondent “expressed her *opinion*” of the Superintendent’s report and the employee’s letter, but did not make “assertions established by additional evidence presented by Respondent on the employee’s behalf.”

As to the violations of Code, namely *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(d), *N.J.S.A.* 18A:12-24.1(f) and *N.J.S.A.* 18A:12-24.1(j), Respondent argues Complainant did not present any evidence to demonstrate that Respondent “took any official action without consulting the rest of the Board” or that she helped “frame policies” or “administer the schools”; “fail[ed] to refer a complaint” to the Superintendent; “surrender[ed] her independent judgment for the personal gain of friends” as she was forthcoming with her relationship with the employee and she did not make any statements indicating that she “would oppose the Superintendent’s recommendation solely because of her friendship with the employee”; “took any action unrelated to her duties” as her participation in the “discussion regarding this employee, who happened to be her friend” was appropriate action; nor that she made any “promises to the employee regarding the proposed disciplinary action.”

In sum, Respondent argues, despite being told by the State Monitor and Board counsel that her “action was wrong and inappropriate,” neither asked Respondent to leave executive session while the Board discussed the matter. Respondent maintains she did not take any action or make any promises beyond providing her opinion for a friend/employee who was unable to attend in person to provide the Board “with a written statement in response to allegations of misconduct.”

III. Findings of Fact

Based on its thorough and independent review of the record, the Commission finds the following facts to be undisputed:

1. Respondent has been a Board member in the Woodbine School District (District) for more than 15 years. *Complaint* at page 1; *Statement of Reasons* at page 1.

2. At the June 26, 2023, Board meeting, the Board discussed the possible discipline associated with an employee’s actions. *Complaint* at page 1; *Statement of Reasons* at page 1.

3. Upon entering the executive session on June 26, 2023, Respondent gave an envelope to the BA containing a letter from the employee and asked him to make copies for each Board member, but not to give a copy to the Superintendent. *Complaint* at page 1; *Statement of Reasons* at page 1.

4. The BA complied with Respondent's request and the Board members read the letter during executive session. *Statement of Reasons* at page 1.

5. The Superintendent read her report to the Board regarding the employee who was facing disciplinary action, and thereafter, the Board discussed the matter. *Statement of Reasons* at page 2.

6. During the discussion, Respondent informed the Board that the employee was her good friend, who asked Respondent to come to her house to pick up the letter regarding her disciplinary action. *Complaint* at page 1-2; *Statement of Reasons* at page 2.

7. Respondent advised the Board that the employee had a medical condition that prevented her from attending the Board meeting on June 26, 2023. *Statement of Reasons* at page 2.

8. During the discussion in executive session, Respondent "questioned the accuracy and motivation" of the Superintendent, as her report differed significantly from the employee's account. *Statement of Reasons* at page 2.

9. During the discussion in executive session Respondent indicated that the employee "should not be treated this way," expressed support for the employee, and stated that the employee had been in the District for a long time, while the Superintendent had only been with the District for a year. *Statement of Reasons* at page 2.

10. Following the Board's discussion, the State Monitor and Board counsel informed Respondent that her actions in delivering the employee's letter was "wrong and inappropriate," but they had not asked Respondent to leave Executive Session or refrain from voting on the disciplinary action. *Statement of Reasons* at page 2.

IV. Analysis and Conclusions of Law

Complainant argues that Respondent violated *N.J.S.A.* 18A:12-24(b) and *N.J.S.A.* 18A:12-24(g) when she picked up a letter from the home of an employee/friend regarding the employee's disciplinary discussion, gave it to the BA and asked him to make copies for the Board members but not the Superintendent, and then questioned the Superintendent's position regarding the employee's actions. These provisions of the Act state:

b. No school official shall use or attempt to use his official position to secure unwarranted privileges, advantages or employment for himself, members of his immediate family or others;

g. No school official or business organization in which he has an interest shall represent any person or party other than the school board or school district in connection with any cause, proceeding, application or other matter pending before the school district in which he serves or in any proceeding involving the school district in which he serves or, for officers or employees of the New Jersey School Boards Association, any school district. This provision shall not be deemed to prohibit representation within the context of official labor union or similar representational responsibilities;

Complainant also argues that Respondent violated *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(d), *N.J.S.A.* 18A:12-24.1(f) and *N.J.S.A.* 18A:12-24.1(j). These provisions of the Code provide:

c. I will confine my board action to policy making, planning, and appraisal, and I will help to frame policies and plans only after the board has consulted those who will be affected by them.

d. I will carry out my responsibility, not to administer the schools, but, together with my fellow board members, to see that they are well run.

f. I will refuse to surrender my independent judgment to special interest or partisan political groups or to use the schools for personal gain or for the gain of friends.

j. I will refer all complaints to the chief administrative officer and will act on the complaints at public meetings only after failure of an administrative solution.

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

In order to credit a violation of *N.J.S.A.* 18A:12-24(b), Complainant must provide sufficient factual evidence that Respondent used or attempted to use her official position to secure an unwarranted privilege, advantage or employment for herself, members of her immediate family, or “others.”

The Commission finds that by delivering a letter to the Board on behalf of her friend during a Board meeting in which her discipline was to be discussed, indicating that the Superintendent should not receive a copy, and then advocating on her friend’s behalf during executive session, Respondent used her position as a Board member to secure a privilege or advantage for the friend/employee. It is clear the friend asked Respondent to deliver the letter because she was a Board member, a privilege that other individuals would not have. But for the employee’s close friendship with Respondent, Respondent would not have personally retrieved and delivered a letter, let alone instructed the BA not to give a copy to the Superintendent. Even if, as Respondent asserts, she only assisted the employee because she had a medical condition preventing her from attending the meeting, the employee could have submitted a response (if

Board policy permits responses) on her own through mail or email. Contacting Respondent to deliver her letter, and Respondent's willingness to oblige, as well as speak on the employee's behalf, certainly provided an advantage for the employee during executive session. Further, even if the employee's illness came on suddenly, preventing her from responding in any other way, and Respondent was a last resort to deliver the letter, then Respondent should have given the letter to the Superintendent and recused herself from the remainder of the discussion as she had become personally involved. Instead, Respondent circumvented protocol and the Superintendent's authority to provide her friend with an advantage that another staff member undergoing disciplinary review would not receive. As such, the Commission finds that Respondent's conduct violated *N.J.S.A. 18A:12-24(b)*.

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

To credit a violation of *N.J.S.A. 18A:12-24(g)*, Complainant must provide sufficient factual evidence that Respondent or a business organization in which she had an interest represented a person or party other than the school board or school district in connection with any cause, proceeding, application or other matter pending before the school district in which she serves or in any proceeding involving the school district in which she serves, with the exception of representation within the context of official labor or similar representational responsibilities.

The Commission finds that Respondent represented the employee in her disciplinary proceedings by involving herself directly in the employee's defense of her actions. Specifically, Respondent picked up a letter from the home of her friend whose actions and possible discipline were being discussed in executive session, delivered the letter to BA and Board members on behalf of the employee, advised that the Superintendent should not receive a copy, and then advocated for her friend during executive session discussion on the matter. If Respondent believed that her friend needed assistance, Respondent could have picked up the letter, delivered it to the Superintendent, as required, and then recused herself from the matter so the Board and the Superintendent could have discussed the issue without Respondent's influence following her direct involvement on a close friend's discipline matter. However, Respondent instead advocated on behalf of her friend, questioned the Superintendent's motives, and more importantly specifically requested that the Superintendent not receive a copy of the letter. Respondent personally represented her friend's interests in a matter before the Board, and even further, attempted to influence the proceedings by privately giving a letter to the Board members and not the Superintendent who was responsible for making recommendations, and then by disparaging the Superintendent's recommendations based on the Superintendent's limited time working at the District. Therefore, the Commission finds that Respondent's personal involvement and representation of an individual, other than the Superintendent and District, in proceedings pending before the Board constitutes a violation of *N.J.S.A. 18A:12-24(g)*.

N.J.S.A. 18A:12-24.1(c)

Pursuant to *N.J.A.C. 6A:28-6.4(a)*, factual evidence of a violation of *N.J.S.A. 18A:12-24.1(c)* shall include evidence that Respondent took board action to effectuate policies and plans without consulting those affected by such policies and plans, or took action that was unrelated to Respondent's duty to (i) develop the general rules and principles that guide the management of

the school district or charter school; (ii) formulate the programs and methods to effectuate the goals of the school district or charter school; or (iii) ascertain the value or liability of a policy.

The Commission finds that, by delivering a letter on behalf of the employee during executive session and attempting to influence the discussions by not providing the Superintendent a copy and by advocating on the employee's behalf, Respondent took action that was unrelated to her duties as a Board member. By going to an employee's home to pick up a letter for the Board to consider regarding the employee's employment, delivering the letter to the Board, and directing the BA, not to share it with the Superintendent, and then discussing the matter with the Board in executive session, is an action Respondent was only able to do because of her position on the Board. If it were not for her Board position, Respondent would not have been able to direct the BA or discuss the matter, and therefore, Respondent took actions during executive session of the Board meeting that were outside her established role to develop rules and principles that guide the District, formulate programs and methods to effectuate the District's goals, or ascertain the value or liability of a policy. Accordingly, the Commission finds that Respondent acted in violation of *N.J.S.A.* 18A:12-24.1(c).

N.J.S.A. 18A:12-24.1(d)

Pursuant to *N.J.A.C.* 6A:28-6.4(a), factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(d) shall include, but not be limited to, evidence that Respondent gave a direct order to school personnel or became directly involved in activities or functions that are the responsibility of school personnel or the day-to-day administration of the school district or charter school.

The Commission finds that Respondent became directly involved in the activities and functions that are the responsibility of school personnel or the day-to-day administration of the District when she became directly involved in the disciplinary proceedings of a friend that was the responsibility of the Superintendent and District staff. Specifically, when Respondent retrieved a letter from an employee whose employment and possible discipline were being discussed in executive session, then directed the BA to distribute the letter but not to give a copy to the Superintendent, and advocated on behalf of the employee, Respondent overstepped into the responsibility of District staff and undermined the established procedures for disciplinary proceedings, in violation of *N.J.S.A.* 18A:12-24.1(d).

N.J.S.A. 18A:12-24.1(f)

Pursuant to *N.J.A.C.* 6A:28-6.4(a), factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(f) shall include evidence that Respondent took action on behalf of, or at the request of, a special interest group or persons organized and voluntarily united in opinion and who adhere to a particular political party or cause; or evidence that Respondent used the schools in order to acquire some benefit for herself, a member of her immediate family or a friend.

The Commission finds that Respondent took action on behalf of her friend and used the schools in order to acquire a benefit for her good friend, the employee. Respondent used her position on the Board to assist with the employee's disciplinary proceedings by picking up a letter from the home of the employee and delivering the letter to the Board members on behalf of

the employee, and instructing the BA not to give a copy to the Superintendent, which provided a benefit to her friend that other employees undergoing disciplinary action would not receive. As explained, Respondent's friend asked for her help specifically because of her position on the Board, Respondent obliged, and then proceeded to use her position to influence the disciplinary action by undermining the Superintendent and advocating for her friend. As such, the Commission finds that Respondent violated *N.J.S.A.* 18A:12-24.1(f).

***N.J.S.A.* 18A:12-24.1(j)**

Pursuant to *N.J.A.C.* 6A:28-6.4(a), factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(j) shall include evidence that Respondent acted on or attempted to resolve a complaint, or conducted an investigation or inquiry related to a complaint (i) prior to referral to the chief administrative officer, or (ii) at a time or place other than a public meeting and prior to the failure of an administrative solution.

The Commission finds that Respondent attempted to resolve a complaint or conducted an investigation or inquiry related to a complaint prior to the referral to the chief administrative officer when she picked up a letter from the home of an employee and delivered the letter to the Board members on behalf of the employee, whose actions and possible discipline were being discussed in executive session, without advising the Superintendent, and then instructed the BA to distribute the letter but not to give a copy to the Superintendent. Respondent usurped the Superintendent's authority by intentionally circumventing protocol and the chain of command when she delivered the letter on behalf of an employee, and especially when she prevented the Superintendent from becoming aware or receiving a copy of the letter. Accordingly, the Commission finds that Respondent acted in violation of *N.J.S.A.* 18A:12-24.1(j).

V. Recommended Penalty

Having found that Respondent violated *N.J.S.A.* 18A:12-24(b), *N.J.S.A.* 18A:12-24(g), *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(d), *N.J.S.A.* 18A:12-24.1(f) and *N.J.S.A.* 18A:12-24.1(j), the Commission is authorized to recommend to the Commissioner of Education (Commissioner) an appropriate penalty, which may range from reprimand to removal. *N.J.S.A.* 18A:12-29(c).

In its review, the Commission finds that **60-day suspension** is the most appropriate penalty. In reaching this determination, the Commission finds that, based on the record, Respondent was an experienced Board member of 15 years and took inappropriate action that went far beyond her role as a Board member. The Commission acknowledges that the employee "had a medical condition which prevented her from attending the meeting" and further acknowledges that Respondent was helping a friend. However, Respondent's actions usurped the authority of the Superintendent, who is responsible for making disciplinary recommendations. Despite there being policies in place for an employee to dispute or represent themselves in a matter before the Board, Respondent took it upon herself to go to an employee's home, pick up a letter and present it to the Board on behalf of the employee, direct the BA not to give a copy of said letter to the Superintendent, and then instead of recusing herself from the matter, in which she has an obvious personal interest and personal involvement, Respondent then continued to

advocate on behalf of the employee and question the Superintendent's recommendation of an employee. The Commission notes that Respondent's egregious actions and numerous violations of the Act, combined with her failure to recognize any wrongdoing, and lack of remorse, warrants a 60-day suspension. The Commission further notes that Respondent lacks an understanding of basic professional conduct, despite her status as a long-time Board member. To the extent that Respondent seeks to defend her actions by claiming that Board counsel and the State Monitor did not tell her to leave the meeting, the Commission asserts that Respondent never sought the advice of counsel, and cannot now blame counsel for not giving her advice that she never requested. In fact, Respondent acknowledged that the State Monitor and Board counsel advised her that her "action was wrong and inappropriate." Moreover, Respondent, as a 15-year veteran on the Board, should have known that she cannot present testimonial information on behalf of a friend in a proceeding before the Board, prevent the Superintendent from receiving a copy, and then proceed to advocate on behalf of the friend against the Superintendent. However, even now, Respondent admits all of her actions but fails to recognize why her actions were inappropriate, and instead seeks to use Board counsel as a shield. For all of these reasons, the Commission finds a 60-day suspension to be warranted in this matter.

VI. Decision

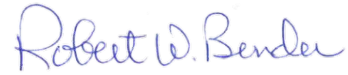
For the reasons set forth above, the Commission recommends that the Commissioner impose a penalty of **60-day suspension** for the violations of *N.J.S.A.* 18A:12-24(b), *N.J.S.A.* 18A:12-24(g), *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(d), *N.J.S.A.* 18A:12-24.1(f) and *N.J.S.A.* 18A:12-24.1(j).

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

Parties taking exception to the recommended sanction of the Commission but *not disputing* the Commission's finding of a violation may file, **within thirteen (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, as indicated below. Such exceptions must be forwarded to: Commissioner of Education, c/o Bureau of Controversies and Disputes, P.O. Box 500, Trenton, New Jersey 08625, marked "Attention: Comments on Ethics Commission Sanction," as well as to (ControversiesDisputesFilings@doe.nj.gov). A copy must also be sent to the Commission (school.ethics@doe.nj.gov) and all other parties.

Parties seeking to appeal the Commission's finding of a violation *must* file an appeal pursuant to the standards set forth at *N.J.A.C.* 6A:4:1 *et seq.* **within thirty (30) days** of the filing date of the decision. The filing date shall be three (3) 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 (thirteen (13) days from the date the decision is mailed by the Commission), exceptions need not be filed by that date, but may be incorporated in the appellant's briefs on appeal.



Robert W. Bender, Chairperson

Mailing Date: November 26, 2024

**Resolution Adopting Decision
in Connection with C78-23**

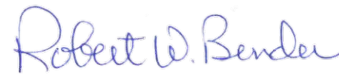
Whereas, at its meeting on October 22, 2024, the School Ethics Commission (Commission) considered the entirety of the record in this matter; and

Whereas, at its meeting on October 22, 2024, the Commission discussed finding a violation of *N.J.S.A. 18A:12-24(b)*, *N.J.S.A. 18A:12-24(g)*, *N.J.S.A. 18A:12-24.1(c)*, *N.J.S.A. 18A:12-24.1(d)*, *N.J.S.A. 18A:12-24.1(f)* and *N.J.S.A. 18A:12-24.1(j)*; and

Whereas, at its meeting on October 22, 2024, the Commission discussed recommending a penalty of 60-day suspension for the violations of *N.J.S.A. 18A:12-24(b)*, *N.J.S.A. 18A:12-24(g)*, *N.J.S.A. 18A:12-24.1(c)*, *N.J.S.A. 18A:12-24.1(d)*, *N.J.S.A. 18A:12-24.1(f)* and *N.J.S.A. 18A:12-24.1(j)*; and

Whereas, at its meeting on November 26, 2024, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on October 22, 2024; and

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



Robert W. Bender, Chairperson

I hereby certify that the Resolution was duly adopted by the School Ethics Commission at its meeting on November 26, 2024.



Brigid C. Martens, Director
School Ethics Commission