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**IN THE MATTER**

**OF**

**BRUCE WHITE,  
EWING TOWNSHIP BOARD OF ED.  
MERCER COUNTY**

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**BEFORE THE  
SCHOOL ETHICS COMMISSION**

**Docket No.: C01-01**

**DECISION**

### **PROCEDURAL HISTORY**

The above-captioned complaint was filed on January 26, 2001. It alleged that Bruce White violated the School Ethics Act by being employed by the Mercer County Vocational School District as a Principal and being a member of the Ewing Township School Board and by voting on the payment of tuition to the Mercer County Vocational School. The complainant alleged that Mr. White's conduct violated N.J.S.A. 18A:12-24(h). On February 21, 2001, in its cover letter to Mr. White enclosing the complaint, the Commission notified Mr. White that the Commission would also consider whether the conduct alleged would violate N.J.S.A. 18A:12-24(b) or (c).

At its meeting of April 24, 2001, the School Ethics Commission found probable cause to credit the allegation that Bruce White violated the School Ethics Act when, as a member of the Ewing Board, he voted on the payment of tuition to the Mercer County Vocational School Board, where he is employed as a Principal. Specifically, the Commission found probable cause to exist under N.J.S.A. 18A:12-24(c). The Commission found no probable cause to credit the allegation that Mr. White violated N.J.S.A. 18A:12-24(b) or (h). Although the complainant also alleged that Mr. White had an inherent conflict of interest in being employed as a Principal by the Mercer County Vocational School and serving as a member of the Ewing Township Board, the Commission did not find probable cause to credit this allegation.

The Commission found the material facts of the case to be undisputed regarding the conduct on which it found probable cause and invited Mr. White to submit a written statement within 30 days setting forth why he should not be found in violation of N.J.S.A. 18A:12-24(c) of the Act. On June 18, 2001, Mr. White responded that he was waiving his right to submit any further information to the Commission, including taking a position with respect to any penalty to be imposed by the Commission. The complainant submitted correspondence on June 21, 2001 disagreeing with the Commission's decision finding no probable cause on the issue of Mr. White's employment constituting a conflict and arguing that Mr. White should be given the maximum penalty, including preventing him from running for office again. Mr. Ferrante noted that Mr. White was found guilty of a violation of the Act on two prior occasions and that he displays a cavalier attitude toward the Commission's rulings.

The Commission now finds that Mr. White violated N.J.S.A. 18A:12-24(c) of the School Ethics Act by voting on the tuition payment to the school at which he works. The Commission recommends that the Commissioner censure Mr. White for this violation. The Commission will not reconsider its finding of no probable cause on the allegation that Mr. White violated the School Ethics Act by being employed as a Principal with the Mercer County Vocational Schools and serving as a Ewing Township Board Member.

## **FINDINGS OF FACT**

Based on the pleadings, the documents submitted and the testimony presented, the Commission believes that the following facts are undisputed.

At all times relevant to the allegations in this Complaint, Respondent Bruce White was a member of the Ewing Township Board of Education. Mr. White lost the election in April 2001 and is currently not a member of the Board. Also, at all times relevant to the allegations in this Complaint, Mr. White was a Principal at the Mercer County Vocational School District's Assunpink Center Vocational School.

The Mercer County Vocational School District is the local education agency (LEA) for the Thomas J. Rubino Alternative School, which is physically located on the campus of the Mercer County Community College. The Mercer County Vocational School District has an agreement with Comprehensive Education Resources (CER) to serve as the contractor of the county alternative education program. A tuition fee of \$11,400 per student is charged to the participating sending school district. The total tuition received from all the districts includes a rental fee to the Mercer County Community College for use of their facilities, an administrative fee to the Mercer County Vocational School District and reimbursement to CER for educational costs. The formula for fund distribution is as follows: 36 students (the minimum enrollment base) x \$11,400 = \$410,400. Of that \$410,400, \$10,000 is submitted to the community college as a rental fee; \$396,000 is submitted to CER for program costs; and \$4,400 is retained by the school district for central administrative costs.

Each year, the Mercer County Vocational School District sends out an articulation agreement to each of the participating sending school districts. This agreement allows the sending school district to reserve a number of slots in the alternative education program for the school year. The Ewing Township Board reserves slots at the Alternative School for its students. On January 22, 2001, the Ewing Township School Board voted to approve a list of checks including the tuition payment to Mercer County Vocational School Board in the amount of \$2,280.00. Mr. White seconded the motion and voted in favor of that item along with the other Finance items including the Financial Reports of the Secretary and Treasurer. At meetings of the Ewing Township School Board, all financial items are voted on as a block. However, an individual Board member may abstain on any items that he or she asks to be addressed separately. Mr. White did not ask whether he should vote; nor was he told by anyone present that he should not vote.

The Ewing Township Board retains discretionary authority in terms of where to send students warranting an alternative education program. According to Ewing's Board Secretary/Business Administrator, the choices include an in-district school.

## **CONCLUSIONS OF LAW**

The Commission found probable cause that Mr. White violated N.J.S.A. 18A:12-24(c), which provides:

No school official shall act in his official capacity in any matter in which he, a member of his immediate family, or a business organization in which he holds 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.

Mr. White has no personal involvement with the Thomas J. Rubino Alternative High School. The sending of pupils from the Ewing Township School District to the Alternative High School does not directly impact his employment or compensation. The involvement that he has is that the Mercer County Vocational School District administers the alternative school program and keeps an administrative fee from the tuition payments received for doing so. Mr. White is not a member of the central administrative staff, so the administrative fees are not calculated based on his salary, but the salaries of the Vocational School superintendent and business administrator. As a practical matter, however, the fees go to the general fund of the vocational school. For these reasons, the Commission concludes that Mr. White does not have a personal involvement with the tuition that the Ewing Board pays to the Mercer County Vocational School District.

However, the Commission concludes that Mr. White does have an indirect financial involvement that a reasonable person could perceive to impair his objectivity or independence of judgment. Mr. White's employer, the Mercer County Vocational School, acquires funds from the tuition payment that the Ewing Board pays. The funds are not specifically earmarked for any particular purpose although the administrative fees charged to the district are derived from the salaries of administrators who do not include Mr. White. The fees go into the general fund of the Vocational School. Based on the above facts, the Commission finds that Mr. White's conduct violated N.J.S.A. 18A:12-24(c).

For the foregoing reasons, the Commission concludes that respondent Bruce White had an indirect financial involvement that would reasonably be expected to impair his objectivity in violation of N.J.S.A. 18A:12-24(c) when he voted for the Ewing Board to pay the tuition to the Mercer County Vocational Technical School.

## **PENALTY**

The Commission is mindful of the fact that Mr. White has previously been found to have violated the School Ethics Act in *In the Matter of Bruce White*, C18/C22-99 (March 28, 2000), Commissioner's sanction (June 1, 2000), appeal dismissed, State Board of Education (September 6, 2000). The fact remains however, that Mr. White is no longer a member of the Board. Therefore, the penalties of suspension and removal are rendered moot by that fact. The Commission finds that the appropriate penalty for Mr. White's violation in this case is a censure. A censure is a formal public resolution read into the record of the School Ethics Commission and the school official's local board of education to rebuke a school official who has been determined by the Commission to have violated the School Ethics Act, N.J.S.A. 18A:12-21 et seq. N.J.A.C. 6A:28-1.2. Since the Commission does not have statutory authority to prevent a school official from running for the school board in the future, this penalty requires a public statement of his violation at his local school board, which the public can take into account in the next election.

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

Paul C. Garbarini  
Chairperson

**Resolution Adopting Decision -- C01-01**

**Whereas**, the School Ethics Commission has considered the pleadings filed by the parties and the documents submitted in support thereof and has considered the testimony of the parties; and

**Whereas**, the Commission found probable cause to credit the allegations in the complaint that respondent violated N.J.S.A. 18A:12-24(c) of the School Ethics Act; and

**Whereas**, the respondent chose not to submit a written submission in response to the Commission's finding of probable cause; and

**Whereas**, the Commission concludes that respondent's conduct violated N.J.S.A. 18A:12-24(c) of the School Ethics Act; and

**Whereas**, the Commission has reviewed the proposed decision of its staff setting forth the reasons for its conclusion; and

**Whereas**, the Commission agrees with the proposed decision;

**Now Therefore Be It Resolved** that the Commission adopts the proposed decision referenced as its decision in this matter finding Bruce White in violation of N.J.S.A. 18A:12-24(c) of the Act and recommending a sanction of censure.

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Paul C. Garbarini, Chairman

I hereby certify that the School  
Ethics Commission adopted this decision  
at its public meeting on July 24, 2001.

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Lisa James-Beavers  
Executive Director