

BONNIE HOLLAND-NOVINS	:	BEFORE THE SCHOOL
	:	ETHICS COMMISSION
V.	:	
	:	Docket No.: C03-00
PATRICIA BLOCK,	:	
<i>CENTRAL REGIONAL</i>	:	
<i>BOARD OF EDUCATION</i>	:	DECISION
<i>OCEAN COUNTY</i>	:	
	:	

PROCEDURAL HISTORY

This matter arises from a Complaint filed on March 24, 2000 alleging that Respondent, Patricia Block, a former member of the Central Regional Board of Education, violated the School Ethics Act, N.J.S.A. 18A:12-21 et seq. Specifically, Complainant alleges that Respondent violated N.J.S.A. 18A:12-24(b), (c), (e) and (f) of the School Ethics Act in connection with the employment of her daughter and promotion of her husband as well as the changing of school policies that benefited her school-aged children. The Complainant also alleged that the Central Regional Board of Education members have a conflict of interest with the New Jersey Education Association (“NJEA”) because they, their immediate family members or their relatives are members. Patricia Block filed her Answer stating that the allegations should be dismissed as vague and outdated. She denied that she violated the School Ethics Act. The Commission now finds no probable cause and dismisses the Complaint.

Initially, the complainant filed her complaint against all members of the Central Regional Board of Education. However, by letter of March 29, 2000, the Commission informed Ms. Holland-Novins that the only allegations against the entire board were that the Board members were either members of or had relatives who were members of the NJEA. The Commission informed Ms. Holland-Novins that although ties to the NJEA may prevent board members with such connections from voting on certain items concerning the statewide union, it was not a violation, per se, for the board members to have such connections. Therefore, that allegation of the complaint was dismissed and Ms. Holland-Novins agreed to file her Complaint against Mrs. Block only.

The Commission informed the parties that it would discuss this case at its meeting of June 27, 2000. The Commission determined at that time that it wanted to question Central Regional Superintendent, Carol D’Zio. The Commission heard testimony from Dr. D’Zio at its meeting of July 25, 2000 and asked her to provide additional information. It again discussed this matter at its September 27, 2000 meeting and found no probable cause to credit the allegations that Patricia Block violated the School Ethics Act and directed staff to draft the decision for

adoption at its next meeting. This decision was adopted at the Commission's October 24, 2000 meeting.

STATEMENT OF FACTS

The following facts have been discerned from the pleadings, the documents submitted and the Commission's investigation. Patricia Block was, at all times relevant to this Complaint, a member of the Central Regional Board of Education. She is no longer on the Board.

Mrs. Block's husband had been a math teacher in the District. He was appointed to a position as Vice Principal in the Middle School for the 1997-98 school year. During the school year 1999-2000, their daughter was appointed as a substitute teacher in the Middle School for a graphic arts position. She is not a certified teacher. She was initially supervised by the Industrial Arts Supervisor. However, when graphic arts was removed from the Industrial Arts program, the Humanities Supervisor supervised her.

When the graphic arts teacher position was to be posted as a permanent position, the Superintendent asked the Central Regional Education Association President for permission to post the position "In-house only." The request was denied. Mrs. Block's daughter applied for the position as an alternate route candidate. She was ultimately appointed to the permanent position over other qualified applicants.

Back in 1996, the Superintendent terminated the yearbook adviser on the grounds that the Board no longer wanted her to continue because she was certified only as a substitute.

ANALYSIS

The Complaint alleges that Respondent violated N.J.S.A. 18A:12-24(b), (c), (e) and (f) of the School Ethics Act. The Commission first considered the allegations surrounding the appointment of Mrs. Block's husband to the position of Vice Principal. Because the appointment occurred in the 1997-98 school year, the Commission considered whether this charge was out of time. N.J.A.C. 6A:28-1.8(a) provides that a Complaint must be filed within one year of the alleged violation. This provision of the Code became effective on April 3, 2000. Ms. Holland-Novins filed this complaint on March 24, 2000, just before the effective date of this provision. Therefore, the Commission considered the substance of this allegation as well as the others that occurred prior to March 1999.

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

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.

The Commission's investigation has not revealed any information to show that Mrs. Block acted in such a way to bring about the appointment of her husband to the position of Vice-Principal. Her husband had apparently served ably as a teacher in the District; the administration was familiar with him and his work; and the Superintendent and the Board believed him to be qualified for the promotion. The Commission has not been able to determine any information to contradict the reasons for the Superintendent's recommendation and the Board's appointment. Therefore, the Commission finds no probable cause that Mrs. Block used her position to secure employment for her husband in violation of N.J.S.A. 18A:12-24(b).

The Commission next considered the appointment of Mrs. Block's daughter to a substitute teaching position and then to a permanent graphic arts teacher position. Dr. D'Zio explained the process by which Mrs. Block's daughter was hired. She explained why the candidate who would not have had to obtain certification by the alternate route was rejected in favor of Mrs. Block's daughter would have to obtain certification by that method. While the Commission may disagree with her reasons for rejecting one of the other candidates, it is not the job of the Commission to substitute its judgment for hers.

The Commission was also concerned about the Complainant's contention that alternate route candidates had not been permitted in the District for the past four years. It therefore asked the superintendent to produce names of persons who had been hired by the alternate route. She produced the names of a Business Teacher who started on January 5, 1998, a Science Teacher who started on September 1, 1998 and one other teacher who was not hired until 2000, well after the filing of the Complaint. She later supplemented the list with the names of a Biological Science Teacher who was hired on September 1, 1992 and a Social Studies Teacher who was hired on September 1, 1993. Based on this information, the Commission is satisfied that Mrs. Block's daughter was not the only teacher at the time that was not certified to teach when hired.

In any event, the Commission's investigation has not revealed any information to indicate that Mrs. Block took any action or spoke to anyone regarding the hiring of her daughter. Nor does the Commission have any information that she participated in the discussions or votes on which teacher the Board should hire to fill the graphic arts teacher position. Therefore, the Commission finds no probable cause to credit the allegation that Mrs. Block used her position to secure employment for her daughter in violation of N.J.S.A. 18A:12-24(b).

Complainant alleges that the hiring of the Respondent's daughter also violated N.J.S.A. 18A:12-24(e) and (f). Specifically, the Complainant urges the Commission to find that the Superintendent's request that the permanent position for a graphic arts teacher be posted as "In-house only" was clearly to benefit Mrs. Block's daughter, in violation of N.J.S.A. 18A:12-24(e). It provides:

No school official, or member of his immediate family, ..., 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.

The Commission cannot assume that a violation of N.J.S.A. 18A:12-24(e) occurred by the Superintendent's request to post the position in-house. There must be some information to demonstrate that a promise of future employment was solicited or accepted based upon the understanding that it was given or offered for the purpose of influencing the school official in the discharge of his or her duties. There is no allegation that the Mrs. Block solicited the employment for her daughter or that she accepted the employment based upon an understanding that she would use her office in a way that would be favorable to those who recommended the appointment. Therefore, the Commission finds no probable cause to credit the allegation that Mrs. Block violated N.J.S.A. 18A:12-24(e).

Subsection f provides:

No school official shall use, or allow to be used, his public office or employment, or any information, not generally available to the members of the public, which he receives or acquires in the course of and by reason of his office or employment, for the purpose of securing financial gain for himself, any member of his immediate family, or any business organization with which he is associated.

The Commission's investigation has not revealed any information to show that Mrs. Block used her public office or information not generally available to the public to secure a job for her daughter. The Commission is satisfied that other alternate route candidates were hired prior to the appointment of Respondent's daughter. Also, the Commission cannot connect the hiring of Respondent's daughter to any action of the Respondent. Further, regarding the Superintendent's request to post the permanent position "in-house only," the Superintendent was credible that her reason for doing so was to speed the process as the district was greatly in need of a teacher to fill a vacancy in the middle of the year. She further testified credibly that if she was ever asked by a board member to fill a vacancy with a certain person, she would never consent to such a request. She testified that Mrs. Block never made such a request. Therefore, the Commission finds no probable cause to credit the allegation that Respondent violated N.J.S.A. 18A:12-24(f) in connection with the hiring of Respondent's daughter.

Complainant next alleges that the reason that Respondent's daughter ceased to be supervised by the Industrial Arts supervisor was because the daughter was reprimanded by him for using a chemical in conjunction with day-to-day work activities in that department. Complainant alleges that the daughter's father, who was Vice-Principal of her school at the time, approached the Superintendent and she had the Industrial Arts supervisor removed. The Superintendent then replaced him with the Humanities Supervisor. Complainant alleges that this conduct violates N.J.S.A. 18A:12-24(b).

The Commission's investigation has shown that Respondent's daughter ceased to be supervised by the Industrial Arts Supervisor and began to be supervised by the Humanities Supervisor because Graphic Arts was changed from an Industrial Arts course to a Humanities course to meet certain requirements in the core content curriculum standards. The Commission therefore finds no probable cause and dismisses the allegation that Respondent violated N.J.S.A. 18A:12-24(b) in connection with the employment of her daughter.

Last, Complainant alleges that Mrs. Block used her influence on the Board to change policy and standards to benefit her own children when they attended Central Regional High School. As examples, she sets forth allegations that the National Honor Society was forced to lower its numerical standards in an attempt to have her son admitted. Similarly, Complainant alleges that the Superintendent gave the daughter preferential treatment to park on school grounds after the Principal had denied the request. She also alleges that Mrs. Block also had the yearbook advisor removed because the two of them were in an argument about which photographer the yearbook should use. She alleges that the yearbook lost money due to the change of advisor. Complainant argues that such conduct violates N.J.S.A. 18A:12-24(b) and (c).

The Commission notes that the allegations regarding the National Honor Society and the yearbook were dated and largely vague and lacking in detail. It finds that the Complainant did not substantiate the allegations with facts and the Commission did not discern any corroborating evidence in the information and testimony before it. It is also noted, as a general matter, that school boards have wide latitude to set standards and to hire and change advisors as they determine to be necessary regarding school clubs and organizations. The Commission does not find probable cause that Mrs. Block attempted to use her official position to secure unwarranted privileges for herself or others in violation of N.J.S.A. 18A:12-24(b).

The Complainant also alleges that Mrs. Block violated N.J.S.A. 18A:12-24(c) in connection with the Honor Society and the yearbook. Subsection c prohibits a board member from acting in her official capacity in a matter in which she has a financial involvement that might reasonably be expected to impair her objectivity or independence of judgment or a personal involvement which is or creates some benefit to the school official. Clearly, there is no financial involvement. Regarding a possible personal involvement, the Commission does not have any information from which to conclude that Mrs. Block even acted in her official capacity in this matter. Thus, it would be very difficult to show that she acted in a matter in which she

had a personal involvement that created a benefit to her with respect to the above allegations. Therefore, the Commission finds no probable cause that Respondent violated N.J.S.A. 18A:12-24(b) or (c) regarding the National Honor Society standards or the yearbook advisor.

As set forth above, Mrs. Block is no longer on the Board. Given this, even if the Commission had found a violation, it would have been very limited in any sanction that it could recommend, since the penalties of suspension and removal from the board are moot.

DECISION

For all of the foregoing reasons, the Commission finds no probable cause to credit the allegations that Patricia Block violated the School Ethics Act and dismisses the Complaint against her. In doing so, it notes that while the provisions of the School Ethics Act are broad in their scope, they do not cover all conduct of school officials that one may consider inappropriate.

This decision constitutes final agency action. Thus, the decision is directly appealable to the Appellate Division of the Superior Court.

Paul C. Garbarini
Chairperson

Resolution Adopting Decision -- C03-00

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

Whereas, the Commission has found no probable cause to credit the allegations that Patricia Block has violated the School Ethics Act; and

Whereas, the Commission has reviewed the proposed decision of its staff; and

Whereas, the Commission agrees with the proposed decision;

Now Therefore Be It Resolved that the Commission hereby adopts the proposed decision referenced as its decision in this matter and directs its staff to notify all parties to this action of the Commission's decision herein.

Paul C. Garbarini, Chairperson

I hereby certify that above resolution and decision were duly adopted by the School Ethics Commission at its public meeting on October 24, 2000.

Lisa James-Beavers
Executive Director