

WILLIAM NOE,	:	BEFORE THE SCHOOL
	:	ETHICS COMMISSION
V.	:	
	:	Docket No.: C05-01
WILLIAM MANOES,	:	
<i>KEANSBURG BOARD OF EDUCATION,</i>	:	DECISION
<i>MONMOUTH COUNTY</i>	:	
	:	

PROCEDURAL HISTORY

This matter arises from a complaint filed by William Noe on February 14, 2001 alleging that respondent William Manoes violated the School Ethics Act, N.J.S.A. 18A:12-21 et seq. Specifically, Mr. Noe alleges that Mr. Manoes was one of five board members who participated in asking him for a \$1,000 donation for their political campaign with a threat that his company's contract would not be renewed.

Respondent William Manoes filed his answer to the complaint stating that he was in the building with the other board members on the day in question, but he was not present when the discussion took place. He further answers that he was working on behalf of Board member Tom Keelen's campaign for Borough Council at the time.

The Commission advised the parties that it would discuss this Complaint at its meeting on June 26, 2001. They were advised of their right to attend and present witnesses and testimony to aid in the Commission's investigation. Mr. Noe and Mr. Manoes appeared before the Commission along with the other four Board members alleged to have participated in the discussion in question. At its public meeting, the Commission found no probable cause to credit the allegations in the complaint against Mr. Manoes and dismissed the complaint against him.

FACTS

The Commission was able to discern the following facts on the basis of the pleadings, documents submitted and its investigation.

On or about Saturday, April 29, 2000, Mr. William Noe was approached on the street by a Keansburg Board of Education member and invited into an office building. Mr. Noe was with his then eight-year-old son at the time. Once inside, he met with Keansburg Board members Hugh Gallagher, Thomas Keelen, Judy Ferraro and Delores Bartram. Keansburg Board member Thomas Keelen asked Mr. Noe for a \$1000.00 contribution for their political campaign in the presence of Board members Gallagher, Ferraro and Bartram. Thomas Keelen had not run for

Board election in April 2000, but was still Keansburg Board President. He was seeking election to Borough Council in May 2000. At the time of the meeting in question, the board members were in the building working on Mr. Keelen's Borough Council campaign.

William Manoes was at all times relevant to this complaint, a member of the Keansburg Board of Education. At the time of this discussion, he was in the building working for Thomas Keelen's campaign. However, he and the other Board members testified that he was not present when the discussion took place.

In April 2000, William Noe was an employee of Aramark Services Corporation assigned as Facilities Manager of the custodial, maintenance and grounds crew at the Keansburg School District. The Keansburg Board contracts with Aramark Services to provide custodial, maintenance and grounds work for the School District.

ANALYSIS

The issue before the Commission is whether the above facts establish that Mr. Manoes violated N.J.S.A. 18A:12-24(b) or (e) of the School Ethics Act by participating in the discussion in which Mr. Noe was asked to donate to a board member's political campaign with a threat that his company's contract would not be renewed.

N.J.S.A. 18A:12-24(b) prohibits a school official from using or attempting to use his official position to secure unwarranted privileges, advantages or employment for himself, members of his immediate family, or others. N.J.S.A. 18A:12-24(e) prohibits the solicitation of a political contribution based on an understanding that the contribution was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his official duties. The Commission does not need to determine whether the Board members threatened to use their position to cause Aramark to lose the contract because it has concluded that Mr. Manoes did not participate in the discussion at which the solicitation took place. Therefore, the Commission also does not reach the issue of whether, if the conduct occurred, it constitutes a violation of N.J.S.A. 18A:12-24(b) or (e). Based on the testimony of Mr. Manoes and the other Board members present, the Commission finds no probable cause to credit the allegations that Mr. Manoes violated N.J.S.A. 18A:12-24(b) or (e) in connection with the meeting in question.

DECISION

For the foregoing reasons, the Commission finds no probable cause to credit the allegations that Mr. Manoes violated N.J.S.A. 18A:12-24(b) and (e) of the School Ethics Act and dismisses the complaint against him.

This decision is a final decision of an administrative agency. Therefore, it is appealable only to the Superior Court--Appellate Division.

Paul C. Garbarini
Chairperson

Resolution Adopting Decision -- C05-01

Whereas, the School Ethics Commission has considered the pleadings, documents and the results of its investigation; and

Whereas, the Commission has found no probable cause to credit the allegations that William Manoes participated in asking Mr. Noe for a donation to a political campaign with a threat that his company's contract might not be renewed; and

Whereas the Commission has reviewed a draft decision; and

Whereas, the Commission agrees with the draft decision;

Now Therefore Be It Resolved that the Commission hereby adopts the decision 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 the School Ethics Commission adopted this decision at its public meeting on August 28, 2001.

Lisa James-Beavers
Executive Director