
CARLA SARTI-RODRIGUEZ,

V.

**HIGHLANDS BOARD OF EDUCATION:
HIGHLANDS BOARD OF EDUCATION,
MONMOUTH COUNTY**

**BEFORE THE SCHOOL
ETHICS COMMISSION**

Docket No.: C13-00

DECISION

PROCEDURAL HISTORY

Complainant Carla Sarti-Rodriguez alleges that the members of the Highlands Board of Education (Board) violated the School Ethics Act, N.J.S.A. 18A:12-21 et seq. by participating in and approving the use of school facilities for a forum for candidates for Township Council that was sponsored by the Parent Teacher Organization (PTO). She further alleges that Vice President of the Board, Margaret Mullen, is a PTO member and related to one of the council candidates. The Complainant does not set forth any particular provision of the Act that she believes this conduct violated.

Linda Hanley, who was Board President at the time in question, resigned from the Board before the Answer was filed. Board Vice-President, Margaret (Peg) Mullen, answered the complaint on behalf of the Highlands Board of Education. The Answer stated that the Board approved all of the PTO's meetings for the 2000-2001 school year at its meeting of September 18, 2000. The Answer further stated that "Meet Your Candidates Night" was held on the PTO's regularly scheduled meeting night and that the Board does not approve the agenda of the PTO's meeting, only its use of the elementary school. Therefore, the Answer continued, the Board would have had no opportunity to reject or endorse the type of meeting that the PTO held on October 11, 2000. Margaret Mullen stated that she is related to a candidate for the Borough Council, but stated that this had no impact on the Board's approval of the PTO's use of a school facility.

The Commission asked Margaret Mullen and Karen Jarmusz to attend the Commission's meeting on January 23, 2001. Both appeared with Board Attorney Michael Gross, Esq. The Complainant was given notice of the meeting and invited to appear, but did not attend. Although the Complainant did not allege a specific section of the School Ethics Act that respondents violated, the Commission advised the Board Attorney at the meeting that it will consider whether respondents' conduct violated N.J.S.A. 18A:12-24(b) and (c), since they are the most relevant to the facts alleged.

The Commission voted to find no probable cause and dismiss the complaint at its public meeting on January 23, 2001.

FACTS

The following facts were determined from the pleadings, documents, testimony and the Commission's investigation.

Linda Hanley was Board President in September 2000 when the Board voted to approve the PTO's list of meeting dates for the 2000-2001 school year. She has since resigned from the Board. Vice-President Margaret Mullen's sister's husband's brother was a candidate for Township Council in Fall 2000. PTO member Rita Ciazza is also related to the candidate for Township Council. Board members Margaret Mullen and Karen Jarmusz are both members of the PTO.

Ms. Sarti-Rodriguez sought to use Board facilities for a Candidates' Night for candidates for school board last year, but Board Member Karen Jarmusz denied her request. Prior to the April 2000 election, between February and June 2000, the elementary school that is usually used for such forums was closed due to a ceiling collapse. However, Ms. Jarmusz also had concerns about the forum for board candidates because all of the candidates were not invited. There were three board candidates for two seats. She was not invited although she was running for election in April 2000.

Each year, the Board approves the use of the Highlands Elementary School by the Highlands PTO to conduct its meetings and events during the school year. At the September 18, 2000 meeting of the Board, the Board approved the PTO's use of the school for regular meetings on the second Wednesday of every month between September and June 2000. Dates for other special activities of the PTO were also approved for the 2000-2001 school year. The approval passed unanimously.

The "Meet Your Candidates Night" at the Highlands Elementary School was not approved as a special event, but was held on the PTO's regularly scheduled meeting night – the second Wednesday of the month. All of the candidates for council were invited.

The Board has a policy regarding the use of school facilities. Policy No. 707 allows for the use of school facilities for community purposes, provided that such use does not interfere with the educational program of the schools. The policy prohibits use of school facilities "for the advantage of any commercial or profit-making organization, partisan political activity, private social function, use on Sunday, church services, or any purpose that is prohibited by law."

ANALYSIS

The Commission first considered whether any of the Board members violated N.J.S.A. 18A:12-24(b). It 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 Board policy only prohibits the use of school facilities for partisan political activity. The Complainant has not alleged, nor is there information to suggest that the forum was a partisan political activity. All of the candidates were invited to participate. Therefore, the “Meet Your Candidates Night” did not fall into any of the categories of events that were prohibited by the Board policy. Based on these facts, there is no information to suggest that the Township Council Candidates or the PTO received any unwarranted privilege or advantage by being able to use Board facilities. In addition, there is no information to indicate that the Council Candidate that is loosely related to a Board member received any advantage over the other candidates, especially no advantage that was secured by any member of the Board. For the foregoing reasons, the Commission finds no probable cause to credit the allegation that respondents violated N.J.S.A. 18A:12-24(b).

The Commission next considered whether the conduct of the Board members 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.

There does not appear to be any direct or indirect financial involvement for any of the Board members since no monetary gain could result from the action of any Board member to approve the PTO meeting in question. At most, there may be a personal involvement if the members of the Board who were related to council candidates voted to approve the candidates’ forum. Putting aside for now the issue of whether a sister’s husband’s brother even falls within the definition of “relative,” the minutes show only that the members voted to approve the use of Board facilities on the PTO’s dates for their meetings and events. There was no specific Board approval of “Meet Your Candidates Night” since the Board does not regulate the content of PTO meetings.

Complainant has alleged that although the Board did not approve of the forum, the members had knowledge of it. However, no benefit to the school officials is asserted.

Nor was there a specific benefit to Ms. Mullen's sister's husband's brother, as all of the candidates were invited to the candidates' forum. For the foregoing reasons, the Commission finds no probable cause to credit the allegation that respondents violated N.J.S.A. 18A:12-24(c).

CONCLUSION

For all the foregoing reasons, the Commission finds no probable cause to credit the allegation that the members of the Highlands Board of Education violated the School Ethics Act. The Commission therefore dismisses the complaint against them.

This decision constitutes final agency action and thus may be appealed directly to the Appellate Division of the Superior Court.

Paul C. Garbarini
Chairperson

Resolution Adopting Decision -- C13-00

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 before it; and

Whereas, the Commission found no probable cause to credit the allegations in the complaint that Respondents violated the School Ethics Act; and

Whereas, the Commission directed its staff to draft a decision 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 no probable cause and dismissing the complaint against the Highlands Board of Education.

Paul C. Garbarini, Chairperson

I hereby certify that the School Ethics Commission authorized staff to draft this decision at its public meeting on January 23, 2001.

Lisa James-Beavers
Executive Director