

FACTS

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

Janis Glinsman is a member of the Asbury Park Board of Education. Dora Mylchreest was at all times referred to this complaint, the Board's Business Administrator. Ms. Mylchreest was suspended from the Board by the Superintendent of Schools, Dr. Antonio Lewis, who signed tenure charges against her. On May 17, 2001 the Board convened in closed session to discuss Ms. Mylchreest's case. Following the Board's meeting, Ms. Glinsman leaked information acquired in the closed session meeting about Ms. Mylchreest to Asburypark.net. On May 18, 2001 an article was published on Asburypark.net revealing that tenure charges had been filed against Ms. Mylchreest and that she was suspended from her position as Board Business Administrator. The circumstances surrounding the charges were not disclosed in the article. Complainant believes that the public disclosure of the information could impede justice in Ms. Mylchreest's case. At the Commission's October 23, 2001 meeting, Ms. Glinsman testified that she did disclose the information to the aforementioned agency, but that she only disclosed procedural information with respect to the case and that at the time she did not believe the information was confidential.

ANALYSIS

Complainant urges the Commission to find that Ms. Glinsman violated N.J.S.A. 18A:12-24(b), which 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.

There are insufficient facts to demonstrate that Ms. Glinsman attempted to use her official position to secure unwarranted privileges or advantages for herself or others. The Commission does not render an opinion on whether Ms. Glinsman's disclosure of the information was appropriate. The issue is whether she used her position to secure an unwarranted privilege or advantage for herself or Ms. Mylchreest. The Commission cannot discern any privileges that inured or could inure to Ms. Glinsman or Ms. Mylchreest as a result of her releasing information acquired in executive session. Therefore, the Commission concludes that Ms. Glinsman's conduct does not warrant a finding of probable cause that she violated the N.J.S.A. 18A:12-24(b).

Complainant next urges the Commission to find that Ms. Glinsman violated N.J.S.A. 18A:12-24(d).

N.J.S.A. 18A:12-24(d) provides in pertinent part:

No school official shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his independence of judgment in the exercise of his official duties;

There are insufficient facts to demonstrate that Ms. Glinsman undertook any employment or service, which might reasonably be expected to prejudice her independence of judgment in the exercise of her official duties. Again, the Commission takes no position on the appropriateness of the disclosure. It is clear that Ms. Glinsman did not engage in any conduct that would give rise to a violation pursuant to N.J.S.A. 18A:12-24(d). Therefore, the Commission finds no probable cause that Ms. Glinsman violated the subsection.

DECISION

For the foregoing reasons, the Commission finds no probable cause that Ms. Glinsman violated the School Ethics Act and dismisses the complaint against her.

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 – C30-01

Whereas, the School Ethics Commission has considered the pleadings filed by the parties, the documents submitted in support thereof and the information obtained from its investigation; and

Whereas, at its meeting of October 23, 2001, the Commission found no probable cause to credit the allegations that Ms. Glinsman violated the School Ethics Act, N.J.S.A. 18A:12-21 et seq. and therefore dismissed the charges against her; and

Whereas, the Commission requested that its staff prepare a decision consistent with the aforementioned conclusion; and

Whereas, the Commission has reviewed the draft decision and agrees with the 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 this Resolution was duly adopted by the School Ethics Commission at its public meeting on November 27, 2001.

Lisa James-Beavers
Executive Director