

GERALDINE FELDMAN,	:	BEFORE THE SCHOOL
V.	:	ETHICS COMMISSION
ZOLTAN AMBRUS,	:	Docket No.: C05-02
<i>BRANCBURG BOARD OF EDUCATION,</i>	:	DECISION
<i>SOMERSET COUNTY</i>	:	

PROCEDURAL HISTORY

This matter arises from a complaint filed by Geraldine Feldman on March 26, 2002 alleging that respondent Zoltan Ambrus violated the School Ethics Act, N.J.S.A. 18A:12-21 *et seq.* Specifically, Complainant alleges that Mr. Ambrus solicited her assistance in persuading three non-incumbent candidates for election to the Branchburg Board of Education (Board) to withdraw their names as candidates for election in return for which he would guarantee that she would be elected president of the Board at the reorganization meeting. She alleges that such conduct violated N.J.S.A. 18A:12-24(b) in that he attempted to use his official position to secure an unwarranted privilege or advantage for himself or others.

Respondent Zoltan Ambrus filed his answer to the complaint stating that he contacted the complainant, but that he set forth several options that would avoid the contentious elections of the past. He indicated that the complainant was at all times during the conversation friendly and engaging and never appeared to take offense at his proposals. He denies guaranteeing her any outcome at the reorganization meeting and denies having violated any provision of the School Ethics Act.

The Commission advised the parties that it would discuss this complaint at its meeting on June 25, 2002. They were advised of their right to attend and present witnesses and testimony to aid in the Commission’s investigation. Both parties appeared, Ms. Feldman with counsel. At its public meeting, the Commission tabled the matter. At its meeting of July 23, 2002, it found no probable cause to credit the allegations in the complaint against Mr. Ambrus and dismissed the complaint against him.

FACTS

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

Ms. Feldman and Mr. Ambrus are elected members of the Branchburg Township Board of Education.

On February 28, 2002, Mr. Ambrus contacted Mrs. Feldman by telephone and asked her if she would consider persuading three non-incumbent candidates, which he identified, to withdraw their names as candidates for election to the Branchburg Township Board of Education. The deadline to do so was March 4, 2002. In exchange for this assistance, Mr. Ambrus represented that he would somehow ensure her election as President of the Board at the Board's reorganization meeting following the April election. Mr. Ambrus presented a second option that asked her to consider a change in board leadership that would favor the current minority position of three board members, which included Ms. Feldman. Ms. Feldman asked him questions about the options and how he could guarantee the result. Mr. Ambrus stated that if her team was interested in pursuing the options that she should get back to him.

At the request of Mrs. Feldman, Mr. Ambrus memorialized his telephone solicitation and offer to her by an e-mail that she received on March 2, 2002. The e-mail sets forth two options, the first of which reads, "Option 1 – We guarantee that you are elected President for the coming year. In return, the 3 candidates from your team remove themselves from the ballot. This is a straightforward trade of an action today for a promised action later..." The second, which he warns is less desirable to his team reads, "Option 2 – We look at removing one candidate from our team and your team only runs one candidate. The result is that our side runs 2 and your side runs 1 – this means no seat is contested." He concludes saying, "Whichever situation you might favor, the result would be a smoother and more peaceful transition into the following year. Please give it serious consideration."

On March 4, 2002, Mrs. Feldman met with representatives of the Somerset County Prosecutor's Office because of her concern that respondent's actions were in violation of criminal law. The Prosecutor's Office then had Mrs. Feldman use its telephone to contact the respondent to tape record a conversation between her and the respondent regarding the offer. Mrs. Feldman then engaged in a 20-minute taped telephone conversation with the respondent, which was monitored by representatives of the Prosecutor's Office. Respondent confirmed his earlier conversation and e-mail and further elaborated upon his offer implicating other board members.

The Prosecutor's Office determined that respondent's conduct did not rise to the level of a criminal offense, but suggested that Mrs. Feldman should pursue this matter with the School Ethics Commission.

ANALYSIS

Complainant alleges that Mr. Ambrus used his position to secure unwarranted privileges or advantages for himself and others in violation of N.J.S.A. 18A:12-24(b) in that he attempted to barter his vote as a member of the Board in an effort to assure that three candidates for the Board who he supported would run unopposed for election. She alleges that he not only bartered

his own vote but the vote of other sitting members of the Board to guarantee that she would be elected President of the Board.

As set forth, 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. In the present case, if there was any person for whom Mr. Ambrus was attempting to secure an unwarranted privilege, it was the complainant. He was using his position to help her secure the office of board president. However, the Commission believes Mr. Ambrus when he states that he did not expect the complainant to accept the offer. Option One would have provided her the presidency with no opportunity to move her agenda because her “team” would be in the minority. The complainant could have voiced her objection to the solicitation and rejected the offer outright and ended the matter. Instead, she decided to turn it against Mr. Ambrus and asked him to put it in writing so that she would have evidence to use against him. The Commission therefore concludes that Mr. Ambrus ultimately attempted to secure a privilege for someone who never wanted it in the first place. The Commission cannot find a violation of N.J.S.A. 18A:12-24(b) on this basis.

While the Commission does not condone the conduct of Mr. Ambrus, complainant’s response to the offer was excessive. She received advice to take the offer to the prosecutor from an attorney whose spouse was a member of the complainant’s team. The complainant then proceeded to engage in a public relations war, which she clearly won. The Commission will not entangle itself in the politics of local school boards.

DECISION

For the foregoing reasons, the Commission finds no probable cause to credit the allegations that Mr. Ambrus violated N.J.S.A. 18A:12-24(b) 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 -- C05-02

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

Whereas, the Commission finds no probable cause to credit the allegations that Zoltan Ambrus violated the School Ethics Act;

Now Therefore Be It Resolved that the Commission hereby adopts the decision finding no probable cause 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 July 23, 2002.

Lisa James-Beavers
Executive Director