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**TRINA BYRD, JOHN BRYANT,  
DORIS GRAVES AND PATRICIA  
SMITH,**

**V.**

**JEROME PAGE,  
*PLEASANTVILLE BOARD OF ED.  
ATLANTIC COUNTY***

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: **Before the School**  
: **Ethics Commission**  
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: **Docket No.: C21-99**  
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: **DECISION**  
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## **PROCEDURAL HISTORY**

This matter arises from a complaint filed by Pleasantville Board members Trina Byrd, John Bryant, Doris Graves and Patricia Smith alleging that Board member Jerome Page violated the School Ethics Act, N.J.S.A. 18A:12-21 et seq., when he accepted a loan from the Interim Superintendent and excessively used a cellular phone that belonged to the school district.

Mr. Page filed an answer to the complaint denying having committed any violation of the School Ethics Act and explaining the circumstances under which he accepted the loan and used the cellular telephone.

The parties were invited to appear before the Commission at its December 21, 1999 meeting. Mr. Page was present to testify, represented by Richard Press, Esq. Ms. Byrd and Ms Graves appeared for the complainants. The Commission tabled the complaint at that meeting to request additional information. At a special meeting of the Commission on January 31, 2000, the Commission found no probable cause to credit the allegations in the complaint and dismissed it. At its meeting of February 22, 2000, it adopted this decision.

## **STATEMENT OF FACTS**

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

Respondent Jerome Page was elected to the Pleasantville Board of Education in April 1998. In June 1998, Mr. Page was issued a district cellular telephone. Then Superintendent Odette Silva authorized Mr. Page's use of the cellular telephone, but the minutes of the board do not indicate that the Board ever approved it. Mr. Page and several other board members have

stated that the entire board knew about the distribution of the cellular phones, but this fact is in dispute. Cellular phones were also issued to the Superintendent and the head custodian.

At the time that Mr. Page received the cellular telephone, there was a policy for the usage of telephones, but not the usage of cellular telephones. Mr. Page testified that he understood that he could use the cellular phone for board business and to telephone his home or his job when he was performing board business.

The bills for the months that Mr. Page had the cellular phone were as follows: August 1998 – 113.74; September 1998 – 363.73; October 1998 – 364.65; November 1998 – 277.46; December 1998 – 160.79; December 1998 – 160.79; January 1999 – 248.58; February 1999 – 114.02; March 1999 – 118.72; April 1999 – 115.56; May 1999 – 114.62 and June 1999 – 114.18. Mr. Page has indicated that the bills were so high because of the turmoil in the school district during the Fall of 1998. He said that there was a possibility that there was going to be a strike over the new contract. In addition, then Superintendent Silva was removed during that time. The complainants countered that there were administrators in place to deal with these issues, but Mr. Page chose to involve himself in the daily operations of the school district. In March 1999, the district sought a billing plan that would cease billing per call and allow unlimited phone usage for a set amount.

On August 30, 1999, Superintendent Dr. Mark Harris issued a directive for those with cellular phones to review all personal calls, highlight, tally and submit a check or money order for payment of any personal calls. As a result, Mr. Page added up his personal calls and in September 1999 agreed to reimburse the district \$221.40. As of December 21, 1999, he had reimbursed the district \$110.00. By the end of January, Mr. Page had paid off the entire amount according to Business Administrator/Board Secretary Frank Dingler, who also supplied a copy of the reimbursement money order.

There is now a policy for cellular telephone usage in place. He no longer has the cellular phone.

On October 8, 1998, Skender Avrami was appointed Interim Superintendent for the Pleasantville School District. He continued serving as Director of Personnel while serving as Interim Superintendent. He did not receive additional compensation. On December 4, 1998, Jerome Page received a check from Skender Avrami for \$2,000.00. Approximately four weeks later, in early January 1999, Mr. Page repaid the loan to Mr. Avrami. Mr. Avrami states that he gave the loan to Mr. Page because Mr. Page is a former student who needed assistance. Mr. Avrami ceased being Interim Superintendent on June 30, 1999. He then returned to his position as Director of Personnel. He did not apply for the position of Superintendent.

The question before the Commission is whether Jerome Page violated N.J.S.A. 18A:12-24(c) of the School Ethics Act due to his acceptance of the loan or his cellular telephone usage.

## ANALYSIS

Complainants set forth that the respondent's acceptance of a loan was a clear violation of ethics laws, specifically N.J.S.A. 18A:12-24(e), which provides:

No school official ... 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. ...

The above language indicates that the acceptance of a loan by itself does not constitute a violation of the School Ethics Act, as complainants urge the Commission to find. Rather, there must be some showing that the school official understood that the loan was given or offered to influence the school official, directly or indirectly, in the discharge of his official duties.

The Commission has listened to the testimony of the parties in this matter and cannot conclude on the basis of the record before it that Mr. Page understood the loan was given to influence him in the discharge of his official duties. There has been no information presented to indicate that Mr. Avrami had anything to gain from extending Mr. Page the loan in question. Mr. Avrami was already serving as Interim Superintendent when he gave Mr. Page the loan. He did not seek the position of Superintendent or any other promotion from the Board. There is also no information to suggest that Mr. Avrami requested or received any increase in remuneration as a result of the loan.

The Commission understands the argument of the complainants that an employer requesting a loan from an employee is inherently coercive. However, if the Legislature had intended for the law to be interpreted in such a way then it could have utilized the language of the Conflicts of Interest Law for State employees, N.J.S.A. 52:13D-13(e)(6). It provides:

No State officer or employee... should accept any gift, favor, service or other thing of value *under circumstances from which it might reasonably be inferred* that such gift, service or other thing of value was given or offered for the purpose of influencing him in the discharge of his official duties. (emphasis added)

Thus, in order to find a violation of the School Ethics Act, the Commission is constrained to find facts that support not just an inference of influence, but a meeting of minds between the

donor and the recipient school official that brought about the transaction. In the present case, the Interim Superintendent appears to have had nothing to gain or lose and indeed has not gained or lost any status, position or compensation as a result of extending the loan to Mr. Page. Therefore, the Commission cannot find probable cause that Mr. Page accepted the loan based upon the understanding that it was intended to influence him in the discharge of his official duties in violation of N.J.S.A. 18A:12-24(e).

## **DECISION**

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

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

Respectfully submitted,

Paul C. Garbarini  
Chairperson

### **Resolution Adopting Decision -- C21-99**

Whereas, the School Ethics Commission has considered the pleadings filed by the parties and the documents submitted in support thereof and if applicable, has considered the arguments raised by parties in subsequent submissions; 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.

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Paul C. Garbarini, Chairperson

I hereby certify that the Resolution was duly adopted by the School Ethics Commission at its public meeting on February 22, 2000.

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Lisa James-Beavers  
Executive Director