

---

<b>ANTHONY ESPOSITO</b>	:	<b>BEFORE THE SCHOOL</b>
	:	<b>ETHICS COMMISSION</b>
<b>v.</b>	:	
	:	
<b>ETHELYNE GRIMSLEY,</b>	:	<b>Docket No. C29-04</b>
<b>ROSELLE BOARD OF EDUCATION</b>	:	
<b>UNION COUNTY</b>	:	<b>DECISION</b>
	:	

---

**PROCEDURAL HISTORY**

This matter arises from a complaint filed on June 15, 2004, by Anthony Esposito, a member of the Roselle Board of Education (Board) alleging that respondent, Ethelyne Grimsley, also a member of the Board, violated the School Ethics Act (Act), N.J.S.A. 18A:12-21 et seq. Complainant specifically alleges that respondent violated N.J.S.A. 18A:12-24.1(f), when, on two occasions respondent received cash advances for out-of-state travel related to Board member duties and failed to reimburse the Roselle School District (District) for cash advances that were not used. Respondent filed a timely response wherein she denied the allegations and countered that the District owes her money for the use of her car in the performance of Board member duties for which she has not been reimbursed.

The Commission invited the parties to attend its August 24, 2004 meeting to present witnesses and testimony to aid in the Commission's investigation, but did not require that they be present. On August 10, 2004, respondent retained Kathleen Smallwood Johnson, Esq. to represent her and the Commission rescheduled its discussion of the complaint to its September meeting, which was rescheduled from September 28 to September 30, 2004. Both parties attended the hearing and testified. At its public meeting on September 30, 2004, the Commission voted to find no probable cause that respondent violated N.J.S.A. 18A:12-24.1(f).

**FACTS**

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

At all times relevant to the complaint, respondent was a member of the Board having served on the Board for 25 years. At all times relevant to this complaint, complainant was also a member of the Board. The Board has a policy of providing a cash advance of \$150 a day for food and transportation to be paid to Board members for out-of-state travel and \$75 a day for food and transportation within the state. The Board does not have any policy or procedure regarding the process for Board member reimbursement of any or all of the cash advances that a Board member does not use during in-state or out-of-state travel. The Board also does not have a policy requiring Board members to provide receipts indicating how the cash advance was spent.

On March 24, 2003, respondent was given a cash advance of \$900 from the District for food and travel to the 63<sup>rd</sup> Annual National School Boards Association Conference, which was held in San Francisco California from April 3 to 8, 2003. Several other Board members also received cash advances to attend this conference. On the day respondent was supposed to leave for the conference, she called the airline to confirm and was informed that her e-ticket had been cancelled and that it would cost well over \$100 to reinstate it. The e-ticket was non-refundable. Respondent called the District Business Administrator, who was already at the conference, and he told her that he would agree to provide her an additional \$100 to reinstate the ticket, but could not provide her more than that. Since it would cost much more than \$100 to reinstate the e-ticket, the business administrator cancelled the hotel reservations for respondent and respondent did not attend the conference.

On October 10, 2003, in a memo to the respondent, the business administrator requested the respondent to refund the \$900 cash advance she received for the San Francisco convention which she did not attend. The business administrator agreed to deduct \$273.10, the amount of the non-refundable e-ticket, from the \$900 cash advance. The business administrator also deducted \$300, which was the amount of a travel advance not given to respondent for the 2003 New Jersey School Boards Convention Annual Workshop in Atlantic City. All other Board members attending the Atlantic City workshop received a cash advance of \$300. On October 16, 2003, respondent provided a check in the amount of \$326.00, and .90 cents in change to the district. On September 15, 2004, the business administrator indicated in a certified statement that respondent had fully refunded the \$900 cash advance for the San Francisco convention.

On March 5, 2004, respondent was given a cash advance of \$900 from the District for food and travel to the 64<sup>th</sup> Annual National School Boards Association Conference, which was held in Orlando, Florida from March 25 to 30, 2003. Several other Board members also received cash advances to attend this conference. Respondent drove to Florida for the conference, while the other Board members who attended traveled by airplane paid for by the District. Respondent did not receive any funds from the District for her automobile travel to the Orlando convention. Respondent advised the business administrator at the time that she had property in Georgia that she was going to visit and that she was traveling to Orlando from Georgia. Respondent left the Orlando conference two days early due to a family emergency. Respondent informed the business administrator that she would be leaving two days early and that the hotel would refund the District for the cost of the two nights. Respondent never reimbursed the District for the amount of the cash advance for the two days she did not attend the Orlando convention. Neither the business administrator nor any other representative of the District has ever requested the respondent to reimburse the District for the amount of the cash advance for the two days she was not in attendance at the Orlando convention.

## **ANALYSIS**

Complainant alleges that respondent violated N.J.S.A. 18A:12-24.1(f) when she failed to reimburse the District for the \$900 cash advance for the April 2003 San

Francisco conference that she never attended, and when she left the March 2004 Orlando conference two days early and failed to reimburse the District for the two days she was not in attendance at that conference.

N.J.S.A. 18A:12-24.1(f) provides:

I will refuse to surrender my independent judgment to special interest or partisan political groups or to use the schools for personal gain or for the gain of friends.

There is no evidence to show that respondent surrendered her independent judgment to any special interest or partisan political groups. Therefore, the Commission must determine if respondent used the schools for personal gain. Respondent received a \$900 cash advance for food and travel for the 2003 San Francisco conference, which she never attended. While it took approximately seven months, respondent ultimately reimbursed the District the equivalent of \$900 according to the business administrator. Respondent received a \$900 cash advance for the 2004 Orlando conference. Respondent left the 2004 Orlando convention two days early. While respondent has not reimbursed the District for the two days that she was not in attendance at the Orlando convention, no one from the District has requested a reimbursement for those two days. Furthermore, the Board has no policy regarding the reimbursement of unused cash advances. Moreover, there is no evidence that respondent accepted the cash advances with the intention of keeping any unused portion for her personal gain. Therefore, the Commission finds no probable cause to credit the allegations that respondent violated N.J.S.A. 18A:12-24.1(f).

The Commission is nevertheless troubled by the lack of Board policy regarding the reimbursement by Board members of unused cash advances. The Commission is further troubled by the lack of Board policy requiring receipts for expenditures of cash advances. The Commission notes that there is a total lack of Board member accountability regarding cash advances. The Commission recommends that the Board review its current policy regarding the amount of the cash advances and the offering of unlimited travel. The Commission also recommends that the Board update its policy, practices and procedures to ensure sound budgetary practices. The Commission further recommends that the Board develop fiscal policy regarding cash advances for Board members, which will provide for tracking and accountability and require reimbursement to the District when funds are not used.

## **DECISION**

For the reasons expressed above, the Commission finds no probable cause to credit the allegations that respondent violated the School Ethics Act.

This decision is a final decision of an administrative agency. Therefore, it is appealable only to the Superior Court--Appellate Division. See, New Jersey Court Rule 2:2-3(a).

Paul C. Garbarini  
Chairperson

### **Resolution Adopting Decision – C29-04**

**Whereas**, the School Ethics Commission has considered the pleadings and the response filed by the parties and the documents submitted in support thereof; and

**Whereas**, the Commission finds no probable cause to credit the allegations that Respondent violated N.J.S.A. 18A:12-21 et seq.; and

**Whereas**, the Commission has reviewed the proposed decision of its staff dismissing the complaint; and

**Whereas**, the Commission agrees with the proposed decision;

**Now Therefore Be It Resolved** that the Commission hereby adopts the proposed decision to dismiss as its final 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 the Resolution  
was duly adopted by the School  
Ethics Commission at its public meeting  
on October 26, 2004.

---

Lisa James-Beavers  
Executive Director

PCG/LJB/MET/ethics/decisions/C29-04