

IN THE MATTER	:	BEFORE THE SCHOOL
	:	ETHICS COMMISSION
OF	:	
	:	
CAROL ANN KOUPIARIS,	:	Docket Number C22-04
<i>BOUND BROOK BOROUGH</i>	:	
<i>BOARD OF EDUCATION,</i>	:	
<i>SOMERSET COUNTY</i>	:	DECISION
	:	

PROCEDURAL HISTORY

This matter arises from a complaint alleging that Bound Brook Township Board of Education (Board) member Carol Ann Koupiaris violated the School Ethics Act, N.J.S.A. 18A:12-21 et seq., when she voted on the reappointment of a principal. The principal supervised and evaluated her husband, who is a member of the teaching staff. Complainant cited *Public Advisory Opinion A10-00* (June 27, 2000) of the School Ethics Commission wherein the Commission advised that board member whose spouse was on the staff in his or her district would be in violation of N.J.S.A. 18A:12-24(c) if he or she were to vote on the reappointment of the administrator who supervises his or her spouse.

Ms. Koupiaris filed her answer to the complaint setting forth that she voted on the reappointment, but considered her situation to be distinguishable from that set forth in *Advisory Opinion A10-00*. While she admits that prudence may have dictated abstaining on the matter for the reasons set forth in that opinion, she denies knowingly or intentionally violating the Act.

The parties were advised that their matter would be discussed at the Commission’s meeting on September 30, 2004. Neither party attended as the Commission had indicated that their appearance was not required. At its public meeting of September 30, 2004, the Commission found probable cause to credit the allegation that Carol Ann Koupiaris violated N.J.S.A. 18A:12-24(c) of the School Ethics Act. The Commission found the material facts to be undisputed regarding the conduct on which it found probable cause and invited the respondent to submit a written statement within 30 days setting forth why she should not be found in violation of N.J.S.A. 18A:12-24(c) of the Act. The Commission received respondent’s written submission on November 18, 2004. The Commission did not hold a meeting in November and voted at its meeting on December 21, 2004 to find respondent in violation of N.J.S.A. 18A:12-24(c) and recommend a penalty of reprimand. The January meeting of the Commission was canceled due to inclement weather so the Commission adopted this decision at its meeting of February 7, 2005.

FACTS

The Commission found the following facts to be undisputed.

Respondent has served on the Bound Brook Board of Education (Board) continuously for 14 years. The Board consists of ten members, one of which is a sending district representative. At the March 9, 2004 Board meeting, there were seven members in attendance. At that meeting, respondent voted on the reappointment of Dr. David Clauser as Principal of Bound Brook Middle/High School who, at that time, supervised and evaluated respondent's husband. Respondent's husband is member of the teaching staff at the school. The motion for reappointment of the principal was made shortly before 10:00 p.m. It failed by a vote of three in favor and four against, with respondent voting in the negative. The board attorney was not present at that meeting and no board member or member of the public raised the issue of respondent's ability to vote on the matter.

At the time of the vote, respondent's mother-in-law was critically ill. Five days after the vote, March 14, 2004, her mother-in-law passed away. Respondent certified that these circumstances were upsetting to her in her personal and professional life at that time. Thus, she states that due to fatigue and distraction, she was unaware of the fact that the renewal of Dr. Clauser would be proposed for action at the March 9, 2004 meeting.

In her response to the probable cause determination, respondent adds that she voted "no" on renewal of the elementary school principal's contract at the same time. The Commission accepts this as an additional undisputed fact.

ANALYSIS

The Commission found probable cause that Mrs. Koupiaris' conduct violated N.J.S.A. 18A:12-24(c), which sets forth:

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.

The Commission noted in its probable cause decision that *Public Advisory Opinion A10-00* set forth the Commission's position that, because the spouse's employment may be affected by a vote on his or her supervisor, the board member and his spouse had a personal involvement in the employment issues of the supervising administrator that constitutes a benefit to them under N.J.S.A. 18A:12-24(c). The

Commission advised that the spouse may also have a financial involvement in other issues involving the employment of his or her spouse's supervisors that might reasonably be expected to impair his or her objectivity if increments are based on performance evaluations. Therefore, the Commission advised that the board member would violate N.J.S.A. 18A:12-24(c) of the Act if he were to participate in discussions and vote on employment issues concerning the administrators who supervise his or her spouse after they are appointed.

Respondent notes initially that her vote against the renewal of the elementary school principal's contract at the same time as the vote in question lends further support to her contention that she was not consciously engaging in any wrongdoing. She further sets forth that she cast her vote due to the circumstances set forth in the above facts and therefore, she is entitled to the most lenient treatment possible. Further, respondent notes that this complaint was filed by her opponent who would like to see her reputation tarnished.

After considering the respondent's written submission, the Commission finds that Mrs. Koupiaris acted in her official capacity in a matter in which her husband had a personal involvement that is a benefit to him and an indirect financial involvement that may reasonably be expected to impair her objectivity. For the foregoing reasons, the Commission finds that Mrs. Koupiaris violated N.J.S.A. 18A:12-24(c).

DECISION

The Commission notes that respondent's vote in question, although ultimately found to be in violation of N.J.S.A. 18A:12-24(c), was inadvertent and resulted from external circumstances unrelated to her board membership. The Commission further notes respondent's candor in addressing this issue. For the foregoing reasons, the Commission recommends that the Commissioner of Education impose the lowest penalty of reprimand.

This decision has been adopted by a formal resolution of the School Ethics Commission. This matter shall now be transmitted to the Commissioner of Education for action on the Commission's recommendation for sanction only, pursuant to N.J.S.A. 18A:12-29. Within thirteen (13) days from the date on which the Commission's decision was mailed to the parties, any party may file written comments on the recommended sanction with the Commissioner of Education, c/o Bureau of Controversies and Disputes, P.O. Box 500, Trenton, NJ 08625, marked "Attention: Comments on Ethics Commission Sanction." A copy of any comments filed must be sent to the School Ethics Commission and all other parties.

Paul C. Garbarini, Chairperson

Resolution Adopting Decision – C22-04

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

Whereas, at its meeting of December 21, 2004, the Commission found that Ms. Carol Anne Koupiaris violated N.J.S.A. 18A:12-24(c) of the School Ethics Act; and

Whereas, the Commission also concluded that the appropriate penalty for the violation was a reprimand and decided to recommend that penalty to the Commissioner of Education; and

Whereas, the Commission directed that its staff prepare a decision consistent with the aforementioned conclusions; and

Whereas; the Commission has reviewed the decision and agrees with the decision;

Now Therefore Be It Resolved, that the Commission hereby adopts the proposed decision referenced as it 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 it public meeting on February 7, 2005

Lisa James-Beavers, Executive Director