### NICHOLAS GALANTE

v.

MEGAN BRILL AND LAURA LAB WEST ORANGE BOARD OF EDUCATION ESSEX COUNTY

# **BEFORE THE SCHOOL ETHICS COMMISSION**

SEC Docket No. C07-12 OAL Dkt. No. EEC 08942-12

**DECISION ON SETTLEMENT** 

### **PROCEDURAL HISTORY**

This matter arises from a complaint filed on February 29, 2012 by Nicholas Galante against Megan Brill and Laura Lab, members of the West Orange Board of Education ("Board") alleging violations of the School Ethics Act ("Act"), <u>N.J.S.A.</u> 18A:12-21 <u>et seq</u>. The complainant specifically alleges that Respondent Brill violated <u>N.J.S.A.</u> 18A:12-24(b) and (g), as well as <u>N.J.S.A.</u> 18A:12-24.1(c) and (d) of the Code of Ethics for School Board Members and that Respondent Lab violated <u>N.J.S.A.</u> 18A:12-24.1(c) and (d) of the Code of Ethics on April 23, 2012. The respondents therein alleged that the complaint was frivolous. The complainant was accorded an opportunity to respond to the claim of frivolousness, but did not.

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By letter dated May 11, 2012, the complainant and the respondents were notified that the Commission would review this matter at its meeting on May 29, 2012 in order to make a probable cause determination, in accordance with N.J.A.C. 6A:28-10.9. At its meeting on May 29, 2012, the Commission found no probable cause to credit the allegations of prohibited acts, as set forth in this complaint. Accordingly, the Commission voted to transmit this matter to the Office of Administrative Law (OAL) for a hearing where the complainant shall carry the burden to factually prove that the respondents violated the Code of Ethics for School Board Members, as claimed in the remaining allegations in the complaint, in accordance with standards set forth at N.J.A.C. 6A:28-6.4.

After transmittal of this matter to the OAL, the parties submitted an Agreement/Release with the intent to settle and resolve all issues. The Administrative Law Judge (ALJ) concluded that the Agreement met the requirements of <u>N.J.A.C.</u> 1:1-19.1 and the matter was returned to the Commission for review. Pursuant to <u>N.J.S.A.</u> 52:14B-10(c) and <u>N.J.A.C.</u> 1:1-18.8 and for good cause shown, the Commission was granted an extension of time in which to issue its final decision in this matter.

The Initial Decision of the ALJ approving the Settlement Agreement/Release was reviewed by the Commission at its April 30, 2013 meeting. The Commission decided to accept the proposed settlement.

# ANALYSIS

The parties to the Settlement Agreement/Release have fully set out the terms of the settlement and consider it a complete release of all claims arising out of the facts of this controversy and further agree that their predecessors, successors, heirs and assigns are also similarly released from any liability from the claims averred in this matter. Finally, the complainant agrees to withdraw with prejudice his complaint docketed as C07-12 before the School Ethics Commission.

#### DECISION

Upon review and for the reasons set forth above, the Commission adopts the Initial Decision of the ALJ, accepting the Settlement Agreement/Release, signed by the parties in this matter. Moreover, the Commission approves the parties' settlement in which the complainant withdraws his complaint with prejudice and adopts the Initial Decision as the final decision in this matter. The matter is hereby dismissed, subject to compliance with the terms of the settlement.

Robert W. Bender Chairperson

Mailing Date: May 29, 2013

# **Resolution Adopting Decision – C07-12**

**Whereas**, pursuant to <u>N.J.A.C.</u> 6A:28-10.8(a), the Commission voted to transmit this matter to the Office of Administrative Law (OAL) for hearing; and

Whereas, while at the OAL, the parties to this matter executed a Settlement Agreement/Release setting forth the terms and conditions of a settlement; and

Whereas, the Administrative Law Judge concluded that the Agreement met the requirements of <u>N.J.A.C</u>. 1:1-19.1; and

Whereas, at its meeting on April 30, 2013, the Commission decided to accept the proposed settlement in which the complainant withdraws his complaint with prejudice; and

Whereas, the Commission finds that the within decision accurately memorializes its adoption of the Initial Decision accepting the Agreement;

Now Therefore Be It Resolved, that the Commission hereby adopts the within decision and directs it staff to notify all parties to this action of the decision.

Robert W. Bender, Chairperson

I hereby certify that this Resolution was duly adopted by the School Ethics Commission at it public meeting on May 28, 2013.

Joanne M. Restivo Interim Executive Director School Ethics Commission