
JUDITH A. DINAPOLI

v.

JOHN QUATTROCCHI
VERONA BOARD OF EDUCATION,
ESSEX COUNTY

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**BEFORE THE SCHOOL
ETHICS COMMISSION**

**Dkt. No. C09-13
DECISION**

PROCEDURAL HISTORY

This matter arises from a complaint filed on February 15, 2013 by Judith A. Di Napoli, alleging that John Quattrocchi, the Board President of the Verona Township Board of Education (“Board”), violated the School Ethics Act (“Act”), N.J.S.A. 18A:12-21 et seq. Specifically, the complainant alleges that the respondent violated N.J.S.A. 18A:12-24.1 (g) of the Code of Ethics for School Board Members. On March 26, 2013, an answer was filed on behalf of the respondent.

The parties were notified by letter dated May 7, 2013 that this matter would be placed on the agenda for the Commission’s meeting on May 28, 2013 for review, in accordance with N.J.A.C. 6A:28-10.8. Therein, the parties were specifically advised that the Commission may take one of several actions: decide to retain the complaint for a hearing by the Commission at a later date; decide to refer the matter to the Office of Administrative Law for a hearing; table the matter to request additional information or legal advice; or dismiss the complaint where the allegations in the complaint, on their face, are insufficient, even if true, to warrant review by the Commission as possible violations of the School Ethics Act. At its meeting, the Commission voted to dismiss the complaint for failure to state a claim that would be a violation of the Act. (N.J.A.C. 6A:28-10.8(a)5). The Commission further found that the complaint was not frivolous in accordance with the standard set forth at N.J.A.C. 6A:28-1.2.

SUMMARY OF THE PLEADINGS

In Count 1, the complainant alleges that on December 11, 2012, the respondent uttered inaccurate and misleading statements at a public meeting when he offered his opinion about a matter involving the complainant, which had been heard and decided by the Office of Administrative Law, reviewed and decided by the Commissioner of Education, and is currently pending the before the NJ Superior Court, Appellate Division. The complainant asserts that the respondents violated N.J.S.A. 18A:12-24.1(g).

In Count 2, the complainant asserts that on December 20, 2012, the respondent provided false and misleading information to a local newspaper about the contents of subpoenas issued by the Verona Board of Education. The complainant asserts that the respondent violated N.J.S.A. 18A:12-24.1(g).

In Count 3, the complainant asserts that on December 20, 2013, the respondent disclosed confidential information when he made a statement, which was later published in a local

newspaper, "Some of the posts involved 'intimate' details of the Di Napoli case and were libelous to people working in the district." (Complaint at p. 4) The complainant asserts that the respondent violated N.J.S.A. 18A:12-24.1(g).

In Count 4, the complainant asserts that on December 20, 2013, the respondent made an inaccurate and false statement to a reporter of a local newspaper. He stated, "Once we sent the letter, the posts stopped within 15 minutes." (Complaint at p. 5) The complainant asserts that the respondent violated N.J.S.A. 18A:12-24.1(g).

ANALYSIS

The complainant has the burden to factually establish a violation of the Code of Ethics for School Board Members in accordance with the standards set forth at N.J.A.C. 6A:28-6.4(a). A complaint must include, among other requirements, specific allegations and the facts supporting them which have given rise to the alleged violation(s) of the Act. N.J.A.C. 6A:28-6.3(b)3. Regulations further provide that the Commission may, in its discretion, dismiss complaints or specific allegations in complaints, where the complaint, on its face, fails to state a claim under the Act. N.J.A.C. 6A:28-10.2(a)7; N.J.A.C. 6A:28-10.8(a)5.

In Counts 1 through 4, the complainant asserts that the respondent violated N.J.S.A. 18A:12-24.1(g), which provides:

I will hold confidential all matters pertaining to the schools which, if disclosed, would needlessly injure individuals or the schools. In all other matters, I will provide accurate information and, in concert with my fellow board members, interpret to the staff the aspirations of the community for its school.

The Commission's regulations require that:

Factual evidence of a violation of the confidentiality provision of N.J.S.A. 18A:12-24.1(g) shall include evidence that the respondent(s) took action to make public, reveal or disclose information that was not public under any laws, regulations or court orders of this State, or information that was otherwise confidential in accordance with board policies, procedures or practices. Factual evidence that the respondent violated the inaccurate information provision of N.J.S.A. 18A:12-24.1(g) shall include evidence that substantiates the inaccuracy of the information provided by the respondent(s) and evidence that establishes that the inaccuracy was other than reasonable mistake or personal opinion or was not attributable to developing circumstances. N.J.A.C. 6A:28-6.4(a)7.

In its review of the matter, the Commission determined that the information the respondent disclosed was not confidential in nature as any matter that is not under seal before the

Office of Administrative Law, pursuant to N.J.A.C. 1:1-14.1 et seq., is a public record and may be subject to an OPRA request. Therefore, absent a sealing of the record, the Di Napoli proceeding is a public record and the information revealed therein is available to the public. Moreover, the complainant has failed to provide an adequate basis to support the claim that these unskilled disclosures were any more than the respondent's unfamiliarity with legalese or his lack of understanding and articulating the complicated outcome in the matter before the Commissioner of Education. Therefore, the Commission finds that the complainant has failed to set forth facts in Counts 1 through 4, which would support a claim that the respondents violated N.J.S.A. 18A:12-24.1(g).

DECISION

Based on the foregoing, and pursuant to its discretion, the Commission dismisses the within complaint for failure to state a claim that would be a violation of the Act. N.J.A.C. 6A:28-10.2(a)7; N.J.A.C. 6A:28-10.8(a)5. This is a final decision of an administrative agency, appealable to the Superior Court, Appellate Division. See, New Jersey Court Rule 2:2-3(a).

Robert W. Bender, Chairperson

Mailing Date: June 26, 2013

Resolution Adopting Decision – C09-13

Whereas, the School Ethics Commission has considered the complaint and answer; and

Whereas, at its meeting on May 28, 2013, the Commission determined to dismiss the complaint for failure to state a claim that would be a violation of the Act; and

Whereas, the Commission has reviewed and approved the decision memorializing said action;

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

Robert W. Bender, Chairperson

I hereby certify that the Resolution was duly adopted by the School Ethics Commission at its public meeting on June 26, 2013.

Joanne M. Restivo
Interim Executive Director