

Before the School Ethics Commission
Docket No.: C44-19
Decision on Motion to Dismiss

**Virginia Jeffries,
Complainant**

v.

**Vernon Pullins,
East Orange Board of Education, Essex County,
Respondent**

I. Procedural History

This matter arises from a Complaint that was filed on June 13, 2019, by Virginia Jeffries (Complainant), alleging that Vernon Pullins (Respondent), a member of the East Orange Board of Education (Board), violated the School Ethics Act (Act), *N.J.S.A.* 18A:12-21 *et seq.* More specifically, the Complaint alleges that Respondent violated *N.J.S.A.* 18A:12-24.1(e) of the Code of Ethics for School Board Members (Code) in Count 1, violated *N.J.S.A.* 18A:12-24.1(c) of the Code in Count 2, violated *N.J.S.A.* 18A:12-24(a) in Count 3, violated *N.J.S.A.* 18A:12-24(a) in Count 4, and violated *N.J.S.A.* 18A:12-24.1(f) of the Code in Count 5.

On June 18, 2019, the Complaint was served on Respondent, via regular and certified mail, notifying him that charges were filed against him with the School Ethics Commission (Commission), and advising that he had twenty (20) days to file a responsive pleading. On July 31, 2019, Respondent filed a Motion to Dismiss in Lieu of Answer (Motion to Dismiss), and on August 26, 2019, Complainant filed a response to the Motion to Dismiss.

The parties were notified by correspondence dated September 16, 2019, that this matter would be placed on the Commission's agenda for its meeting on September 24, 2019, in order to make a determination regarding the Motion to Dismiss. At its meeting on September 24, 2019, the Commission considered the filings in this matter and, at its meeting on October 25, 2019, the Commission voted to find that the Complaint was timely filed but to, nonetheless, grant the Motion to Dismiss in its entirety because Complainant failed to plead sufficient, credible facts to support a finding that Respondent violated *N.J.S.A.* 18A:12-24.1(e) as alleged in Count 1, violated *N.J.S.A.* 18A:12-24.1(c) as argued in Count 2, violated *N.J.S.A.* 18A:12-24(a) as contended in Count 3, violated *N.J.S.A.* 18A:12-24(a) as asserted in Count 4, and/or violated *N.J.S.A.* 18A:12-24.1(f) as claimed in Count 5.

II. Summary of the Pleadings

A. *The Complaint*

In Count 1, Complainant states that Respondent – a Board member appointed by the East Orange Mayor, a past Board president, and an individual who possesses a law degree – ***made a motion*** to suspend Board Policy 7250 as part of a “walk on” Resolution (Resolution #1203). Board Policy 7250 requires, among other things, that when renaming a school, the proposed name(s) must be free from “political connotation,” and requires that if the “name is a person, the person shall be deceased.” This “walk on” Resolution was not on the published Board agenda and, therefore, “the public was unaware of the actions to be taken and unable to have comment [on] or input to this walk on resolution.” Based on these facts, Complainant alleges that Respondent violated *N.J.S.A. 18A:12-24.1(e)* because he did not “recognize the authority of the [Board] in taking actions that may compromise the Board by having a school renamed for the [Lieutenant Governor] to further his political opportunities in running for office by suspending” a policy that would have prevented the Board from renaming a school in the name of the Lieutenant Governor.

In Count 2, Complainant states that Respondent – a Board member appointed by the East Orange Mayor and past Board president – ***did not abstain and voted “yes”*** on the “walk on” resolution (Resolution #1203, which was to suspend Board Policy 7250). Based on these facts, Complainant asserts Respondent violated *N.J.S.A. 18A:12-24.1(c)* because he “did not confine his actions to policy making, planning and appraisal.” Instead of “helping to frame Board action and plans,” Respondent voted in favor of suspending Board Policy 7250 that would have prevented the Board from renaming the school (in the name of the Lieutenant Governor), and did so “to further his political aspirations and disenfranchising the citizens of East Orange.”

In Count 3, Complainant states that Respondent – a Board member appointed by the East Orange Mayor and past Board president – ***made a motion*** on the “walk on” resolution (Resolution #1204, which was to rename an East Orange School District (District) school in the name of the Lieutenant Governor). According to Complainant, this resolution was not on the published Board agenda. Since it was not on the published Board agenda, “the public and citizens had no knowledge [of] nor input to this walk on resolution.” Based on these facts, Complainant argues that Respondent violated *N.J.S.A. 18A:12-24(a)* because Respondent, under political appointment, “engaged in a transaction that ‘is in substantial conflict with [the] proper discharge of his duties in the public interest’ in furtherance of his political aspirations by renaming” a District school in the name of the Lieutenant Governor.

In Count 4, Complainant states that Respondent – a Board member appointed by the East Orange Mayor and past Board president – ***voted “yes” and did not abstain*** on the “walk on” resolution (Resolution #1204, which was to rename a District school in the name of the Lieutenant Governor). Based on these facts, Complainant alleges that Respondent violated *N.J.S.A. 18A:12-24(a)* because Respondent, under political appointment, “engaged in a transaction that ‘is in substantial conflict with [the] proper discharge of his duties in the public interest’ in furtherance of his political aspirations by renaming” a District school in the name of the Lieutenant Governor.

In Count 5, Complainant states that Respondent – a Board member appointed by the East Orange Mayor and past Board president – *made a motion* to rename a school in the name of the Lieutenant Governor in a “walk on” resolution (Resolution #1204). According to Complainant, this was “not on the published Board agenda” and, as a result, it “did not allow for the citizens and community to comment nor to have input.” Based on these facts, Complainant asserts that Respondent violated *N.J.S.A. 18A:12-24.1(f)* because Respondent, as a politically appointed Board member, used “the schools for personal gain” to have a school renamed in the name of the Lieutenant Governor, and in a District (East Orange) which is her “political base.”

B. *Motion to Dismiss*

Following receipt of the Complaint, Respondent filed a Motion to Dismiss. As an initial matter, Respondent argues that the Complaint is time barred because the alleged conduct occurred on or about December 11, 2018, but Complainant did not file her Complaint until June 13, 2019. According to Respondent, 180 days from the date of occurrence would have been June 10, 2019; therefore, Respondent maintains the Complaint should be dismissed as untimely.

If found not to be time barred, Respondent preliminarily argues that his actions in presenting and voting for the at-issue resolutions, and doing so without prior notice, was an act within the power of the Board and its members. In addition, the alleged violations of *N.J.S.A. 18A:12-24(a)* (in Count 3 and Count 4) are inapplicable because Complainant has not set forth any facts that Respondent engaged in any business, transaction, or professional activity, which was in substantial conflict with the proper discharge of his duties. Complainant also failed to set forth any facts to demonstrate that Respondent’s “prior run for political office and his law degree are somehow connected to a future political career” with the Lieutenant Governor (or anyone else), and that both would adversely impact his current duties as a Board member. As for the alleged violations of *N.J.S.A. 18A:12-24(e)* (in Count 1), there are no facts indicating that Respondent accepted a gift, loan or contribution based upon the understanding that it was offered or given for the purpose of influencing him in the discharge of his duties.

Regarding the alleged violation of *N.J.S.A. 18A:12-24.1(c)* (in Count 2), Respondent argues that Complainant did not provide any facts to conclude that Respondent did not consider the impact of the suspension of Board Policy 7250 or how the suspension of the policy was contrary to the goals of the District. Furthermore, the Board has the authority to rename its schools and chose to “recognize two people who made significant contributions to the City of East Orange” (the Lieutenant Governor and a beloved teacher who was recently killed).

As to the alleged violation of *N.J.S.A. 18A:12-24.1(f)* (in Count 5), Respondent argues that Complainant failed to “present facts supporting that Respondent was acting on behalf of [the Lieutenant Governor], Ms. James, the family of [the deceased teacher], or any specific entity or group.” Moreover, Complainant did not provide evidence or supporting facts that Respondent acted on “behalf of himself, his immediate family or a friend.” Respondent further argues he engaged in action that he was authorized to take, and although other Board members engaged in similar activity, he was the only Board member named as a Respondent.

C. *Response to Motion to Dismiss*

In response to the Motion to Dismiss, Complainant asserts that Respondent was appointed to be a Board member by the Mayor, as all Board members are politically appointed; however, in February 2019, Respondent was endorsed to run for “an open City Council seat on the same line as [the Mayor].” Complainant maintains “the then Board members may not have known of [Respondent’s] imminent plans to run for political office. In addition, Complainant argues that Respondent not only voted for the “walk on resolutions, he made the motion for all the walk on resolutions.”

As to the matter of untimeliness, Complainant asserts that although the “walk on” resolution and the vote occurred at the December 11, 2018, she was not aware of the matter on that date. As noted in her Complaint, the “walk on” resolutions and vote were not on the agenda, the vote took place “much later in the evening,” the minutes are not posted on December 11, 2018, and Complainant made inquiries regarding the matter in an email dated December 26, 2018, which is the first time Complainant was made aware of the events that occurred on December 11, 2018; therefore, the Complaint is not time barred.

Complainant concludes that Respondent’s “exhibits reinforce the conflicts of interest and violations of the [Act]” and support that Respondent violated provisions of the Board’s policies and bylaws and, therefore, the Complaint should not be dismissed.

III. Analysis

A. *Standard for Motion to Dismiss*

In determining whether to grant a Motion to Dismiss, the Commission shall review the facts in the light most favorable to the non-moving party (Complainant), and determine whether the allegation(s), if true, could establish a violation of the Act. Unless the parties are otherwise notified, a Motion to Dismiss and any response is reviewed by the Commission on a summary basis. *N.J.A.C. 6A:28-8.1 et seq.* Thus, the question before the Commission is whether Complainant has alleged sufficient facts which, if true, could support a finding that Respondent violated *N.J.S.A. 18A:12-24.1(e)* as alleged in Count 1, violated *N.J.S.A. 18A:12-24.1(c)* as argued in Count 2, violated *N.J.S.A. 18A:12-24(a)* as contended in Count 3, violated *N.J.S.A. 18A:12-24(a)* as asserted in Count 4, and/or violated *N.J.S.A. 18A:12-24.1(f)* as claimed in Count 5.

B. *Alleged Untimeliness*

In his Motion to Dismiss, Respondent preliminarily argues that the allegations in the Complaint are untimely and, therefore, should be dismissed. More specifically, Respondent argues that because the conduct at-issue occurred on or about December 11, 2018, and Complainant did not file her Complaint until June 13, 2019, which was three (3) days beyond the 180-day statute of limitations, the Complaint should be dismissed. Complainant counters the “walk on” resolutions and the related votes were not on the published agenda, the vote took place “much later in the evening,” the minutes from the meeting were not posted on December 11,

2018, and Complainant made inquiries regarding the matter in an email dated December 26, 2018, which is the first time she was made aware of the events that occurred on December 11, 2018; therefore, Complainant submits her Complaint was timely filed.

The Commission's regulations provide a one hundred eighty (180) day limitation period for filing a complaint. More specifically, *N.J.A.C. 6A:28-6.5(a)* provides, in relevant part:

- (a) Complaints shall be filed within 180 days of notice *of the events which form the basis of the alleged violation(s)*. A complainant shall be deemed to be notified of events which form the basis of the alleged violation(s) *when he or she knew of such events or when such events were made public so that one using reasonable diligence would know or should have known* (emphasis added).

Pursuant to *N.J.A.C. 6A:28-6.5(a)*, the Commission must determine when Complainant knew of the events which form the basis for the allegations in the Complaint, or when such events were made public so that one using reasonable diligence would know, or should have known, of such events.

In its review of the pleadings, the Commission notes that Complainant submitted an Open Public Records Act (OPRA) request to the District on December 12, 2018, the day after the December 11, 2018, Board meeting, and requested certain documentation, including Resolution #1203 and Resolution #1204. By e-mail dated December 20, 2018, from the District's Record Custodian, Complainant was advised that her OPRA request was completed, and responsive documents could be picked-up at her convenience. On December 26, 2018, Complainant sent an email to the Board President expressing concern with the actions that occurred at the Board meeting on December 11, 2018.

In construing the facts in the light most favorable to the non-moving party (Complainant), and for purposes of ruling on this Motion to Dismiss, the Commission accepts Complainant's representation that she did not know or have reason to know of the events that form the basis of her Complaint until December 26, 2018. Because Complainant did not learn about the actions that occurred on December 11, 2018, until December 26, 2018, the Commission finds that the filing of her Complaint on June 13, 2019, was timely.

Even if the Commission attributed knowledge of the events that occurred on December 11, 2018, to Complainant on the date that the District provided her with responsive records to her OPRA request (ostensibly December 20, 2018), which is the only other reasonable date that could apply, her Complaint was still timely filed, as the one hundred eighty (180) day statute of limitations would have expired on June 18, 2019 (which was five (5) days after she filed her Complaint). But for Complainant's submission of an OPRA request, the Commission could have used the date that the minutes from the December 11, 2018, meeting were approved.

Given the time that the relevant actions occurred at the meeting on December 11, 2018 (seemingly after 9:00 p.m.), and the fact that Resolution #1203 and Resolution #1204 did not

appear on the Board's published agenda, the Commission finds that December 11, 2018, cannot be used as the date that Complainant, or any other member of the public, knew of the events which form the basis for the allegations in the Complaint, or as the date when such events were made public so that one using reasonable diligence would know, or should have known, of such events. Even if December 11, 2018, was used as the starting date, the Commission has the authority and the discretion, pursuant to *N.J.A.C.* 6A:28-1.8, to relax its rules "where a strict adherence thereto may be deemed inappropriate or unnecessary or may result in injustice." Dismissing a Complaint because it was filed three (3) days late would be an example of such an injustice. Consequently, the Commission finds that the Complaint is not time barred.

C. Alleged Prohibited Acts

In the Complaint, Complainant alleges that Respondent violated *N.J.S.A.* 18A:12-24(a) in Count 3 and Count 4. This provision of the Act provides:

- a. No school official or member of his immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest;

To credit the alleged violation of *N.J.S.A.* 18A:12-24(a), the Commission must find evidence that Respondent, or a member of his immediate family, has an interest in a business organization, or engaged in any business, transaction, or professional activity which was in substantial conflict with the proper discharge of his duties in the public interest.

Count 3

In **Count 3**, Complainant alleges that, by *making a motion* on a "walk on" resolution that was not on the Board's published agenda (Resolution #1204), Respondent violated *N.J.S.A.* 18A:12-24(a) because he "engaged in a transaction that 'is in substantial conflict with [the] proper discharge of his duties in the public interest' in furtherance of his political aspirations by renaming" a District school in the name of the Lieutenant Governor. Respondent counters that Complainant has not set forth any facts that Respondent engaged in any business, transaction, or professional activity, which was in substantial conflict with the proper discharge of his duties. Complainant also failed to set forth any facts to demonstrate that Respondent's "prior run for political office and his law degree are somehow connected to a future political career" with the Lieutenant Governor (or anyone else), and that both would adversely impact his current duties as a Board member.

After review of the Complaint, the Commission finds that even if the facts as alleged are proven true by sufficient credible evidence, they would not support a finding that Respondent violated *N.J.S.A.* 18A:12-24(a). First, Complainant has not offered any facts which suggest, or establish, that Respondent or a member of his immediate family had an "interest" in a business

organization.¹ Second, because the allegations in this Count relate to actions within the scope of a Board member's authority (e.g., presenting or moving a resolution for consideration by the full Board), the Commission finds that Complainant has failed to present facts which indicate that Respondent engaged in a "business, transaction, or professional activity" that was in substantial conflict with the proper discharge of his duties. While Complainant may not agree with Respondent's actions, her disapproval of his actions, without more, cannot serve as the basis for a violation of *N.J.S.A.* 18A:12-24(a). Therefore, and without the necessary facts pled in the Complaint, the Commission finds that the alleged violation of *N.J.S.A.* 18A:12-24(a) in Count 3 should be dismissed.

Count 4

In **Count 4**, Complainant argues that, by **voting "yes" and not abstaining** on a "walk on" resolution that was not on the Board's published agenda (Resolution #1204), Respondent violated *N.J.S.A.* 18A:12-24(a) because Respondent, under political appointment, "engaged in a transaction that 'is in substantial conflict with [the] proper discharge of his duties in the public interest' in furtherance of his political aspirations by renaming" a District school in the name of the Lieutenant Governor. Respondent again counters that Complainant has not set forth any facts that Respondent engaged in any business, transaction, or professional activity, which was in substantial conflict with the proper discharge of his duties. Complainant also failed to set forth any facts to demonstrate that Respondent's "prior run for political office and his law degree are somehow connected to a future political career" with the Lieutenant Governor (or anyone else), and that both would adversely impact his current duties as a Board member.

Based on its review of the Complaint, the Commission finds that even if the facts as alleged are proven true by sufficient credible evidence, they would not support a finding that Respondent violated *N.J.S.A.* 18A:12-24(a). Once again, Complainant has not presented any facts which suggest, or establish, that Respondent or a member of his immediate family had an "interest" in a business organization. Moreover, and because the allegations in this Count relate to actions that are within the scope of a Board member's authority (e.g., voting on a matter before the Board), the Commission finds that Complainant has failed to present facts which indicate that Respondent engaged in an external "business, transaction, or professional activity" that was in substantial conflict with the proper discharge of his duties. Board members have the prerogative to vote on all matters, absent a conflict of interest, as they see fit. As such, and without the necessary factual support for her position, the Commission finds that the alleged violation of *N.J.S.A.* 18A:12-24(a) in Count 4 should be dismissed.

D. *Alleged Code Violations*

In the Complaint, Complainant alleges that Respondent violated *N.J.S.A.* 18A:12-24.1(e) in Count 1, violated *N.J.S.A.* 18A:12-24.1(c) in Count 2, and violated *N.J.S.A.* 18A:12-24.1(f) in Count 5. These provisions of the Code provide:

¹ Pursuant to *N.J.S.A.* 18A:12-23, "interest" means the ownership or control of more than 10% of the profits, assets, or stock of a business but shall not include the control of assets in a labor union.

c. I will confine my board action to policy making, planning, and appraisal, and I will help to frame policies and plans only after the board has consulted those who will be affected by them.

e. I will recognize that authority rests with the board of education and will make no personal promises nor take any private action that may compromise the board.

f. 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.

Count 1

In Count 1, Complainant contends that, by ***making a motion*** on a “walk on” resolution that was not on the Board’s published agenda (Resolution #1203), Respondent violated *N.J.S.A. 18A:12-24.1(e)* because he did not “recognize the authority of the [Board] in taking actions that may compromise the Board by having a school renamed for the [Lieutenant Governor] to further his political opportunities in running for office by suspending” Board Policy 7250. Respondent counters that there are no facts indicating that Respondent accepted a gift, loan or contribution based upon the understanding that it was offered or given for the purpose of influencing him in the discharge of his duties.²

As set forth in *N.J.A.C. 6A:28-6.4(a)(5)*, factual evidence of a violation of *N.J.S.A. 18A:12-24.1(e)* shall include evidence that Respondent made personal promises or took action beyond the scope of his duties such that, by its nature, had the potential to compromise the board.

After review of the Complaint, the Commission finds that even if the facts as alleged are proven true by sufficient credible evidence, they would not support a finding that Respondent violated *N.J.S.A. 18A:12-24.1(e)*. There is nothing in the Complaint which asserts that Respondent made a personal promise to anyone - the Lieutenant Governor or otherwise – or that he took actions beyond the scope of his duties. Instead, while Complainant may not agree with Respondent’s decision to make a motion on a matter that was not on the Board’s published agenda, it is within Respondent’s duties as a Board member to take such action. Therefore, the Commission finds that the alleged violation of *N.J.S.A. 18A:12-24.1(e)* in Count 1 should be dismissed.

Count 2

In Count 2, Complainant asserts that, by ***not abstaining and voting “yes”*** on a “walk on” resolution that was not on the Board’s published agenda (Resolution #1203), Respondent violated *N.J.S.A. 18A:12-24.1(c)* because he “did not confine his actions to policy making,

² Although Complainant cited to *N.J.S.A. 18A:12-24(e)* in her Complaint, she cites the language from *N.J.S.A. 18A:12-24.1(e)*.

planning and appraisal.” Instead of “helping to frame Board action and plans,” Respondent voted in favor of suspending Board Policy 7250 that would have prevented the Board from renaming the school (in the name of the Lieutenant Governor), and did so “to further his political aspirations and disenfranchising the citizens of East Orange.” Respondent counters that Complainant did not provide any facts to conclude that Respondent did not consider the impact of the suspension of Board Policy 7250 or how the suspension of Board Policy 7250 was contrary to the goals of the District.

Pursuant to *N.J.A.C.* 6A:28-6.4(a)(3), factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(c) shall include evidence that Respondent took board action to effectuate policies and plans without consulting those affected by such policies and plans, or took action that was unrelated to Respondent’s duty to (i) develop the general rules and principles that guide the management of the school district or charter school; (ii) formulate the programs and methods to effectuate the goals of the school district or charter school; or (iii) ascertain the value or liability of a policy.

Based on its review of the Complaint, the Commission finds that even if the facts as alleged are proven true by sufficient credible evidence, they would not support a finding that Respondent violated *N.J.S.A.* 18A:12-24.1(c). Even if the “walk on” resolution was not on the Board’s published agenda, and even if the failure to include the resolution on the agenda may have violated a Board policy, regulation, or the Open Public Meetings Act, Complainant has not provided any facts to establish that Respondent, who voted in the affirmative for the motion, effectuated policies and plans without consulting those affected by such policies or plans, or that he otherwise took action unrelated to his duties as a Board member. As a result, the Commission finds that the alleged violation of *N.J.S.A.* 18A:12-24.1(c) in Count 2 should be dismissed.

Count 5

In Count 5, Complainant claims that, by ***making a motion*** to rename a school in the name of the Lieutenant Governor, Respondent violated *N.J.S.A.* 18A:12-24.1(f) because he (Respondent), as a politically appointed Board member, used “the schools for personal gain” to have a school renamed in the name of the Lieutenant Governor, and in a District (East Orange) which is her “political base.” Respondent counters that Complainant failed to “present facts supporting that Respondent was acting on behalf of [the Lieutenant Governor], Ms. James, the family of [the deceased teacher], or any specific entity or group.” Moreover, Complainant did not provide evidence or supporting facts that Respondent acted on “behalf of himself, his immediate family or a friend.”

As set forth in *N.J.A.C.* 6A:28-6.4(a)(6), factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(f) shall include evidence that Respondent took action on behalf of, or at the request of, a special interest group or persons organized and voluntarily united in opinion and who adhere to a particular political party or cause; or evidence that Respondent used the schools in order to acquire some benefit for himself, a member of his immediate family or a friend.

After review of the Complaint, the Commission finds that even if the facts as alleged are proven true by sufficient credible evidence, they would not support a finding that Respondent violated *N.J.S.A.* 18A:12-24.1(f). Complainant has not provided any facts demonstrating that

Respondent's decision to make a motion to rename a school in favor of the Lieutenant Governor was done on behalf of, or at the request of, the Lieutenant Governor. In addition, Complainant has not provided any facts specifically detailing the benefit that Respondent received as a result of his involvement in Resolution #1203 and Resolution #1204. Instead, Complainant merely assumes that, theoretically, and some day, Respondent may benefit from his actions. Speculation without sufficient supporting facts cannot establish a violation of *N.J.S.A. 18A:12-24.1(f)*. Therefore, the Commission finds that the alleged violation of *N.J.S.A. 18A:12-24.1(f)* in Count 5 should be dismissed.

Accordingly, and granting all inferences in favor of the non-moving party (Complainant), the Commission has determined that, although the Complaint was timely filed, the Motion to Dismiss should be **granted** in its entirety because Complainant failed to plead sufficient, credible facts to support a finding that Respondent violated *N.J.S.A. 18A:12-24.1(e)* as alleged in Count 1, violated *N.J.S.A. 18A:12-24.1(c)* as argued in Count 2, violated *N.J.S.A. 18A:12-24(a)* as contended in Count 3, violated *N.J.S.A. 18A:12-24(a)* as asserted in Count 4, and/or violated *N.J.S.A. 18A:12-24.1(f)* as claimed in Count 5.

IV. Decision

Based on the foregoing, and in reviewing the facts in the light most favorable to the non-moving party (Complainant), the Commission voted to find that the Complaint was timely filed but to, nonetheless, **grant** the Motion to Dismiss in its entirety because Complainant failed to plead sufficient, credible facts to support a finding that Respondent violated *N.J.S.A. 18A:12-24.1(e)* as alleged in Count 1, violated *N.J.S.A. 18A:12-24.1(c)* as argued in Count 2, violated *N.J.S.A. 18A:12-24(a)* as contended in Count 3, violated *N.J.S.A. 18A:12-24(a)* as asserted in Count 4, and/or violated *N.J.S.A. 18A:12-24.1(f)* as claimed in Count 5.

Pursuant to *N.J.S.A. 18A:12-29(b)*, the Commission hereby notifies Complainant and Respondent that, for the reasons set forth above, this matter is dismissed. This decision is a final decision of an administrative agency and, therefore, it is appealable only to the Superior Court-Appellate Division. *See, New Jersey Court Rule 2:2-3(a)*.

Robert W. Bender, Chairperson

Mailing Date: October 25, 2019

***Resolution Adopting Decision
in Connection with C44-19***

Whereas, at its meeting on September 24, 2019, the School Ethics Commission (Commission) considered the Complaint, the Motion to Dismiss in Lieu of Answer (Motion to Dismiss), and the response to the Motion to Dismiss submitted in connection with the above-referenced matter; and

Whereas, at its meeting on September 24, 2019, the Commission discussed finding that the Complaint was timely filed but, nonetheless, granting the Motion to Dismiss in its entirety for failure to plead sufficient, credible facts to support the allegations that Respondent violated *N.J.S.A.* 18A:12-24.1(e) as alleged in Count 1, violated *N.J.S.A.* 18A:12-24.1(c) as argued in Count 2, violated *N.J.S.A.* 18A:12-24(a) as contended in Count 3, violated *N.J.S.A.* 18A:12-24(a) as asserted in Count 4, and/or violated *N.J.S.A.* 18A:12-24.1(f) as claimed in Count 5; and

Whereas, at its meeting on October 25, 2019, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on September 24, 2019; and

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 October 25, 2019.

Kathryn A. Whalen, Director
School Ethics Commission