

***Before the School Ethics Commission
Docket No.: C71-19
Decision on Motion to Dismiss***

**Virginia E. Jeffries,
Complainant**

v.

**Terry Tucker,
East Orange Board of Education, Essex County,
Respondent**

I. Procedural History

This matter arises from a Complaint that was filed on December 2, 2019, by Virginia E. Jeffries (Complainant), alleging that Terry Tucker (Respondent), a member and President 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(b) in Count 1 and Count 5, *N.J.S.A.* 18A:12-24.1(f) in Count 2, and violated *N.J.S.A.* 18A:12-24(c) in Count 3 and Count 4.

On December 3, 2019, the Complaint was served on Respondent, via regular and certified mail, notifying her that charges were filed against her with the School Ethics Commission (Commission), and advising that she had twenty (20) days to file a responsive pleading. On December 23, 2019, Respondent filed a Motion to Dismiss in Lieu of Answer (Motion to Dismiss), and also alleged that the Complaint is frivolous. On January 21, 2020, Complainant filed a response to the Motion to Dismiss and allegation of frivolous filing.

The parties were notified by correspondence dated February 14, 2020, that this matter would be placed on the Commission's agenda for its meeting on February 25, 2020, in order to make a determination regarding the Motion to Dismiss and allegation of frivolous filing. At its meeting on February 25, 2020, the Commission considered the filings in this matter and, at a special meeting on March 27, 2020, the Commission voted to 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(b) as alleged in Count 1 and Count 5, violated *N.J.S.A.* 18A:12-24.1(f) as argued in Count 2, and/or violated *N.J.S.A.* 18A:12-24(c) as contended in Count 3 and Count 4. The Commission also voted to find the Complaint not frivolous, and to deny Respondent's request for sanctions.

II. Summary of the Pleadings

A. *The Complaint*

In Count 1, Complainant alleges that Respondent/Board President, a Mayor appointee to the Board, “did approve retroactively [the] Mayor ... and the East Orange City Council to interrupt the learning process for the entire student body ... and teaching staff for a political event that took place on ... June 3, 2019, prior to the ... June 4, 2019, Primary” Based on these facts, Complainant alleges that, on June 11, 2019, Respondent violated *N.J.S.A.* 18A:12-24.1(b) because she did not make decisions in terms of the educational welfare of children as this was a “political event in the beginning of the school week during the height of the school day without regard for the nutritional and educational needs of the children.”

In Count 2, Complainant asserts that Respondent/Board President, a Mayor appointee to the Board, “allowed [the] Mayor ... to livestream on Facebook a political event on the premises of Whitney E. Houston Academy [that included] the entire student body [and allowed] segments of the student body to perform for [the] Mayor, the East Orange City Council and other dignitaries the day before the ... June 4, 2019, primary.” Therefore, and on June 3, 2019, Complainant asserts that Respondent violated *N.J.S.A.* 18A:12-24.1(f) because she “surrendered her independent judgment for a partisan political group as a politically appointed Board [m]ember of that same partisan political group.”

In Count 3 and Count 4, which are duplicative of each other, Complainant contends that Respondent/Board President, a Mayor appointee to the Board, “was aware of an invitation being extended to an Assemblywoman by the Superintendent ... to attend a political event on Monday, June 3, 2019, one day prior to the Tuesday, June 4, 2019, Primary on the premises of Whitney E. Houston Academy during the school day ... and approved the legal bills for such at a later date.” As such, Complainant contends, in both Count 3 and Count 4, that Respondent violated *N.J.S.A.* 18A:12-24(c) because “in her official capacity [she] did act in that she has a personal involvement by being a Mayoral appointment and she is also the Chief of Staff to [the] Lieutenant Governor ... Furthermore, as the former campaign manager to [the] Lieutenant Governor she is in the same partisan political group.”

In Count 5, Complainant alleges that Respondent/Board President, a Mayor appointee to the Board, “retroactively approved a June 3, 2019, field trip resolution [on] June 11, 2019, for the entire student body and teaching staff of Whitney E. Houston Academy that had no approved lesson plan for Pre-K [or] Special needs [students]” and was written by Principal Henry E. Hamilton on June 11, 2019. Based on these facts, Complainant alleges that Respondent violated *N.J.S.A.* 18A:12-24.1(b) because “in her official capacity” she “did not make decisions in terms of the educational welfare of the children and failed to meet the individual needs of all children at Whitney E. Houston Academy.” According to Complainant, “Pre-K and Special Needs students ... are required to have lesson plans tailored to their needs and not generalized lesson plans that have not been approved.”

B. *Motion to Dismiss and Allegation of Frivolous Filing*

Following receipt of the Complaint, Respondent filed a Motion to Dismiss and allegation of frivolous filing. Regarding the alleged violations of *N.J.S.A.* 18A:12-24.1(b) in Count 1 and Count 5, Respondent argues that Complainant has not provided any factual evidence that Respondent "... willfully made a decision contrary to the educational welfare of children ..." or that she "... took deliberate action to obstruct programs and policies designed to meet the individual needs of all children ..." in violation of *N.J.S.A.* 18A:12-24.1(b). Respondent counters that the Superintendent approved the attendance of pupils and staff at the event, which was to honor a long-time administrator, and that the event was not political. A certification submitted by the Superintendent indicates that, other than voting to retroactively approve the event as a "field trip," Respondent was not involved to any extent.

With regard to the alleged violation of *N.J.S.A.* 18A:12-24.1(f) in Count 2, Respondent states that "any person can livestream without any approval, or even without someone's knowledge," and there is no factual evidence that "Respondent knew that the City of East Orange or its Mayor was live streaming on Facebook, much less having allegedly approved it." According to Respondent, her only involvement with the event on June 3, 2019, was "the June 11, 2019, vote to approve it as a field trip." Because Complainant has not satisfied her burden of proof, this allegation must be dismissed.¹

Regarding the alleged violations of *N.J.S.A.* 18A:12-24(c) in Count 3 and Count 4, Respondent argues there is no factual evidence that Respondent "was aware" of any invitation being sent to an Assemblywoman; even if she was aware, which she denies, her knowledge would not constitute "a dereliction of her duties, by act or omission." In addition, the Superintendent has certified no knowledge of the letter referred to by Complainant and, even if it existed, "Respondent would not have been involved in any such matter." Respondent continues, even if she was aware of an invitation and subsequently voted to pay a legal bill, there is no "personal involvement." Furthermore, "there has been no nexus established between [Respondent's] appointment and Respondent's conduct," and "no nexus established between Respondent's employment as Chief of Staff to the [Lieutenant] Governor or her political affiliation, and the alleged conduct." Therefore, Count 3 and Count 4 "must be dismissed based upon the facts and the law."

Finally, Respondent maintains that this Complaint "reveals just how far Complainant will go to try to smear Respondent's name and status as a Board member." According to Respondent, "Complainant knew or should have known that her allegations were baseless," which is evidenced by her constant referral to Respondent as a "Mayor appointee," even though all board members in a Type I school district are appointed by the Mayor, and by her "repeated references to Respondent's employment as Chief of Staff to the Lt. Governor," even though Respondent's employment is not related to the allegations in the Complaint. Respondent maintains that

¹ In her Motion to Dismiss and allegation of frivolous filing, Respondent cites to this allegation as a violation of *N.J.S.A.* 18A:12-24.1(b). Although she provided the incorrect citation, in summarizing her argument in support of dismissal, Respondent correctly cites to the substance of, and the standard for, *N.J.S.A.* 18A:12-24.1(f).

Complainant's references "evidence a clear motive to harass Respondent in the slim hope that the [SEC] will somehow find a violation where none exist[s]." Respondent further argues, "[w]e are no longer dealing with a concerned citizen exercising her rights of free speech and statutory prerogatives in good faith," but rather "a continuing and unabated vendetta" against Respondent. Just as Complainant has rights, so does the Respondent, including the right "not to be continually harassed by frivolous and baseless allegations under the ... Act." As such, Respondent maintains that the Complaint should be deemed frivolous, and sanctions imposed.

C. *Response to Motion to Dismiss and Allegation of Frivolous Filing*

In response to the Motion to Dismiss and allegation of frivolous filing, Complainant initially notes that Respondent "refused to be served" with the Complaint in this matter, and "[a]ll statements in reference to Respondent[s] ... status in any and all her public official roles are a matter of public record and on the internet." Complainant further notes that the Superintendent's certification omits certain facts, including that, as of May 10, 2019, the Superintendent "was already consulting" the Board Attorney about the renaming ceremony in honor of the former principal, but the East Orange City Council did not pass the resolution to rename the street until May 13, 2019; an email exchange between Complainant and the Superintendent indicates the Superintendent approved the event "on short notice and was unaware of any details of the event"; and bills from the Board's attorney include preparation of correspondence from the Superintendent to an Assemblywoman.

Complainant argues that the legal cases cited by Respondent (*Jones v. Tunstall*; *Smith v. David*; and *Evans v. Prudential Property and Casualty, Inc.*) are unrelated to this matter and do not involve any of the allegations "put forth in this complaint." Complainant notes that the Board's Bylaws require each Board member to receive the Agenda at least two days prior to the Board meeting, so Respondent knew about the event "well before June 11, 2019." In addition, and because the field trip form is dated June 11, 2019, which was the same day as the Board meeting, this confirms that the Board's curriculum committee never reviewed or approved it. Complainant maintains that, as Board President, Respondent has a "fiduciary responsibility to ensure public moneys are properly spent," and she did not do so in this case. Further, and as for the live streaming, Complainant reiterates that the Board did not give permission to the Mayor to livestream the event or the students' "mandatory performance." According to Complainant, "[t]here was not an official program" by the Mayor's Public Information Office, and the Mayor's Public Information Office did not invite dignitaries. Therefore, Complainant submits that the renaming ceremony "had little to no planning. Starting with the ... resolution of May 13, 2019 to the Ceremony without a program on Monday, June 3, 2019 which took place in the middle of the day ... the day before the June 4, 2019 primary."

Finally, Complainant defends that the Complaint is not frivolous. Complainant has only filed one other complaint against Respondent, contrary to Respondent's assertion that there were "multiple repeated Ethics charge filings." Complainant maintains that it is necessary to file Open Public Records Act (OPRA) requests when "government bodies are not openly responding and forthcoming to citizen's inquiries" The within Complaint is based on "records/documents from [the] City of East Orange and the [Board]." Complainant argues that "Counsel's inflammatory statement of 'a continuing and unabated vendetta' without providing the foundation and/or proof of such is specious and no less than (sic) flagrant character assassination

in an outright attempt to distract and deflect” from the evidence Complainant has provided. As a result, Complainant maintains Respondent violated the Act as set forth in the Complaint, the matter is not frivolous, and 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(b)* as alleged in Count 1 and Count 5, violated *N.J.S.A. 18A:12-24.1(f)* as argued in Count 2, and/or violated *N.J.S.A. 18A:12-24(c)* as contended in Count 3 and Count 4.

Count 1 and Count 5

In Count 1 and Count 5, Complainant asserts Respondent violated *N.J.S.A. 18A:12-24.1(b)*. This provision of the Code states:

- b. I will make decisions in terms of the educational welfare of children and will seek to develop and maintain public schools that meet the individual needs of all children regardless of their ability, race, creed, sex, or social standing.

As set forth in *N.J.A.C. 6A:28-6.4(a)(2)*, factual evidence of a violation of *N.J.S.A. 18A:12-24.1(b)* shall include evidence that Respondent willfully made a decision contrary to the educational welfare of children, or evidence that Respondent took deliberate action to obstruct the programs and policies designed to meet the individual needs of all children, regardless of their ability, race, color, creed or social standing.

In **Count 1**, Complainant alleges that Respondent/Board President, a Mayor appointee to the Board, “did approve retroactively [the] Mayor ... and the East Orange City Council to interrupt the learning process for the entire student body ... and teaching staff for a political event” Based on these facts, Complainant alleges that Respondent violated *N.J.S.A. 18A:12-24.1(b)* because she did not make decisions in terms of the educational welfare of children as this was a “political event in the beginning of the school week during the height of the school day without regard for the nutritional and educational needs of the children.”

Respondent counters that Complainant has not provided any factual evidence that Respondent “... willfully made a decision contrary to the educational welfare of children ...” or that she “... took deliberate action to obstruct programs and policies designed to meet the individual needs of all children ...” in violation of *N.J.S.A. 18A:12-24.1(b)*. Respondent also notes that the Superintendent approved the attendance of pupils and staff at the event, which was to honor a long-time administrator, and that the event was not political. Other than voting to

retroactively approve the event as a “field trip,” Respondent asserts she was not involved to any extent.

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(b)*. Even if Respondent voted to retroactively approve a “political event” as a field trip, Complainant has not articulated how this vote, which was an administrative formality after the event had already taken place, constituted a willful decision contrary to the welfare of children, or deliberate action to obstruct programs and policies designed to meet the needs of all children. Of particular importance is that Complainant has not alleged that Respondent took any action, or made any decision, in connection with the planning, details, or the logistics of the event *before* it actually occurred, and instead only takes issues with her vote to approve an event, the specifics of which could not, regardless of her vote, be changed. As a result, the Commission finds that the alleged violation of *N.J.S.A. 18A:12-24.1(b)* in Count 1 should be dismissed.

In **Count 5**, Complainant alleges that Respondent/Board President, a Mayor appointee to the Board, “retroactively approved a June 3, 2019, field trip resolution [on] June 11, 2019, for the entire student body and teaching staff ... that had no approved lesson plan for Pre-K [or] Special needs students” and was written by Principal Henry E. Hamilton on June 11, 2019. Based on these facts, Complainant alleges that Respondent violated *N.J.S.A. 18A:12-24.1(b)* because “in her official capacity” she “did not make decisions in terms of the educational welfare of the children and failed to meet the individual needs of all children”

As above, Respondent counters that Complainant has not provided any factual evidence that Respondent “... willfully made a decision contrary to the educational welfare of children ...” or that she “... took deliberate action to obstruct programs and policies designed to meet the individual needs of all children ...” in violation of *N.J.S.A. 18A:12-24.1(b)*. Although the Superintendent approved the attendance of pupils and staff at this non-political event, Respondent maintains that she had no involvement other than voting to retroactively approve the event as a “field trip.”

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(b)*. Once again, and even if Respondent voted to retroactively approve a “political event” as a field trip, Complainant has failed to provide sufficient facts demonstrating how this ministerial obligation constituted a willful decision contrary to the welfare of children, or deliberate action to obstruct programs and policies designed to meet the needs of all children. Instead, the only alleged wrongdoing by Respondent occurred at a time and at a place when neither Respondent, any other member of the Board, nor the Board itself could impact any aspect or decisions related to the event. Therefore, the Commission finds that the alleged violations of *N.J.S.A. 18A:12-24.1(b)* in Count 5 should be dismissed.

Count 2

In Count 2 of the Complaint, Complainant cites an alleged violation of *N.J.S.A.* 18A:12-24.1(f). This provision of the Code provides:

- 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.

Pursuant to *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 herself, a member of her immediate family or a friend.

Complainant argues that Respondent/Board President, a Mayor appointee to the Board, “allowed [the] Mayor ... to livestream on Facebook a political event on the premises of Whitney E. Houston Academy [that included] the entire student body [and allowed] segments of the student body to perform for [the] Mayor, the East Orange City Council and other dignitaries the day before the ... June 4, 2019, primary.” Therefore, Complainant asserts that Respondent violated *N.J.S.A.* 18A:12-24.1(f) because she “surrendered her independent judgment for a partisan political group as a politically appointed Board [m]ember of that same partisan political group.”

Respondent counters that “any person can livestream without any approval, or even without someone’s knowledge,” and there is no factual evidence that “Respondent knew that the City of East Orange or its Mayor was live streaming on Facebook, much less having allegedly approved it.” Respondent maintains that her only involvement with the event on June 3, 2019, was “the June 11, 2019, vote to approve it as a field trip.”

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(f). Even if Respondent approved the Mayor’s request to livestream a political event at a District school and involving the District’s students, Complainant has not provided any facts which demonstrate that the “action” was taken “*at the request of*” a special interest group or persons organized and voluntarily united in opinion and who adhere to a particular political group or cause. Instead, Complainant seems to intimate that it is Respondent’s political affiliation in and of itself, as opposed to a specific ask or request, that resulted in her providing the alleged “approval” for the livestreaming. In addition, Complainant has not provided any facts which explain or identify how Respondent, a member of her immediate family, and/or a friend may have received a specific and identifiable benefit from her alleged “approval.” As a result, the Commission finds that the alleged violation of *N.J.S.A.* 18A:12-24.1(f) in Count 2 should be dismissed.

Count 3 and Count 4

In Count 3 and Count 4 of the Complaint, Complainant claims Respondent violated *N.J.S.A.* 18A:12-24(c). This provision of the Act states:

- c. No school official shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has 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;

To credit the alleged violation of *N.J.S.A.* 18A:12-24(c), the Commission must find evidence that Respondent acted in her official capacity in a matter where she, or a member of her immediate family, had a direct or indirect financial involvement that might reasonably be expected to impair her objectivity, or in a matter where she had a personal involvement that created some benefit to her, a member of her immediate family, or to “others.”

In **Count 3** and **Count 4** (which are identical), Complainant contends that Respondent/Board President, a Mayor appointee to the Board, “was aware of an invitation being extended to an Assemblywoman by the Superintendent ... to attend a political event on Monday, June 3, 2019, one day prior to the Tuesday, June 4, 2019, Primary on the premises of Whitney E. Houston Academy during the school day ... and approved the legal bills for such at a later date.” As such, Complainant contends that Respondent violated *N.J.S.A.* 18A:12-24(c) because “in her official capacity [she] did act in that she has a personal involvement by being a Mayoral appointment and she is also the Chief of Staff to [the] Lieutenant Governor ... Furthermore, as the former campaign manager to [the] Lieutenant Governor she is in the same partisan political group.”

Respondent denies that she “was aware” of any invitation being sent to an Assemblywoman and, even if she was aware, her knowledge would not constitute “a dereliction of her duties, by act or omission.” In addition, and even if she was aware of the invitation and subsequently voted to pay a legal bill, there is no “personal involvement,” and “there has been no nexus established between [Respondent’s] appointment and Respondent’s conduct,” and “no nexus established between Respondent’s employment as Chief of Staff to the [Lieutenant] Governor or her political affiliation, and the alleged conduct.”

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(c). Even if Respondent was aware that the Superintendent was inviting an Assemblywoman to attend a political event, and even if Respondent subsequently approved the legal bills related to same, Complainant has failed to present any facts which establish, or even insinuate, how Respondent’s vote to approve legal bills – which is the only action taken by Respondent in her official capacity – constituted a matter in which she, or a

member of her immediate family, had a direct or indirect financial involvement that might reasonably be expected to impair her objectivity. In this regard, there are no facts detailing how Respondent, or a member of her immediate family, was financially involved in or could have possibly financially benefitted from her vote to approve legal bills. Moreover, the Complaint is devoid of any facts which show, or even suggest, how Respondent had a “personal” involvement in the vote to approve the legal bills, or the nature of any benefit that inured to, or could have possibly inured to, Respondent’s benefit, the benefit of an immediate family member, or to someone else, including the Lieutenant Governor. The fact that Respondent, as the other members of the Board, is a “Mayoral appointee,” is the Chief of Staff to the Lieutenant Governor, and is in the same “partisan political group” as the Assemblywoman and/or the Mayor, without other necessary facts, is insufficient to establish a violation of this subsection. Therefore, the Commission finds that the alleged violations of *N.J.S.A.* 18A:12-24(c) in Count 3 and Count 4 should be dismissed.

Accordingly, and granting all inferences in favor of the non-moving party (Complainant), the Commission has determined to **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(b) as alleged in Count 1 and Count 5, violated *N.J.S.A.* 18A:12-24.1(f) as argued in Count 2, and/or violated *N.J.S.A.* 18A:12-24(c) as contended in Count 3 and Count 4.

IV. Request for Sanctions

At its meeting on February 25, 2020, the Commission considered Respondent’s request that the Commission find the Complaint frivolous, and impose sanctions pursuant to *N.J.S.A.* 18A:12-29(e). Despite Respondent’s argument, the Commission cannot find evidence that might show that Complainant filed the Complaint in bad faith or solely for the purpose of harassment, delay, or malicious injury. The Commission also does not have information to suggest that Complainant knew or should have known that the Complaint was without any reasonable basis in law or equity, or that it could not be supported by a good faith argument for an extension, modification or reversal of existing law. *N.J.A.C.* 6A:28-1.2. Therefore, at a special meeting on March 27, 2020, the Commission voted to find the Complaint not frivolous, and to deny the request for sanctions.

V. 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 **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(b) as alleged in Count 1 and Count 5, violated *N.J.S.A.* 18A:12-24.1(f) as argued in Count 2, and/or violated *N.J.S.A.* 18A:12-24(c) as contended in Count 3 and Count 4. The Commission also voted to find that the Complaint is not frivolous, and to deny Respondent’s request for sanctions.

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: March 27, 2020

***Resolution Adopting Decision
in Connection with C71-19***

Whereas, at its meeting on February 25, 2020, the School Ethics Commission (Commission) considered the Complaint, the Motion to Dismiss in Lieu of Answer (Motion to Dismiss) and allegation of frivolous filing, and the response to the Motion to Dismiss and allegation of frivolous filing submitted in connection with the above-referenced matter; and

Whereas, at its meeting on February 25, 2020, the Commission discussed 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(b) as alleged in Count 1 and Count 5, violated *N.J.S.A.* 18A:12-24.1(f) as argued in Count 2, and/or violated *N.J.S.A.* 18A:12-24(c) as contended in Count 3 and Count 4; and

Whereas, at its meeting on February 25, 2020, the Commission discussed finding the Complaint not frivolous, and denying Respondent's request for sanctions; and

Whereas, at a special meeting on March 27, 2020, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on February 25, 2020; 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 a special meeting on March 27, 2020.

Kathryn A. Whalen, Director
School Ethics Commission