

***Before the School Ethics Commission  
OAL Docket No.: EEC-04559-22  
SEC Docket No.: C33-22  
Final Decision***

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**Afi Johnson-Lampsey and Mayra Medina,  
Complainants**

v.

**Dawn Daura and Michele Mega,  
Cedar Grove Board of Education, Essex County,  
Respondents**

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**I. Procedural History**

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on March 28, 2022, by Afi Johnson-Lampsey (Complainant Johnson-Lampsey) and Mayra Medina (Complainant Medina) (collectively referred to as Complainants), alleging that Dawn Daura (Respondent Daura) and Michele Mega (Respondent Mega) (collectively referred to as Respondents), members of the Cedar Grove Board of Education (Board), violated the School Ethics Act (Act), *N.J.S.A. 18A:12-21 et seq.*<sup>1</sup> More specifically, the Complaint averred that Respondents violated *N.J.S.A. 18A:12-24.1(c)*, *N.J.S.A. 18A:12-24.1(d)*, *N.J.S.A. 18A:12-24.1(e)*, *N.J.S.A. 18A:12-24.1(f)*, and *N.J.S.A. 18A:12-24.1(g)* of the Code of Ethics for School Board Members (Code) in Counts 1-9.

On April 11, 2022, the Complaint was served on Respondents, via electronic mail, notifying them that ethics charges had been filed against them with the Commission, and advising that they had twenty (20) days to file a responsive pleading.<sup>2</sup> On May 4, 2022, Respondents filed an Answer to Complaint (Answer).

The parties were subsequently notified by correspondence dated May 16, 2022, that the above-captioned matter would be discussed by the Commission at its meeting on May 24, 2022. Following its meeting on May 24, 2022, the Commission advised the parties that it voted to transmit the above-captioned matter to the Office of Administrative Law (OAL) for a plenary hearing as a contested case. The Commission further advised that, at the OAL, Complainants

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<sup>1</sup> On March 28, 2022, Complainants filed a deficient Complaint; however, on April 7, 2022, Complainants cured all defects and filed an Amended Complaint that was deemed compliant with the requirements detailed in *N.J.A.C. 6A:28-6.3*.

<sup>2</sup> In order to conduct business during the Coronavirus (COVID-19) pandemic, the Commission implemented an electronic filing system, which remains a permissible method by which the Commission and parties can effectuate service of process. Consequently, service of process was effectuated by the Commission through electronic transmission only.

would have the burden to prove the alleged violations of *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(d), *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(f), and *N.J.S.A.* 18A:12-24.1(g) of the Code in Counts 1-9 pursuant to the standards set forth in *N.J.A.C.* 6A:28-6.4.

At the OAL, the matter was assigned to the Honorable Matthew G. Miller, Administrative Law Judge (ALJ Miller). *Initial Decision* at 1. On July 18, 2022, ALJ Miller held an initial conference with the parties; on August 1, 2022, Respondents filed a motion for summary decision; on or about September 9, 2022, Complainants filed an opposition to the motion for summary decision; on September 19, 2022, Respondents filed a reply brief; on November 7, 2022, oral argument was heard; and following receipt of the parties' post-argument submissions, ALJ Miller closed the record on January 2, 2023. *Id.* at 2. On February 6, 2023, ALJ Miller issued an *Initial Decision* detailing his findings of fact, legal conclusions, and order granting Respondents' motion for summary decision. *Id.* at 35.

The Commission acknowledged receipt of ALJ Miller's *Initial Decision* on the date it was issued (February 6, 2023); therefore, the forty-five (45) day statutory period for the Commission to issue a Final Decision was March 23, 2023. Prior to that date, the Commission requested a forty-five (45) day extension of time to issue its decision so as to allow the Commission, which only meets monthly, the opportunity to review the full record. Pursuant to *N.J.S.A.* 52:14B-10(c) and *N.J.A.C.* 1:1-18.8, and for good cause shown, the Commission was granted an extension until May 8, 2023.<sup>3</sup>

Following a discussion at its regularly scheduled meeting on March 21, 2023, during which the full record was reviewed, the Commission voted, at its regularly scheduled meeting on April 25, 2023, to adopt the findings of fact from ALJ Miller's *Initial Decision*; to adopt the legal conclusion that, based on the evidence presented, Complainants failed to prove that Respondent Daura and/or Respondent Maura violated *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(d), *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(f), and/or *N.J.S.A.* 18A:12-24.1(g) of the Code in Counts 1-9, and/or violated *N.J.S.A.* 18A:12-24.1(b)<sup>4</sup> of the Code in Count 2, Count 3, and/or Count 6; and to adopt ALJ Miller's decision granting Respondents' motion for summary decision and dismissing the above-captioned matter.

## II. Initial Decision

In his *Initial Decision*, and in ruling on Respondents' motion for summary decision, ALJ Miller noted that the following facts were not in dispute:

1. At all times relevant to this action, Respondent Daura was the Board President, and Respondent Mega was the Board Vice President. *Id.* at 2.

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<sup>3</sup> Forty-five (45) days after March 23, 2023, is, technically, Sunday, May 7, 2023; by rule, and because May 7, 2023, is a Sunday, the deadline was extended until the next business day, which is Monday, May 8, 2023.

<sup>4</sup> The Commission notes that, as part of their Complaint, Complainants did not plead a violation(s) of *N.J.S.A.* 18A:12-24.1(b) of the Code.

2. In her role as Vice President, Respondent Mega has never presided over a Board meeting. *Id.*
3. At all times relevant to this action, Patricia Montana was the *de facto* campaign manager for Respondent Daura in her quest for election to the Board. *Id.* at 3.
4. Respondents are members of a Facebook page entitled “Cedar Grove Parents for Advocacy and Progress,” [(CGPAP)] but have never posted anything relevant to this case to the Facebook page and are not administrators or managers of the site. *Id.*
5. On February 16, 2022, a member of the public used a racial slur during the public comment portion of the Board meeting over which Respondent Daura was presiding. The comment was made in the context of a question concerning Saturday detentions and the reason for a student being assigned same for allegedly videotaping a teacher utilizing the racial slur. *Id.*
6. Complainants allege Respondents violated *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(d), *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(f), and *N.J.S.A.* 18A:12-24.1(g). ALJ Miller notes that Complainants did not allege a violation of *N.J.S.A.* 18A:12-24.1(a) and/or *N.J.S.A.* 18A:12-24.1(b). *Id.*
7. ALJ Miller further notes that the Commission’s May 24, 2022, letter decision to the parties did not reference alleged violations of *N.J.S.A.* 18A:12-24.1(a) and/or *N.J.S.A.* 18A:12-24.1(b). *Id.*

After summarizing the parties’ respective positions (as contended in both their oral arguments and written submissions), ALJ Miller discussed the standard that applies when ruling on a motion for summary decision, as well as the burden of proof that Complainants must satisfy in order to substantiate a violation of *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(d), *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(f), and/or *N.J.S.A.* 18A:12-24.1(g) in Counts 1-9. *Id.* at 3-13.

In the “Legal Discussion” section of his *Initial Decision*, and with regard to the “sharing of confidential information,” ALJ Miller noted that although the “Preliminary Statement” in the Complaint alleges that Respondent Daura shared confidential information, “none of the nine counts contain any specific factual allegations to support this statement,” and “none of the exhibits attached to [Complainants’] Opposition Brief support same and it also goes unmentioned in the body of the brief.” *Id.* at 13. Therefore, ALJ Miller *finds* that Complainants have failed to provide any factual support that Respondents have ever shared confidential information and concludes that these allegations should be *dismissed*. *Id.*

As for the allegations in Count 1, and the assertion that Respondents “do not afford equal speaking time to all members of the public, but rather favor those who support their viewpoints,” ALJ Miller notes that Complainants “cite to a single instance where an audience member (who is alleged to be a “supporter of [Respondent] Daura) interrupts [Complainant] Johnson-Lamptey

while she is speaking during a public comment portion of a [Board] meeting.” *Id.* at 14. ALJ Miller contends that, based on this factual assertion, he “cannot discern” what aspect of the Code has been violated, and notes this “occurrence does not come remotely close to” a violation and, therefore, “does not merit further analysis.” *Id.* As such, ALJ Miller ***finds*** Complainants failed to provide any factual support that “the event described in Count” 1 constitutes a violation of the Code and, ***concludes*** that Count 1 should be dismissed. *Id.* at 15.

Regarding the claims in Count 2, and the contention that Respondents “‘have created a hostile environment at [Board] meetings’ by remaining silent after a member of the public ... used a racial epithet” and by not “timely” intervening, ALJ Miller initially notes that, although not initially alleged in the Complaint, Complainants “now argue” Respondents’ inaction violated *N.J.S.A.* 18A:12-24.1(b) and *N.J.S.A.* 18A:12-24.1(c). *Id.* Based on the evidence, ALJ Miller concedes that while Respondent Daura’s response to the slur, as the “presiding officer,” “was debatable,” it was “within her discretion.” *Id.* at 16. Further, “[n]othing about that decision has anything ... to do with the educational welfare of children.” *Id.* In addition, Complainants’ assertion that Respondent Daura was “disqualified” from her position as “presiding officer” by failing to timely respond, and that Respondent Mega was then obligated to act, “fails on many levels.” *Id.* Therefore, ALJ Miller ***finds*** Complainants have failed to provide any factual support that the event described in Count 2 constitutes a violation of the Code and, ***concludes*** that Count 2 should be dismissed. *Id.*

As for the allegations in Count 3, and the allegation that Respondents violated *N.J.S.A.* 18A:12-24.1(b) “by merely being members of the CGPAP Facebook group,” even though they (Respondents) admittedly do not post to the page, ALJ Miller ***finds*** Complainants have failed to provide any factual support that the actions/inactions detailed in Count 3 violate the Code and ***concludes*** that Count 3 should be dismissed. *Id.* at 17-19. Per ALJ Miller, “there is nothing remotely suggestive in that decision that merely being a member, particularly an inactive member, of a public Facebook group violates *N.J.S.A.* 18A:12-24.1(b).” *Id.*

Regarding the claims in Count 4, and the assertions that Respondent Daura violated multiple provisions of the Code because of, among other things, the “actions” she allegedly took “at the behest” of her campaign manager (Ms. Montana), ALJ Miller determined “there has been no evidence presented by [Complainants] that [R]espondents took any private action on anyone’s behalf ... or took any other action that would be remotely violative” of the Code. *Id.* at 19-20. As such, ALJ Miller ***finds*** Complainants have failed to provide any factual support that the actions detailed in Count 4 constitute a violation of the Code and, ***concludes*** that Count 4 should be dismissed. *Id.*

As for the allegations in Count 5, “and the vague allegation concerning [the Equity, Diversity and Advisory Council (EDAC)] and whether it is a ‘superintendent responsibility’ or not,” ALJ Miller determined that, based on the relevant evidence, the EDAC is a Cedar Grove School District (District) committee, is not a Board committee, and is not “run” by Respondent Daura even if she attended a meeting as a member. *Id.* at 20-22. Therefore, ALJ Miller ***finds*** Complainants have failed to provide any factual support that the actions detailed in Count 5 constitute a violation of the Code and, ***concludes*** that Count 5 should be dismissed. *Id.*

Regarding the claims in Count 6, and the contention that Respondent Daura was “selective” in responding to emails related to the February 16, 2022, “racial epithet” incident, ALJ Miller found that although Complainants “may disagree with the manner in which the matter was handled, that does not necessarily mean that there was an ethical violation.” *Id.* at 22-24. Moreover, Complainants did not provide any evidence that there was a Code violation. *Id.* As such, ALJ Miller ***finds*** “given the evidence (and lack thereof) supplied in support of the allegations in Count [6], there is nothing about these emails that reflect that [Respondent] Daura did any policy making or failed to administer the schools (along with her fellow board members) to see that they are well run in violation of” *N.J.S.A.* 18A:12-24.1(b), *N.J.S.A.* 18A:12-24.1(c), or any other sections of the Code. *Id.* at 24. ALJ Miller further ***finds*** Complainants have failed to provide any factual support that the actions detailed in Count 6 violate the Code, and ***concludes*** that Count 6 should be dismissed. *Id.*

As for the allegations in Count 7, which concern a Facebook post by a non-party, and which allegedly references Ms. Montana’s plan to have the EDAC eliminated and thereby “leaves little doubt that [Ms.] Montana is pulling [Respondent] Daura’s strings,” ALJ Miller notes there is no evidence to support a violation of the Code. *Id.* at 24-25. According to ALJ Miller, neither Respondent has a role in the CGPAP Facebook page, nor is there any evidence to demonstrate that Respondents “took private action (or any action for that matter) on anyone’s behalf.” *Id.* at 25. Therefore, ALJ Miller ***finds*** Complainants have failed to provide any factual support that the actions detailed in Count 7 constitute a violation of the Code, and ***concludes*** that Count 7 should be dismissed. *Id.*

Regarding the claims in Count 8, and the assertion that a person who ““was appointed to be in charge of EDAC’ is a friend of [Respondent] Daura’s and is felt to ‘not properly represent the community’ by several members of EDAC,” and that she failed to “give specifics of future plans” regarding race relations in the District, ALJ Miller found that Respondent Daura did not have any role in this individual being named to the EDAC and/or being named as its leader. *Id.* at 25-32. In short, “the entirety of the allegations made by [Complainants] ... are unsupported by any evidence whatsoever.” *Id.* at 29. ALJ Miller also noted that the issue before him is not whether this individual was “the best choice to run EDAC or whether the focus of the group should change,” but rather whether an ethical violation was committed by Respondent Daura. *Id.* at 30. As to the question before him, ALJ Miller stated, “I simply cannot decipher any indication that an ethical violation has been committed,” and no evidence has been provided to support a violation of the Code. *Id.*

Complainants also claim, in Count 8, that Respondent Daura violated *N.J.S.A.* 18A:12-24.1(d) “based upon an ‘article’ authored by another [Board] member with whom [Respondent] Daura allegedly has a conflict which discusses a ‘resolution to reprimand’ this now former [Board] member,” Christine Dye (Dye). *Id.* at 26. In the article authored by Dye, she maintains that Respondent Daura committed an ethical violation by having the Board attorney create a resolution to reprimand her (Dye). *Id.* However, the resolution in question did not take any action against her (Dye), and instead offered the Board’s apology for the situation at-issue. *Id.* Because the resolution was not directed at Dye, and Dye did not suffer any legal consequence as a result of its issuance, the passage of the resolution, despite Complainants’ argument to the contrary,

was not improper. *Id.* at 32. Furthermore, and based on the standards set forth in *N.J.A.C.* 6A:28-6.4:

... there is nothing about the actions of [Respondent] Daura or [Respondent] Mega that are violative of the ... In none of the instances cited in Count Eight, has any evidence been supplied to demonstrate that either respondent took any action to effectuate policies and plans without consulting those affected by them or took action that was unrelated to their duties on the Board or become directly involved in school activities that were the responsibility of school administrators or with the day-to-day administration of the [D]istrict.

*Id.* As such, ALJ Miller **finds** Complainants have failed to provide any factual support that the actions detailed in Count 8 constitute a violation of the Code, and **concludes** that Count 8 should be dismissed. *Id.*

As for the allegations in Count 9, ALJ Miller notes, “[t]here are no specific allegations in Count [9]” and, therefore, **finds** Complainants have failed to allege that Respondents took any action that could constitute a violation of the Code, and **concludes** that it should be dismissed. *Id.* at 33.

In ALJ Miller’s estimation, “this case was ... much more about policy, politics and personalities than it was about ethics,” and “the issues that this tribunal was asked to address were not ones that can be resolved by” the provisions of the Code, “but rather need to be resolved, one way or the other, at the ballot box.” *Id.*

Based on the foregoing, ALJ Miller **concludes** that there are no genuine issues of material fact that remain in dispute between the parties; **finds** that Respondents have proven that they are entitled to summary decision dismissing Complainants’ claims in their entirety; **orders** that summary decision is **granted** on behalf of Respondents; and **dismisses** the Complaint in its entirety. *Id.* at 33-34.

### III. Exceptions

The *Initial Decision* was sent to the parties on February 6, 2023, and stated, in relevant part, “Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the” Commission. *N.J.A.C.* 1:1-18.4(a). As of February 21, 2023,<sup>5</sup> which was thirteen (13) days after the *Initial Decision* was mailed to the parties, neither Complainants nor Respondents filed exceptions and/or requested an extension to do so.

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<sup>5</sup> Thirteen days after February 6, 2023, was, technically, Sunday, February 19, 2023; by rule, and because February 19, 2023, was a Sunday, and February 20, 2023, was a holiday, the deadline was extended until the next business day, which was Tuesday, February 21, 2023.

#### IV. Analysis

Following receipt of an initial decision, the Commission “may enter an order or a final decision adopting, rejecting, or modifying” it. *N.J.A.C.* 1:1-18.6(a). The Commission is also authorized to “reject or modify conclusions of law, interpretations of agency policy, or findings of fact not relating to issues of credibility of lay witness testimony,” but “may not reject or modify any finding of fact as to issues of credibility of lay witness testimony unless it first determines from a review of a record that the findings are arbitrary, capricious or unreasonable, or are not supported by sufficient, competent, and credible evidence in the record.” *N.J.A.C.* 1:1-18.6(b); *N.J.A.C.* 1:1-18.6 (c).

With the above in mind, and following a thorough, careful, and independent review of the record, the Commission finds an insufficient basis upon which to modify or to otherwise reject the findings of fact detailed in ALJ Miller’s *Initial Decision*. Furthermore, in the absence of sufficient credible factual evidence that Respondent Daura and/or Respondent Mega took board action to effectuate policies and plans without consulting those affected by such policies and plans, or took action that was unrelated to Respondents’ 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 (*N.J.S.A.* 18A:12-24.1(c)); gave a direct order to school personnel or became directly involved in activities or functions that are the responsibility of school personnel or the day-to-day administration of the school district or charter school (*N.J.S.A.* 18A:12-24.1(d)); made personal promises or took action beyond the scope of their duties such that, by its nature, had the potential to compromise the board (*N.J.S.A.* 18A:12-24.1(e)); 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 Respondents used the schools in order to acquire some benefit for themselves, a member of their immediate family or a friend (*N.J.S.A.* 18A:12-24.1(f)); and/or 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, or provide inaccurate information and such inaccuracy was other than reasonable mistake or personal opinion or was not attributable to developing circumstances (*N.J.S.A.* 18A:12-24.1(g)), the Commission agrees that the record supports ALJ Miller’s legal conclusion that neither Respondent Daura nor Respondent Mega violated *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(d), *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(f), and/or *N.J.S.A.* 18A:12-24.1(g) of the Code in Counts 1-9.

Additionally, although Complainants did not plead a violation(s) of *N.J.S.A.* 18A:12-24.1(b) of the Code in Count 2, Count 3, and/or Count 6 in their Complaint, ALJ Miller considered and analyzed these purported violations in his *Initial Decision*. In its review, the Commission agrees that there was an absence of sufficient credible factual evidence that Respondent Daura and/or Respondent Mega willfully made a decision contrary to the educational welfare of children, or evidence that they 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 to support a violation(s) of *N.J.S.A.* 18A:12-24.1(b) of the Code in Count 2, Count 3, and/or Count 6.

## V. Decision

Following its review, the Commission ***adopts*** the findings of fact from ALJ Miller's *Initial Decision*; ***adopts*** the legal conclusion that neither Respondent Daura nor Respondent Mega violated *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(d), *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(f), and/or *N.J.S.A.* 18A:12-24.1(g) of the Code in Counts 1-9, and/or violated *N.J.S.A.* 18A:12-24.1(b) of the Code in Count 2, Count 3, and/or Count 6; and ***adopts*** the decision to dismiss the above-captioned matter.

Accordingly, the within decision is a final agency decision and is appealable only to the Superior Court-Appellate Division. *See, N.J.A.C.* 6A:28-10.11 and *New Jersey Court Rule* 2:2-3(a).

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Robert W. Bender, Chairperson

Mailing Date: April 25, 2023



***Resolution Adopting Decision  
in Connection with C33-22***

***Whereas***, on or about May 24, 2022, the School Ethics Commission (Commission) transmitted the above-captioned matter to the Office of Administrative Law (OAL) for a plenary hearing as a contested case; and

***Whereas***, the Honorable Matthew G. Miller, Administrative Law Judge (ALJ Miller), issued an *Initial Decision* dated February 6, 2023; and

***Whereas***, in his *Initial Decision*, ALJ Miller issued findings of fact and found that, based on the evidence presented, neither Respondent Daura nor Respondent Mega violated *N.J.S.A. 18A:12-24.1(c)*, *N.J.S.A. 18A:12-24.1(d)*, *N.J.S.A. 18A:12-24.1(e)*, *N.J.S.A. 18A:12-24.1(f)*, and/or *N.J.S.A. 18A:12-24.1(g)* of the Code in Counts 1-9, and/or violated *N.J.S.A. 18A:12-24.1(b)* in Count 2, Count 3, and/or Count 6; and

***Whereas***, neither party filed exceptions to ALJ Miller's *Initial Decision*; and

***Whereas***, at its meeting on March 21, 2023, the Commission reviewed and discussed the full record; and

***Whereas***, at its meeting on March 21, 2023, the Commission discussed adopting the findings of fact from ALJ Miller's *Initial Decision*; adopting the legal conclusion that, based on the evidence presented, Complainants failed to prove that Respondent Daura and/or Respondent Mega violated *N.J.S.A. 18A:12-24.1(c)*, *N.J.S.A. 18A:12-24.1(d)*, *N.J.S.A. 18A:12-24.1(e)*, *N.J.S.A. 18A:12-24.1(f)*, and/or *N.J.S.A. 18A:12-24.1(g)* of the Code in Counts 1-9, and/or Respondent Daura and/or Respondent Mega violated *N.J.S.A. 18A:12-24.1(b)* of the Code in Count 2, Count 3, and/or Count 6; and adopting ALJ Miller's decision to dismiss the above-captioned matter; and

***Whereas***, at its meeting on April 25, 2023, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on March 21, 2023; and

***Now Therefore Be It Resolved***, the Commission hereby adopts the within decision.

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Robert W. Bender, Chairperson

I hereby certify that this Resolution was duly adopted by the School Ethics Commission at its regularly scheduled meeting on April 25, 2023.

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Kathryn A. Whalen, Esq.  
Director, School Ethics Commission