

Before the School Ethics Commission
OAL Docket No.: EEC-02227-22
SEC Docket No.: C52-21
Final Decision

Joseph Vastola, Peter Strumolo, and Jennifer Scardino,
Complainants

v.

Erin Keefe,
Lyndhurst Board of Education, Bergen County,
Respondent

I. Procedural History

The above-captioned matter arises from a Complaint that was filed on October 6, 2021, by Joseph Vastola (Complainant Vastola), Peter Strumolo (Complainant Strumolo), and Jennifer Scardino (Complainant Scardino) (collectively referred to as Complainants), alleging that Erin Keefe (Respondent), a member of the Lyndhurst 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(c), *N.J.S.A.* 18A:12-24.1(d), and *N.J.S.A.* 18A:12-24.1(i) of the Code of Ethics for School Board Members (Code).

On November 10, 2021, Respondent filed a Motion to Dismiss in Lieu of Answer (Motion to Dismiss), and also alleged that the Complaint is frivolous. On December 10, 2021, Complainants filed a response to the Motion to Dismiss and allegation of frivolous filing.

At a special meeting on February 4, 2022, the Commission considered the filings in this matter and, at a special meeting on February 25, 2022, the Commission voted to deny the Motion to Dismiss in its entirety. The Commission also voted to find the Complaint not frivolous, and to deny Respondent's request for sanctions. Based on its findings, the Commission also voted to direct Respondent to file an Answer to Complaint (Answer) as to the allegations in the Complaint, and to transmit the matter to the Office of Administrative Law (OAL) following receipt of the Answer. On March 17, 2022, Respondent filed an Answer, and the above-captioned matter was transmitted to the OAL on or about March 18, 2022.

II. Initial Decision

After the matter was transmitted to the OAL, the parties agreed to amicably resolve the matter, and submitted an executed Settlement Agreement and Release to the Administrative Law Judge (ALJ). In their fully executed Settlement Agreement and Release, the parties set forth the terms of their settlement. More specifically, Respondent did not admit to any wrongdoing, but

indicated that she will “endeavor to ensure that all of her actions as a board member are compliant with the Code of Conduct.” *Initial Decision* (attachment).

After reviewing the terms of the parties’ agreement, the ALJ concluded that it met the requirements of *N.J.A.C.* 1:1-19.1 and should be approved. *Id.* at 2. Thereafter, the ALJ issued an *Initial Decision* on April 21, 2023, ordering that the parties comply with the settlement terms and the proceedings be concluded. *Ibid.*

III. Decision

The Commission considered the ALJ’s *Initial Decision* at a meeting on May 23, 2023, and at its meeting on June 27, 2023, the Commission voted to adopt it as its Final Decision in connection with the above-captioned matter.

Upon review, and for the reasons set forth above, the Commission adopts the Initial Decision as its Final Decision but does not take a position on the enforceability of the terms and conditions of the Settlement Agreement and Release.

Consequently, this matter is hereby dismissed.

Robert W. Bender, Chairperson

Mailing Date: June 27, 2023

***Resolution Adopting Final Decision (Settlement)
in Connection with C52-21***

Whereas, at a special meeting on February 25, 2023, the School Ethics Commission (Commission) voted to transmit the within matter to the Office of Administrative Law (OAL) for a plenary hearing; and

Whereas, while at the OAL, the parties submitted a duly executed Settlement Agreement to the Administrative Law Judge (ALJ), for review; and

Whereas, pursuant to the terms of the parties' Settlement Agreement, Respondent did not admit to any wrongdoing; and

Whereas, the ALJ reviewed the parties duly executed Settlement Agreement, and subsequently issued an *Initial Decision* approving the settlement; and

Whereas, at a meeting on May 23, 2023, the Commission considered the *Initial Decision*; and

Whereas, at its meeting on May 23, 2023, the Commission discussed adopting the *Initial Decision* as its Final Decision; and

Whereas, at its meeting on June 27, 2023, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on May 23, 2023; and

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

Robert W. Bender, Chairperson

I hereby certify that this Resolution was duly adopted by the School Ethics Commission at its meeting on June 27, 2023.

Brigid C. Martens, Acting Director
School Ethics Commission