

***Before the School Ethics Commission
OAL Docket No.: EEC-07955-21
SEC Docket No.: C03-21
Final Decision***

***In the Matter of Adi Nikitinsky,
Monroe Township Board of Education, Middlesex County,
Respondent***

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on February 11, 2021,¹ by Sarah Aziz (Complainant), alleging that Adi Nikitinsky (Respondent), a member of the Monroe Township Board of Education (Board), violated the School Ethics Act (Act), *N.J.S.A.* 18A:12-21 *et seq.* More specifically, the Complaint alleged that Respondent violated *N.J.S.A.* 18A:12-24(a), *N.J.S.A.* 18A:12-24(b), and *N.J.S.A.* 18A:12-24(c) in Count 2, as well as *N.J.S.A.* 18A:12-24.1(e) in Counts 3 and 4 and *N.J.S.A.* 18A:12-24.1(f) in Count 1 of the Code of Ethics for School Board Members (Code).

At its meeting on May 25, 2021, and after reviewing Respondent's Motion to Dismiss in Lieu of Answer (Motion to Dismiss), and Complainant's response thereto, the Commission adopted a decision granting the Motion to Dismiss as to the allegations in Counts 3 and 4, but denying the Motion to Dismiss as to the allegations in Counts 1 and 2. Based on its decision, the Commission also directed Respondent to file an Answer to Complaint (Answer) as to the remaining allegations in the Complaint (Counts 1 and 2). On June 1, 2021, Respondent filed an Answer as directed.

Thereafter, at its meeting on July 27, 2021, the Commission voted to find probable cause for all of the remaining allegations in the Complaint. Based on its finding of probable cause, the Commission also voted to transmit the within matter to the Office of Administrative Law (OAL) for a hearing.

Following a hearing at the OAL, the Administrative Law Judge (ALJ) issued an Initial Decision on March 12, 2024, concluding Respondent did not violate *N.J.S.A.* 18A:12-24(a), *N.J.S.A.* 18A:12-24(b), *N.J.S.A.* 18A:12-24(c) or *N.J.S.A.* 18A:12-24.1(f), and dismissing the matter. Thereafter, Petitioner filed exceptions to the Initial Decision, in accordance with *N.J.A.C.* 1:1-18.4, and Respondent filed a reply thereto.

At its meeting on May 21, 2024, the Commission considered the full record in this matter. Thereafter, at its special meeting on June 17, 2024, the Commission voted to adopt the

¹ On February 10, 2021, Complainant filed a deficient Complaint; however, on February 11, 2021, Complainant 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.

ALJ's findings of fact, as well as the legal conclusions that Respondent did not violate *N.J.S.A.* 18A:12-24(b) or *N.J.S.A.* 18A:12-24.1(f), modify the ALJ's legal conclusions to find that Respondent violated *N.J.S.A.* 18A:12-24(a) and *N.J.S.A.* 18A:12-24(c), and recommend that a penalty of reprimand be imposed.

II. Initial Decision

Respondent serves as the President of the Monroe Township Middle School Parent Staff Association (PSA) and has been an active member for several years. *Initial Decision* at 5. Additionally, Respondent owns and operates Dot Designing, which makes spirit wear for the middle school PSA. *Ibid.* Respondent sold spirit wear to the middle school students as a fundraiser for the PSA for several years prior to becoming a Board member in January 2020, and continues to do so after joining the Board. *Id.* at 6. To promote the fundraising sales, Respondent sends advertisements to the middle school principal, using his Dot Designing email address, and the school then "send[s] the information home with the students or email[s] it to the parents on a regular basis." *Ibid.* According to Respondent, purchases for spirit wear were made through the website operated by his spouse's company, and all payments were electronically submitted to PayPal. *Id.* at 4. Additionally, Respondent indicated that when school was closed during the COVID pandemic, parents were notified that their orders could be picked up at the building where his and his spouse's businesses are located. *Ibid.*

The ALJ found that "[n]either Respondent, nor his company . . . received any personal or financial benefits from the sale of spirit wear," Respondent "did not ask for, nor did he receive, any favorable treatment in the sale of spirit wear for the middle school PSA," and Respondent "did not use his position as Vice President of the Board to benefit his company." *Ibid.* Additionally, the ALJ found "Respondent's correspondence to and from the [middle school principal] was from his personal/business email, and there was no evidence that he ever used his position on the [B]oard to obtain any special treatment." *Ibid.*

Complainant and Respondent, as well as several other witnesses, testified at a hearing in this matter, and the ALJ found "the witnesses to be credible, except for [Complainant], who demonstrated significant bias against [Respondent]." *Id.* at 5. Additionally, the ALJ noted Complainant did not present "testimony or documentation to support or corroborate the allegations that" Respondent used his position on the Board to further any personal or financial agenda, nor did Complainant have any evidence to demonstrate Respondent received any financial gain. *Ibid.*

The Complaint alleged, in Count 1, that Respondent violated *N.J.S.A.* 18A:12-24.1(f) by using his position as a Board member and school resources to benefit his company. According to Complainant, as President of the PSA, Respondent was involved in fundraising with the PSA, including by selling/donating spirit wear that is produced by Dot Designing. Additionally, Complainant maintains Respondent corresponds with the principal by email to send out communications to parents about upcoming fundraisers. In Count 2, the Complaint alleged that Respondent violated *N.J.S.A.* 18A:12-24(a), *N.J.S.A.* 18A:12-24(b) and *N.J.S.A.* 18A:12-24(c) when he asked the principal to send emails to District parents advertising the spirit wear sales while he also votes on the principal's contract, which is a "clear conflict of interest" because

Respondent has a business arrangement with the middle school “as both officer and chief vendor of the [middle school] PSA.” Respondent admits to voting on the employment of the principal as a Board member. *Respondent’s Response to Petitioner’s First Request for Admissions, Exhibit P-10*.

The ALJ concluded Petitioner failed to demonstrate any violations of the Act. *Initial Decision* at 8. According to the ALJ, the credible witness testimony demonstrates that there was a “long history of allowing solicitation for the sale of spirit wear by the associations and that all correspondence regarding such sales went through the principal.” *Id.* at 7. The ALJ asserts there was not any evidence to demonstrate that Respondent received any financial benefit from the sales that he solicited through the school from the sale of spirit wear. *Id.* at 7-8. The ALJ further asserts there is not any evidence to support that Respondent used his role as a Board member to receive any favorable treatment from the school for the sale of spirit wear. *Id.* at 8. According to the ALJ, the middle school had a “long-standing practice of sending home emails and information about the sale of spirit wear,” and in fact Respondent had utilized this longstanding practice for the benefit of the PSA for years prior to becoming Board Vice President. *Ibid.* Finally, the ALJ notes that there was not any evidence to demonstrate that Respondent’s role as president of the PSA impaired his judgment as a Board member or was in substantial conflict with his role as a Board member. *Ibid.* Therefore, the ALJ dismissed the Complaint with prejudice. *Ibid.*

III. Exceptions

Petitioner’s Exceptions

Petitioner argues the ALJ “failed to consider relevant evidence in the record” and “failed to apply the Commission’s previous decisions holding that the mere appearance of impropriety and the potential for conflict are sufficient to violate the Act or Code.”

First, Petitioner argues that the ALJ’s determination that it “failed to satisfy its burden of proof by a preponderance of the credible evidence” was incorrect because the ALJ “ignored important evidence.” More specifically, Petitioner notes the ALJ “failed to make relevant findings with respect to the alleged violation of *N.J.S.A.* 18A:12-24(c).” According to Petitioner, the ALJ did not address Respondent’s interactions with the principal and “[t]here is clear evidence” to show that Respondent was conflicted because he acted in his official capacity to vote on the principal’s contract while requesting that she advertise the PSA’s sale of his company’s goods. As to a violation of *N.J.S.A.* 18A:12-24(b), *N.J.S.A.* 18A:12-24(c) and *N.J.S.A.* 18A:12-24.1(f), Petitioner contends that the ALJ “erroneously found” Respondent did not receive a personal or financial benefit from the PSA’s sale of his company’s donated spirit wear. Petitioner notes Respondent’s company received “goodwill on account of these purchases.” According to Petitioner, customers were directed to pick up their merchandise from the business’s premises, which visibly displayed the company’s name, and clearly the business received “name-recognition and goodwill through his donations.” Further, a reasonable person could “mistakenly conclude” that Respondent’s business profited from the sale of his goods to the PSA. Finally, Petitioner maintains the ALJ incorrectly found that Respondent had been using the same practices to request email notifications that had been used “for the past several years”

because the district staff “made an effort to regularize these emails” during Respondent’s tenure as the PSA President. In sum, Petitioner asserts, contrary to the ALJ’s findings, the record clearly shows that Respondent did not follow the procedures that were in place in previous years, and therefore, any member of the public could conclude that “given the increased number of email notifications, [Respondent’s] [B]oard position was compromised because he was using his position to direct [D]istrict staff to increase the advertisement of the PSA’s sales of his own company’s goods.”

Next, Petitioner argues the ALJ’s legal conclusions should be rejected because the ALJ did not consider the entire record and did not apply the Commission’s “governing interpretation of the [Act] and the [Code].” Petitioner further argues that the ALJ incorrectly found that Respondent “did not receive any financial benefit from the sales that he solicited.” However, Petitioner notes a violation of the Act does not “hinge on whether a Board member actually receives a financial or other gain.” Petitioner notes that although Respondent is not prohibited from serving as a Board member and as a member of the PSA, “the involvement of his personal business in PSA fundraising activities, that business’s notoriety in the township, and his exercise of influence over district staff and the principal to promote a PSA fundraiser tied up with his personal business created a clear appearance of impropriety.” Petitioner maintains Respondent “engaged with district staff, including the principal, from an email bearing the name of his private company, and asked parents to pick up the spirit [] wear from his company’s place of business” while simultaneously publicly voting on the principal’s salary. Petitioner further maintains any “reasonable member of the public could perceive that he used his position as a Board member to promote a PSA fundraiser designed to advertise his company’s goods.” Petitioner contends Respondent’s actions violate the Act and warrant a penalty.

Finally, Petitioner asserts Respondent should receive a censure because he “engaged in conduct which could reasonably be seen as an attempt to garner goodwill for his business and which a reasonable member of the public would perceive as compromising his integrity as a Board member.” According to Petitioner, although Respondent is no longer a Board member, “[i]t should be made clear that ethical risks arise when a board member has an ownership interest in a private enterprise dealing with organizations with strong ties to the very district it serves.”

Respondent’s Reply to Petitioner’s Exceptions

Respondent asserts the ALJ’s findings were based on “her assessment of the credibility of the witnesses’ testimony,” and therefore, “the agency head ‘may no longer sift through the record anew to make its own decision[.]’” Respondent further asserts, contrary to Petitioner’s argument, the ALJ considered all the relevant evidence and Petitioner is “just disappointed at the result.” According to Respondent, even if the Commission finds that charges were not addressed, “the evidential record could not possibly support a finding of guilt on any of the charges.”

As to a violation of *N.J.S.A.* 18A:12-24(a), Respondent contends Petitioner needs to prove that Respondent was involved in some organization that conflicted with his duties as a Board member. Respondent further contends “there is nothing unethical about a school board member serving as the leader of a parent organization.” Respondent maintains he does not have a

contract with the District, but rather with the PSA, a private organization that is neither run nor controlled by the District.

Regarding a violation of *N.J.S.A. 18A:12-24(b)* and *N.J.S.A. 18A:12-24(c)*, Respondent argues the only “reference to actions in his official capacity as a Board member was [Petitioner’s] unpersuasive attempt to prove he could subtly pressure” the principal and her secretary by voting on their employment. Further, Petitioner did not provide any evidence to show that Respondent attempted to secure “unwarranted” privileges or advantages. Respondent maintains he did not secure a financial benefit for himself or his business, he did not receive preferential treatment, there is no evidence that shows that his donations to the PSA were unethical because they elevated his business standing in the community, nor any support for Petitioner’s theory and it would be dangerous if the implications are accepted.

As to a violation of *N.J.S.A. 18A:12-24.1(f)*, Petitioner did not provide any evidence to demonstrate that Respondent surrendered his independent judgment to any special interest group or partisan political group or used the schools for personal gain for himself or friends. Respondent maintains that while the “fundamental premise” of the case is that he “used his position as a Board member to pressure the Middle School staff to leverage his access as PSA President to generate revenue for his private business,” there is not any evidence to support this claim, and to the contrary, Respondent’s bank records demonstrate that he donated all goods, and did not even receive reimbursement for cost.

According to Respondent, Petitioner argues that the ALJ erred by focusing on what Respondent “actually did (or, better put, what he was alleged to have done but didn’t) instead of how his conduct may have appeared to a reasonable observer.” However, Respondent argues he did not do anything in his capacity as PSA President that would have appeared unethical to a reasonable observer. Respondent maintains every email and conversation that he had with District personnel “was entirely appropriate to his role as such, and no different or more frequent than those sent by the President of the other parent organization, the PTO.” Respondent further maintains a reasonable observer would not have “suspected that [R]espondent was in a position to pressure the Principal or her secretary by threatening to affect their job security or compensation,” because they both had tenure and their compensation was fixed by union contracts.

Finally, Respondent asserts Petitioner did not provide any evidence to show that the Complaint was anything other than a “disgruntled, unsuccessful candidate for the Board impulsively lashing out against someone she blamed for her defeat.” Therefore, Respondent asserts that Commission should accept the ALJ’s findings and the Complaint should be dismissed.

IV. Analysis

Upon a careful, thorough, and independent review of the record, the Commission adopts the ALJ’s findings of fact, modifies the ALJ’s legal conclusions to find that Respondent violated *N.J.S.A. 18A:12-24(a)* and *N.J.S.A. 18A:12-24(c)*, and recommends that a penalty of reprimand be imposed.

At the outset, the Commission notes that, while a Board member's simultaneous service both on the Board and on the Parent Teacher Association (PTA), including in a leadership role, is not a *per se* conflict of interest, situations or circumstances may arise based on the dual positions that result in violations of the Act. See *Advisory Opinion A07-00* (A07-00) and *Advisory Opinion A15-18* (A15-18). Accordingly, Respondent has not engaged in a violation of the Act simply due to his membership on both the Board and as President of the PSA.

The Commission finds that Respondent's conflict of interest stems from the use of his private company as a means to fundraise for the PSA, while he is a Board member. The fact that Respondent donates the spirit wear and does not make a profit does not alleviate him of this conflict. In *Advisory Opinion A03-21* (A03-21), a Board member established a non-profit entity "aimed at helping 'families in crisis' with their basic needs" during the pandemic, such as through grocery gift cards, meals, supplies, or paying a household bill. The Commission advised that the Board member would violate the Act if he/she or the non-profit "directly solicited financial contributions, donations, or supplies from District families; provided services to District families; and/or collaborated with District PTO" while he/she is a Board member. Similarly, in *Advisory Opinion A04-21* (A04-21), prior to being elected to the Board, a Board member became a chapter leader for a non-profit organization that focused on the health benefits of delaying school start times for middle and high school students. The Board member received "no personal benefit (monetary or otherwise)" related to her membership in the non-profit. The Commission advised that not only should the Board member recuse from any matter involving the non-profit that comes before the board of education, but he/she should "not attempt to provide any information regarding the [n]on-[p]rofit to the Board, employees of the District, and/or District families." The Commission has previously advised that board members involved in non-profit organizations are prohibited from donating goods or services within the District where they serve as a Board member or collaborating with the PTO. Similarly, in this matter, Respondent's personal company would be prohibited from donating materials to use in a fundraising sale with the PSA once he became a Board member.

Pursuant to *N.J.S.A.* 18A:12-24(a), "[n]o school official or member of his immediate family shall have an interest² in a business organization or engage in any business,³ transaction, or professional activity which is in substantial conflict with the proper discharge of his duties in the public interest." In A03-21 and A04-21, the Commission made clear that Board members are not permitted to conduct business in the District where they hold office, and even Board members involved in non-profit entities are prohibited from providing services to District families or collaborating with the PTO, or providing information regarding the non-profit to the Board, employees of the District, or District families. Notably, the Commission did not advise that Board members could not be involved in those organizations, but rather a conflict would

² "Interest" is defined as "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." *N.J.S.A.* 18A:12-23.

³ "Business" is defined as "any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union, political organization, or other legal entity but shall not include a local school district or any other public entity." *N.J.S.A.* 18A:12-23.

arise when those organizations become involved/associated with the District, while they are Board members. It is clear from the record that Respondent is the owner and operator of Dot Designing, and as such, he has an interest in the business organization. It is also clear from the record that Respondent's company makes spirit wear, which is donated and sold to middle school students and parents as a fundraiser for the PSA. Consistent with its advice in A03-21 and A04-21, the Commission finds that while Respondent's ownership interest in his company does not, *on its own*, create a conflict for Respondent, the *transaction* of selling his company's merchandise on behalf of the PSA directly to students and parents, through his website and picked up at his company's location, is in substantial conflict with the proper discharge of Respondent's duties as a Board member, even if the merchandise is donated. This conflict is further compounded by Respondent's use of the middle school principal, whose employment he oversees as a Board member, to send targeted emails soliciting sales from students and their families. Further, this arrangement, in which students and parents receive an email asking them to purchase spirit wear from Respondent's company, creates a conflict as it may cause parents to feel pressured to make a purchase solely due to Respondent's status as a Board member, which would pit Respondent's sale of spirit wear in conflict with his position on the Board. Accordingly, the involvement of Respondent's company in the District to fundraise for the PTA while he is a Board member creates a substantial conflict for Respondent, in violation of *N.J.S.A. 18A:12-24(a)*.

N.J.S.A. 18A:12-24(c) prohibits a school official from acting in his official capacity in a 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, and from acting in his official capacity in a matter where he or a member of his immediate family has a personal involvement that is or creates some benefit to him or a member of his immediate family.

A violation of *N.J.S.A. 18A:12-24(c)* hinges on whether a direct or indirect financial involvement *might reasonably be expected* to impair a school official's objectivity or independence of judgment, and as such, is measured from the perspective of the public. Essentially, "[t]he question will always be whether the circumstances could reasonably be interpreted to show that they had the likely capacity to tempt the official to depart from his sworn public duty." *Friends Retirement Concepts v. Board of Education of the Borough of Somerville*, 356 N.J. Super. 203, 214 (Law Div. 2002). The Commission has found, "In determining whether there is a violation of *N.J.S.A. 18A:12-24(c)*, the determinative factor is the public's perception and not the school official's belief as to whether he could participate in a matter objectively." *In re Famularo, Asbury Park Board of Education, Monmouth County*, Docket No. C23-96 (February 24, 1998). The violation is "based on an actual relationship that a reasonable person would expect to create a conflict of interest." *Ibid*. Further, "if the public would reasonably expect that the motion and vote were tainted by" a school official's involvement, then the school official should abstain from the discussion and vote. *Ibid*.

Respondent admits to voting on the principal's employment as a Board member, and the Commission finds the vote occurred in Respondent's official capacity as a Board member. The Commission further finds that Respondent and the company that he owns and operates have an indirect financial involvement in the principal's employment in the District because Respondent

contacts the principal on a regular basis to request that the principal send emails to students and families to promote the sale of spirit wear. Such regular communication with the principal provides an indirect financial benefit to Respondent as it is free advertising that garners name recognition and goodwill for his company. Respondent's frequent contact with the principal, while serving as a Board member, to personally promote the sale of spirit wear from Respondent's company, through Respondent's website, and to direct the merchandise be picked up at the building where Respondent's company is located, creates the appearance of impropriety. A reasonable member of the public would perceive that the conflict created by Respondent's contact with the principal to benefit his business, at least indirectly, would impair his objectivity and independence of judgment, in violation of *N.J.S.A.* 18A:12-24(c).

N.J.S.A. 18A:12-24(b) prohibits board members from using or attempting to use their official position to secure an unwarranted privilege, advantage, or employment for themselves, members of their immediate family, or others. Given the specific facts and circumstances in this matter, the Commission finds the evidence does not demonstrate that Respondent violated *N.J.S.A.* 18A:12-24(b). Prior to becoming a Board member, Respondent was involved in the PSA, and in that capacity, organized fundraisers through Dot Designing that utilized the principal to notify students and parents of the sales. Upon becoming a Board member, Respondent continued to use his personal/business email to communicate regarding PSA fundraisers. Given that the practice had already been established, and it does not appear from the record that Respondent sought any changes to the process upon being elected to the Board, the facts of this matter do not demonstrate that Respondent *used his official position* on the Board (as opposed to his position as a member of the PSA) to secure a privilege or advantage, and a violation of *N.J.S.A.* 18A:12-24(b) has not been established.

Pursuant to *N.J.S.A.* 18A:12-24.1(f), school officials are prohibited from surrendering their independent judgment to special interest or partisan political groups or from using the schools for personal gain or for the gain of friends. Based on the facts deduced at the hearing in this matter, the Commission finds that Respondent did not leverage his position as a Board member to acquire a benefit from the sale of spirit wear from his personal company as a fundraiser for the PSA. Respondent sold spirit wear through the PSA prior to his being elected as a Board member, and the record does not demonstrate that Respondent's alleged use of the schools for personal gain stemmed from his Board membership. As such, a violation of *N.J.S.A.* 18A:12-24.1(f) has not been established.

With respect to a penalty, the Commission notes that Respondent's use of his private company as a means to fundraise for the PSA, while he is a Board member, creates a clear and substantial conflict of interest. However, the Commission finds that because the fundraising opportunity involving the use of Respondent's company was in practice prior to when Respondent became a Board member, and because Respondent donated the materials and did not directly receive a monetary profit from each sale, a penalty of reprimand is appropriate in this matter.

V. Decision

For the aforementioned reasons, the Commission adopts the ALJ's findings of fact, as well as the legal conclusions that Respondent did not violate *N.J.S.A.* 18A:12-24(b) or *N.J.S.A.* 18A:12-24.1(f), modifies the ALJ's legal conclusions to find that Respondent violated *N.J.S.A.* 18A:12-24(a) and *N.J.S.A.* 18A:12-24(c), and recommends that a penalty of reprimand be imposed.

Pursuant to *N.J.S.A.* 18A:12-29(c), this decision shall be forwarded to the Commissioner of Education for review of the Commission's recommended penalty. The parties may either: 1) file exceptions to the recommended sanction; 2) file an appeal of the Commission's finding of a violation; or 3) file both exceptions to the recommended sanction together with an appeal of the finding of a violation.

Parties taking exception to the recommended sanction of the Commission but *not disputing* the Commission's finding of a violation may file, **within thirteen (13) days** from the date the Commission's decision is forwarded to the Commissioner, written exceptions regarding the recommended penalty to the Commissioner. The forwarding date shall be the mailing date to the parties, as indicated below. Such exceptions must be forwarded to: Commissioner of Education, c/o Bureau of Controversies and Disputes, P.O. Box 500, Trenton, New Jersey 08625, marked "Attention: Comments on Ethics Commission Sanction," as well as to (ControversiesDisputesFilings@doe.nj.gov). A copy must also be sent to the Commission (school.ethics@doe.nj.gov) and all other parties.

Parties seeking to appeal the Commission's finding of violation *must* file an appeal pursuant to the standards set forth at *N.J.A.C.* 6A:4:1 *et seq.* **within thirty (30) days** of the filing date of the decision from which the appeal is taken. The filing date shall be three (3) days after the date of mailing to the parties, as shown below. In such cases, the Commissioner's review of the Commission's recommended sanction will be deferred and incorporated into the Commissioner's review of the finding of violation on appeal. Where a notice of appeal has been filed on or before the due date for exceptions to the Commission's recommended sanction (thirteen (13) days from the date the decision is mailed by the Commission), exceptions need not be filed by that date, but may be incorporated into the appellant's briefs on appeal.

Robert W. Bender, Chairperson

Mailing Date: June 17, 2024

***Resolution Adopting Decision
in Connection with C03-21***

Whereas, at its meeting on July 27, 2021, the School Ethics Commission (Commission) voted to transmit the above-captioned matter to the Office of Administrative Law (OAL) for a hearing; and

Whereas, the Administrative Law Judge (ALJ) issued an Initial Decision dated March 12, 2024; and

Whereas, the ALJ found that Respondent did not violate *N.J.S.A.* 18A:12-24(a), *N.J.S.A.* 18A:12-24(b), *N.J.S.A.* 18A:12-24(c) or *N.J.S.A.* 18A:12-24.1(f), and dismissed the matter; and

Whereas, Petitioner filed exceptions to the Initial Decision and Respondent filed a reply; and

Whereas, at its meeting on May 21, 2024, the Commission reviewed the record in this matter, discussed adopting the ALJ's findings of fact, as well as the legal conclusions that Respondent did not violate *N.J.S.A.* 18A:12-24(b) or *N.J.S.A.* 18A:12-24.1(f), modifying the ALJ's legal conclusions to find that Respondent violated *N.J.S.A.* 18A:12-24(a) and *N.J.S.A.* 18A:12-24(c), and recommending a penalty of reprimand be imposed; and

Whereas, at its special meeting on June 17, 2024, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on May 21 2024; and

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

Robert W. Bender, Chairperson

I hereby certify that this Resolution was duly adopted by the School Ethics Commission at its special meeting on June 17, 2024.

Brigid C. Martens, Director
School Ethics Commission