

***Before the School Ethics Commission
Docket No.: C12-23
Final Decision
Summary Disposition***

**Surendra Vallabhaneni,
Complainant**

v.

**Chari Chanley,
Monroe Township Board of Education, Middlesex County,
Respondent**

I. Procedural History

The above-captioned matter arises from a Complaint that was filed on January 25, 2023, by Surendra Vallabhaneni (Complainant), alleging that Chari Chanley (Respondent), Superintendent 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 avers 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 Counts 1 and 2.

At its meeting on July 25, 2023, the Commission considered Respondent's Motion to Dismiss in Lieu of Answer (Motion to Dismiss) and Complainant's response thereto. Following its discussion on July 25, 2023, the Commission adopted a decision at its meeting on August 22, 2023, granting the Motion to Dismiss as to the alleged violations of *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, and denying the Motion to Dismiss as to the alleged violations of *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 1. Based on its decision, the Commission also directed Respondent to file an Answer to Complaint (Answer) as to the remaining allegations, which she did on September 11, 2023.

At its meeting on October 17, 2023, the Commission considered the filings and, at its meeting on November 28, 2023, the Commission adopted a decision finding probable cause does not exist for the alleged violation of *N.J.S.A.* 18A:12-24(a) in Count 1, but finding probable cause for the alleged violations of *N.J.S.A.* 18A:12-24(b) and *N.J.S.A.* 18A:12-24(c) in Count 1. Additionally, in accordance with *N.J.A.C.* 6A:28-10.7(c)(1),¹ the Commission voted to decide the above-captioned matter by summary decision, and directed Respondent to file a statement setting forth the reasons she should not be found in violation of the Act. Respondent was advised that if she disputes any of the facts determined by the Commission to be both material and

¹ The regulations cited in this decision refer to the regulations that were in effect at the time the Complaint was filed on January 25, 2023.

undisputed, she should set forth the facts with which she disagrees, and why they are material to the case. Finally, Respondent was advised that the Commission may then make a determination of a violation on a summary basis. Ultimately, on December 5, 2023, Respondent submitted a Position Statement/Statement of Reasons (Statement of Reasons) as directed.

Consequently, at its meeting on December 19, 2023, the Commission reviewed the record in this matter and, at its meeting on January 23, 2024, adopted a decision finding that Respondent violated *N.J.S.A.* 18A:12-24(b) and *N.J.S.A.* 18A:12-24(c), and recommending a penalty of reprimand for Respondent's violation of the Act.

II. Summary of the Pleadings

A. *Remaining Allegations in the Complaint*

According to Complainant, Respondent became Acting Superintendent of the Monroe Township School District (District) in 2021. Respondent's husband works as a teacher in the District and her son works in the District as a substitute teacher. Complainant alleges that after becoming Acting Superintendent, Respondent "recommended and approved actions that affected her husband's compensation." Complainant asserts, after members of the public expressed concerns about Respondent's conflict of interest, the Assistant Superintendent started recommending actions involving Respondent's husband's employment, beginning on May 11, 2022. As such, Complainant avers that precautions were implemented to ensure Respondent was not involved in matters related to her spouse's employment.

In Count 1, Complainant further alleges at the Board meeting on August 17, 2022, Respondent's son appeared in an agenda item involving a list of substitute teachers, which Respondent recommended rather than the Assistant Superintendent. Complainant asserts Respondent's conduct on August 17, 2022, violated *N.J.S.A.* 18A:12-24(b) and *N.J.S.A.* 18A:12-24(c) when she recommended her son for the position of substitute teacher, as school administrators "should not be involved in recommendations, discussions, or negotiations regarding employment of immediate family members."

B. *Answer to the Remaining Allegations in the Complaint*

In her Answer, Respondent reiterated that her child (substitute teacher) and her husband (teacher) were employed by the District prior to her appointment as Superintendent. Respondent maintained she is "well aware of her ethical obligation to recuse herself from directly supervising or evaluating her relatives, or in any other way influencing their employment relationship with the District." Further, Respondent notes, at Board counsel's suggestion, the District "implemented a procedure whereby any personnel actions involving [R]espondent's son or husband" were recommended to the Board by the Assistant Superintendent instead of her. Specifically, all personnel recommendations to the Board would appear on the agenda under section titled "Superintendent's Report/Recommendations," with each item prefaced with a note that either the Superintendent or the Assistant Superintendent were recommending the individual.

Respondent contends that at the meeting in question, she was not aware that her child was on the list of over 160 individuals being recommended as substitutes. Respondent admits she

should have “scrutinized the list more carefully” and she “accepts full responsibility for that oversight on her part.” Respondent further contends this was the first time her child was on the agenda since she became Superintendent. Respondent asserts she takes her recusal responsibility “seriously” and reaffirms that she has a procedure in place to implement it. Respondent has “pledged to take steps to assure [it] does not happen again.”

Respondent also offered three “Affirmative Defenses,” namely that her action was unintentional, inadvertent and without any nefarious intent; she did not confer, or attempt to confer, any unwarranted privileges or advantages on her child; and any “technical violation was *de minimis*” and she does not deserve “any discipline.”

C. *Statement of Reasons*

In her Statement of Reasons, Respondent argues that the nepotism regulation, *N.J.A.C.* 6A:23A-6.2, “generally prohibits superintendents from recommending employment of their own relatives, but allows for certain exceptions,” namely for continued employment or promotion of previously-employed relatives. Additionally, the regulation provides that districts may exempt *per diem* substitutes from the restrictions of the nepotism policy. Respondent contends that the Commission found in *Advisory Opinion* A13-20 (A13-20) that even if the nepotism policy does not prohibit it, a superintendent violates the Act when promoting a family member to a new position, but does not provide guidance on approving grandfathered relatives “just to keep the jobs they already have.”

Respondent maintains, “in order to avoid any question regarding [R]espondent’s behavior, a formalized procedure was put in place to recuse [R]espondent from any personnel agenda items involving her husband and her son.” Respondent asserts that there is no evidence that her son, “who had been serving in the same position prior to [R]espondent becoming Acting Superintendent, would not otherwise have continued to be appointed to that position had [R]espondent not been Superintendent at the time,” and as such she was not in violation of *N.J.S.A.* 18A:12-24(b). As to *N.J.S.A.* 18A:12-24(c), Respondent acknowledges that Superintendents should not recommend appointments for their family members, “which is why a procedure was put in place for the Assistant Superintendent to make any such recommendations.” Given the procedure, Respondent contends that a reasonable observer would recognize her “inadvertent failure to catch her son’s name on the lengthy list of substitutes, and would not have inferred anything nefarious.” As such, Respondent contends that even if the Commission finds a violation, such violation is *de minimis* and does not warrant a penalty.²

² Respondent also argues her procedural due process rights have been denied by the Commission’s allowance of *ex parte* oral argument on pending matters, which has “already infected the record in this case with sufficient procedural error to warrant dismissal of the charge on that ground alone.” The Commission notes that the minutes of its July 25, 2023, meeting demonstrate that a member of the public referenced the docket number in this matter, as well as several other matters involving the same District, but discussion of neither the facts nor legal issues of this matter occurred in public session. Additionally, the Commission’s review of this matter is limited solely to the written submissions.

III. Findings of Fact

Based on its thorough and independent review of the record, the Commission finds the following facts to be undisputed:

1. Respondent became the Acting Superintendent of the District in 2021. *Complaint* at page 2; *Answer* at 1.
2. At the time Respondent was promoted to Acting Superintendent, her son was employed as a substitute teacher in the District. *Complaint* at pages 2-3; *Answer* at 2.
3. The Board had a meeting on August 17, 2022. *Complaint* at pages 2-3; *Answer* at 4.
4. At the Board meeting on August 17, 2022, Respondent recommended approval of a list of substitute teachers for appointment or reappointment that included Respondent's son. *Complaint* at page 3; *Answer* at 5.

IV. Analysis and Conclusions of Law

Complainant argues that Respondent violated *N.J.S.A.* 18A:12-24(b) and *N.J.S.A.* 18A:12-24(c) when she recommended her son for the position of substitute teacher. Respondent counters that the approval was inadvertent and unintentional. Those provisions of the Act state:

b. No school official shall use or attempt to use his official position to secure unwarranted privileges, advantages or employment for himself, members of his immediate family or others;

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;

In A13-20, the Commission issued clear and unequivocal guidance that a Superintendent would violate the Act by recommending a family member for a promotion, and that while such action may not violate the Nepotism policy, it does not relieve a school official of their ethical obligations pursuant to the Act. The Commission noted that “there is no question that the public would perceive” the promotion of a family member “as securing an unwarranted privilege, advantage or employment” for the family member, which “create[s] a justifiable impression among the public that their trust was being violated.” Additionally, the Commission made clear that a promotion is not the only employment action that a Superintendent may not make involving a family member, stating that as the Superintendent supervises all staff in the District, he or she “must recuse [himself or herself] from *any and all discussions*” regarding the family

member's employment, "including [the] evaluation, *retention*, and possible future promotions," and the Superintendent "may not make *any recommendations* relative to these issues." A13-20 (emphasis added). Accordingly, the Commission advised that a Superintendent may violate the Act by recommending a family member's retention or reappointment to a position.

With the above in mind, the Commission finds that although Respondent's son was one of 160 individuals who were being recommended for employment as substitute teachers and despite Respondent's admittance that she did not realize her son's name was included on that list of substitute teachers, Respondent's failure to recuse herself on the recommendation of her child's employment constitutes using her position as Superintendent to secure an unwarranted privilege, advantage, or employment for her child, in violation of *N.J.S.A. 18A:12-24(b)*.

Respondent admits that she recommended her child for the position of substitute teacher, even if she did so unintentionally and/or inadvertently. Although Respondent contends the recommendation of her child on a list of 160 individuals was an oversight, the Commission finds that Respondent nevertheless acted in her official capacity in a matter where her child had a financial involvement, which might reasonably be expected to impair her objectivity or independence of judgment, and also acted in her official capacity in a matter where she had a personal involvement that created a benefit for her son. Accordingly, Respondent's recommendation to approve the list of substitute teachers, which included her child, at the Board meeting on August 17, 2023, violates *N.J.S.A. 18A:12-24(c)*.

Accordingly, and based on a complete and thorough review of the record, the Commission finds, based on the undisputed evidence as set forth herein, that Respondent violated *N.J.S.A. 18A:12-24(b)* and *N.J.S.A. 18A:12-24(c)* when she recommended her son for reappointment in the position of substitute teacher.

V. Recommended Penalty

Having found that Respondent violated *N.J.S.A. 18A:12-24(b)* and *N.J.S.A. 18A:12-24(c)*, the Commission is authorized to recommend to the Commissioner of Education (Commissioner) an appropriate penalty, which may range from reprimand to removal. *N.J.S.A. 18A:12-29(c)*.

In its review, the Commission finds that **reprimand** is the most appropriate penalty. In reaching this determination, the Commission finds that, based on the record, Respondent did not act deliberately or intentionally, and she did not realize her son's name was on the list of substitute teachers. The Commission genuinely appreciates Respondent's admission that she should have "scrutinized the list more carefully" and that she "accepts full responsibility for that oversight on her part." However, the Commission notes that it is Respondent's responsibility as the Chief School Administrator to carefully examine all agenda items prior to Board meetings to ensure that she abstains from all matters in which she has a conflict of interest in order to preserve the public trust.

VI. Decision

For the reasons set forth above, the Commission recommends that the Commissioner impose a penalty of **reprimand** for the violation of *N.J.S.A.* 18A:12-24(b) and *N.J.S.A.* 18A:12-24(c).

Pursuant to *N.J.S.A.* 18A:12-29(c), this decision shall be forwarded to the Commissioner 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 a 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. 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 in the appellant's briefs on appeal.

Robert W. Bender, Chairperson

Mailing Date: January 23, 2024

**Resolution Adopting Decision
in Connection with C12-23**

Whereas, at its meeting on December 19, 2023, the School Ethics Commission (Commission) considered the entirety of the record in this matter; and

Whereas, at its meeting on December 19, 2023, the Commission discussed finding a violation of *N.J.S.A.* 18A:12-24(b) and *N.J.S.A.* 18A:12-24(c); and

Whereas, at its meeting on December 19, 2023, the Commission discussed recommending a penalty of reprimand for the violations of *N.J.S.A.* 18A:12-24(b) and *N.J.S.A.* 18A:12-24(c); and

Whereas, at its meeting on January 23, 2024, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on December 19, 2023; and

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

Robert W. Bender, Chairperson

I hereby certify that the Resolution was duly adopted by the School Ethics Commission at its public meeting on January 23, 2024.

Brigid C. Martens, Director
School Ethics Commission