

Before the School Ethics Commission
Docket No.: C24-24
Decision on Probable Cause

Adrian Tooley-Lester,
Complainant

v.

Syesha Benbow, Janelle Lowery, Luis Antilus, Annette L. Beasley, John F. Brown,
Ronald Brown, Jordan Geffrard, Audrey M. Lyon and Joseph Sylvain,
Irvington Board of Education, Essex County,
Respondents

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on February 27, 2024, by Adrian Tooley-Lester (Complainant), alleging that Syesha Benbow, Janelle Lowery, Luis Antilus, Annette L. Beasley, John F. Brown, Ronald Brown, Jordan Geffrard, Audrey M. Lyon and Joseph Sylvain (Respondents), members of the Irvington 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 Respondents violated *N.J.S.A.* 18A:12-24.1(a) (Count 1), *N.J.S.A.* 18A:12-24.1(e) (Count 2) and *N.J.S.A.* 18A:12-24.1(h) (Count 3) of the Code of Ethics for School Board Members (Code).

Respondents filed a Written Statement on March 26, 2024, and also alleged that the Complaint is frivolous. On April 16, 2024, Complainant filed a response to the allegation of frivolous filing.

The parties were notified by correspondence dated October 15, 2024, that the above-captioned matter would be discussed by the Commission at its meeting on October 22, 2024, in order to make a determination regarding probable cause and the allegation of frivolous filing. Following its discussion on October 22, 2024, the Commission adopted a decision at its meeting on November 26, 2024, finding that there are insufficient facts and circumstances pled in the Complaint and in the Written Statement to lead a reasonable person to believe that the Act was violated as alleged in the Complaint. The Commission also adopted a decision finding the Complaint not frivolous, and denying Respondents' request for sanctions.

II. Summary of the Pleadings

A. *The Complaint*

In Count 1, Complainant provides that Respondent Lowery (Board Vice President) has a grandmother who is also a Board member (Respondent Beasley), which “is a conflict in itself.” Complainant further provides that Respondent Beasley’s daughter is an Irvington Council member and Respondent Benbow is the confidential aide to the Mayor of Irvington. According to Complainant, these relationships present a conflict for the named Board members, who are “in collusion and in violation” of *N.J.S.A.* 18A:12-24.1(a), because the Board “has not been competent in enforcing or respecting any laws, alongside the continuum of their absence to show up for Board meetings and play an integral role in ensuring the laws, rules and regulations are upheld.”

In Count 2, Complainant contends Respondent Benbow “has accepted solicited monetary donations from the Mayor, the [S]uperintendent and employees of the” District. According to Complainant, some “staff members felt forced to give money and feared what would happen if they didn’t.” Complainant further contends Respondent Benbow and the entire Board violated *N.J.S.A.* 18A:12-24.1(e) because this “kind of private action of soliciting money from staff, aided and abetted by the Superintendent who in turn wants the board president to keep quiet while she runs the board with her husband *the mayor* does more of a disservice to the community in general, especially bringing about a disservice to students, staff, community members and parents.”

In Count 3, Complainant maintains the Board President (Respondent Benbow), the Vice President (Respondent Lowery) and the Vice President’s grandmother (Respondent Beasley) are on the Board and “in direct opposition as their affiliations breached a desired public trust that any community member would expect.” Complainant asserts that the named Board members “intentionally omitted their relationships, which is an outright act of deceit” and the other Board members are “in violation as well because they took no initiative to uphold this provision as the interest of students was not a concern just as retaining, supporting or protecting school personnel was not a concern.” According to Complainant, the Board was “aware of [the Superintendent] and her abuse of power, but took no stand to intercept such wrongdoing” in violation of *N.J.S.A.* 18A:12-24.1(h).

B. *Written Statement and Allegation of Frivolous Filing*

Respondents initially note they “emphatically deny the allegations made, as they are false, slanderous, defamatory, and incoherent.” More specifically, and as to Count 1, Respondents note the familial relationships are irrelevant, and further a conflict does not exist because the members of the Board are elected by the community, and not appointed by the Mayor. Further, the Act does not prohibit family members from serving on the same board.

As to Count 2, Respondents maintain the allegations are “categorically false.” Specifically, Respondents note Respondent Benbow suffered from significant loss and the Mayor

organized a fundraiser to help her through the difficult ordeal. Respondents maintain that Respondent Benbow did not solicit any funds.

Regarding Count 3, Respondents note the “statement is incoherent and does not present any evidence of violations under” the Act. Per Respondents, Complainant brings up unrelated matters, which have no bearing on the current situation. These allegations are baseless and should be considered frivolous.

Finally, Respondents request the Commission determine the Complaint is frivolous as it is “lacking any basis in law or statute.” Respondents maintain that the allegations are false and do not violate “(A-J)” or any other relevant statutes.

C. Response to Allegation of Frivolous Filing

Complainant argues that “the [B]oard is in receipt of the dozens of complaints [she has] filed regarding the many improprieties that happened at” the middle school and notes, among other things, that the “good faith based, and duly documented reports have been shared with [B]oard members, which at best provide a real time account to the negligence.” Furthermore, Complainant maintains there “has been a pattern of strong affiliation which dismisses the greater good that needs to exist to ensure upright role models for the students of Irvington . . . This board has turned a blind eye to a number of behaviors that have no place in a school and to ask the [Commission] to turn a blind eye is a dubious proposition at best.”

III. Analysis

This matter is before the Commission for a determination of probable cause pursuant to *N.J.A.C.* 6A:28-9.7. A finding of probable cause is not an adjudication on the merits but, rather, an initial review whereupon the Commission makes a preliminary determination as to whether the matter should proceed to an adjudication on the merits, or whether further review is not warranted. Pursuant to *N.J.A.C.* 6A:28-9.7(a), probable cause “shall be found when the facts and circumstances presented in the complaint and written statement would lead a reasonable person to believe that the Act has been violated.”

Alleged Violations of the Act

Complainant submits that, based on the conduct more fully detailed above, Respondents violated *N.J.S.A.* 18A:12-24.1(a), *N.J.S.A.* 18A:12-24.1(e) and *N.J.S.A.* 18A:12-24.1(h). These provisions of the Code provide:

a. I will uphold and enforce all laws, rules and regulations of the State Board of Education, and court orders pertaining to schools. Desired changes shall be brought about only through legal and ethical procedures.

e. I will recognize that authority rests with the board of education and will make no personal promises nor take any private action that may compromise the board.

h. I will vote to appoint the best qualified personnel available after consideration of the recommendation of the chief administrative officer.

Count 1

In Count 1, Complainant asserts that Respondents violated *N.J.S.A.* 18A:12-24.1(a) because Respondents Lowery and Beasley are related, and Respondent Benbow is the confidential aide to the Mayor. Respondents counter that a conflict does not exist because family members are not prohibited from serving on the same board, and the Board is elected by the community, and not appointed by the Mayor.

Pursuant to *N.J.A.C.* 6A:28-6.4(a), factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(a) shall include a copy of a final decision from any court of law or administrative agency of this State demonstrating that Respondents failed to enforce all laws, rules and regulations of the State Board of Education, and/or court orders pertaining to schools or that Respondents brought about changes through illegal or unethical procedures.

After review, the Commission finds that there are insufficient facts and circumstances presented in the Complaint and the Written Statement to lead a reasonable person to believe that *N.J.S.A.* 18A:12-24.1(a) was violated. The Commission notes that the Board is elected by the public, and without more, a conflict does not exist simply because two Board members are related or one works for the Mayor. Further, despite being required by *N.J.A.C.* 6A:28-6.4(a)(1), the Commission finds that Complainant has not provided a copy of a final decision from any court of law or other administrative agency demonstrating or specifically finding that Respondents violated a specific law, rule, or regulation of the State Board of Education and/or court orders pertaining to schools, or that they brought about changes through illegal or unethical procedures, when they engaged in any of the acts/conduct set forth in the Complaint. Without the required final decision(s), a violation of *N.J.S.A.* 18A:12-24.1(a) is not supported. Consequently, and pursuant to *N.J.A.C.* 6A:28-9.7(b), the Commission dismisses the alleged violation of *N.J.S.A.* 18A:12-24.1(a).

Count 2

In Count 2, Complainant contends that Respondents violated *N.J.S.A.* 18A:12-24.1(e) when Respondent Benbow accepted solicited monetary donations from the Mayor. Respondents counter that Respondent Benbow suffered a significant loss and the Mayor organized a fundraiser to assist her, but that she did not solicit any funds.

In accordance with *N.J.A.C.* 6A:28-6.4(a), factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(e) shall include evidence that Respondents made personal promises or took action beyond the scope of their duties such that, by its nature, had the potential to compromise the board.

Following its assessment, the Commission finds that there are insufficient facts and circumstances presented in the Complaint and the Written Statement to lead a reasonable person to believe that *N.J.S.A.* 18A:12-24.1(e) was violated. In this circumstance, Respondent Benbow

suffered a loss, and her employer, who happens to be the Mayor, organized a fundraiser on her behalf. Respondent did not personally solicit any funds, but rather was the beneficiary of a fundraiser organized by another person, and such fundraiser was not based on or affiliated with Respondent Benbow's status as a Board member. As such, Respondent did not take any action beyond the scope of her duties that could compromise the Board. Accordingly, and pursuant to *N.J.A.C. 6A:28-9.7(b)*, the Commission dismisses the alleged violation(s) of *N.J.S.A. 18A:12-24.1(e)*.

Count 3

In Count 3, Complainant asserts that Respondents violated *N.J.S.A. 18A:12-24.1(h)* because they were aware of the Superintendent's "abuse of power" but did not "intercept such wrongdoing." Respondents contend that Complainant does not present any evidence of a violation of the Act.

Pursuant to *N.J.A.C. 6A:28-6.4(a)*, factual evidence of a violation of *N.J.S.A. 18A:12-24.1(h)* shall include evidence that Respondents acted on a personnel matter without a recommendation of the chief administrative officer.

Based on its review, the Commission finds that there are insufficient facts and circumstances presented in the Complaint and the Written Statement to lead a reasonable person to believe that *N.J.S.A. 18A:12-24.1(h)* was violated. The Complaint does not allege that Respondents acted on a personnel matter without the Superintendent's recommendation. To the contrary, Complainant appears to allege that Respondents did not stop the Superintendent from having an "abuse of power," but such alleged action does not implicate *N.J.S.A. 18A:12-24.1(h)*. Therefore, and pursuant to *N.J.A.C. 6A:28-9.7(b)*, the Commission dismisses the alleged violation(s) of *N.J.S.A. 18A:12-24.1(h)*.

IV. Request for Sanctions

At its meeting on October 22, 2024, the Commission considered Respondents' request that the Commission find the Complaint frivolous, and impose sanctions pursuant to *N.J.S.A. 18A:12-29(e)*. Despite Respondents' 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 its meeting on November 26, 2024, the Commission adopted a decision finding the Complaint not frivolous and denying the request for sanctions.

V. Decision

In accordance with *N.J.S.A. 18A:12-29(b)*, and for the reasons detailed herein, the Commission hereby notifies Complainant and Respondents that there are insufficient facts and circumstances pled in the Complaint and in the Written Statement to lead a reasonable person to believe that the Act was violated as alleged in the Complaint and, consequently, dismisses the

above-captioned matter. *N.J.A.C.* 6A:28-9.7(b). The Commission further advises the parties that, following its review, it voted to find that the Complaint is not frivolous, and to deny Respondents' request for sanctions.

The within 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)*. Under *New Jersey Court Rule 2:4-1(b)*, a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.

Robert W. Bender, Chairperson

Mailing Date: November 26, 2024

***Resolution Adopting Decision
in Connection with C24-24***

Whereas, at its meeting on October 22, 2024, the School Ethics Commission (Commission) considered the Complaint, the Written Statement and allegation of frivolous filing, and the response to the allegation of frivolous filing submitted in connection with the above-referenced matter; and

Whereas, at its meeting on October 22, 2024, the Commission discussed finding that the facts and circumstances presented in the Complaint and the Written Statement would not lead a reasonable person to believe that the Act was violated, and therefore, dismissing the above-captioned matter; and

Whereas, at its meeting on October 22, 2024, the Commission discussed finding the Complaint not frivolous, and denying the request for sanctions; and

Whereas, at its meeting on November 26, 2024, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on October 22, 2024; 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 November 26, 2024.

Brigid C. Martens, Director
School Ethics Commission