

***Before the School Ethics Commission
Docket Nos.: C49-24 and C50-24 (Consolidated)
Decision on Probable Cause***

**Juanita Hyman,
Complainant**

v.

**Doris Rowell and Andrea Gray,
Pleasantville Board of Education, Atlantic County,
Respondents**

I. Procedural History

The above-captioned matter arises from two separate but related Complaints. In the matter docketed as C49-24, Juanita Hyman (Complainant) filed a Complaint with the School Ethics Commission (Commission) on June 11, 2024, alleging that Doris Rowell (Respondent Rowell), President of the Pleasantville 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 Rowell violated *N.J.S.A.* 18A:12-24.1(a) (Counts 1, 3 and 4), *N.J.S.A.* 18A:12-24.1(d) (Count 2), *N.J.S.A.* 18A:12-24.1(e) (Counts 1-5), and *N.J.S.A.* 18A:12-24.1(f) (Count 5) of the Code of Ethics for School Board Members (Code).

Complainant also filed the matter docketed as C50-24 on June 11, 2024, alleging that Andrea Gray (Respondent Gray), Vice President of the Board violated *N.J.S.A.* 18A:12-24.1(a) (Counts 2 and 3), *N.J.S.A.* 18A:12-24.1(d) (Count 1), *N.J.S.A.* 18A:12-24.1(e) (Counts 1-4), and *N.J.S.A.* 18A:12-24.1(f) (Count 4) of the Code.

On July 11, 2024, Respondent Rowell (C49-24) filed a Written Statement, and on July 15, 2024, Respondent Gray (C50-24), filed a Written Statement, which included an allegation that the Complaint was frivolous. On July 30, 2024, Complainant filed a response to Respondent Gray's frivolous allegation.

By correspondence dated February 10, 2025, the parties were advised that, pursuant to its authority as set forth in *N.J.A.C.* 6A:28-6.6, the Commission determined to consolidate the matters docketed as C49-24 and C50-24. The Commission's decision to consolidate the above-referenced Complaints was based on a review of (1) the identity of the parties in each of the matters; (2) the nature of all questions of fact and law respectively involved; (3) the advisability generally of disposing of all aspects of a controversy in a single proceeding; and (4) other matters appropriate to a prompt and fair resolution of the issues. *N.J.A.C.* 6A:28-6.6(b). More specifically, because both matters have a common Complainant (Juanita Hyman) and each Complaint alleges that the same general conduct/action forms the basis for the alleged violations

of the School Ethics Act, *N.J.S.A. 18A:12-22 et seq.*, the Commission determined that, in the interest of efficiency, it can resolve both Complaints in a consolidated matter.

Following consolidation, the above-captioned matter was discussed by the Commission at its meeting on February 18, 2025, in order to make a determination regarding probable cause and the allegation of frivolous filing. Following its discussion on February 18, 2025, the Commission adopted a decision at its meeting on March 25, 2025, finding that any allegations stemming from the Board meeting on December 13, 2022, in Count 1 were untimely filed, and finding that there are insufficient facts and circumstances pled in the Complaints and in the Written Statements to lead a reasonable person to believe that the Act was violated as alleged in the Complaints. The Commission also adopted a decision finding the Complaint not frivolous, and denying Respondent Gray's request for sanctions.

II. Summary of the Pleadings

A. *The Complaints*

In Count 1 (C49-24 only), Complainant states that on May 26, 2024, "after reviewing some previous Board minutes," she discovered that Respondent Rowell (Board President) "used her position to ensure" that her brother-in-law was hired as a classroom aide. According to Complainant, at a Board meeting on December 13, 2022, the vote to hire Joseph Rowell failed, then after executive session, Respondent Rowell "conspired to circumvent the law by invoking the" Doctrine of Necessity (DON). Per Complainant, the vote for Respondent Rowell's brother-in-law's employment was "called again," that same night and the Board invoked the DON, and Respondent Rowell was able to vote to approve her brother-in-law. Moreover, Complainant contends the Board did not follow proper procedures when invoking the DON. Complainant further contends Respondent Rowell also voted on the District's re-appointments on May 14, 2024, which included her brother-in law. Complainant asserts Respondent Rowell violated *N.J.S.A. 18A:12-24.1(a)* and *N.J.S.A. 18A:12-24.1(e)*.

In Count 2 (in C49-24 and Count 1 in C50-24), Complainant maintains that on May 23, 2024, a former Board member made comments while on a local radio station that he "fought successfully" in September 2023, against Respondents' "plan to terminate [], the Assistant Superintendent." According to the former Board member, Respondents "told" Board counsel to draft a resolution to fire the Assistant Superintendent, despite the Assistant Superintendent having received good evaluations and without the Superintendent's recommendation. Complainant further maintains that the Assistant Superintendent's employment was discussed in public, and she was not *Riced*. Consequently, the Assistant Superintendent's contract was settled on September 12, 2023, and thereafter on May 14, 2024, she was "non-renewed as the Assistant Superintendent and "demoted to her tenure" position, "which was not due to financial reasons or job performance." Complainant asserts Respondents violated *N.J.S.A. 18A:12-24.1(d)* and *N.J.S.A. 18A:12-24.1(e)*.

In Count 3 (in C49-24 and Count 2 in C50-24), Complainant states that on May 7, 2024, she asked the "full" Board whether they were aware of the personnel changes related to the non-renewal and/or demotions of employees, and with the exception of Respondents, the Board

members indicated they were not aware of the personnel changes, nor the fact that none of the affected employees were *Riced*. Complainant contends that Respondents “failed to follow Board policy and the law regarding non-renewal of employees and as [a] result the motion to accept the budget failed,” and therefore, Respondents violated *N.J.S.A. 18A:12-24.1(a)* and *N.J.S.A. 18A:12-24.1(e)*.

In Count 4 (in C49-24 and Count 3 in C50-24), Complainant maintains that Respondent Rowell allowed Respondent Gray to attend the May 14, 2024, Board meeting virtually, despite it not being advertised as a virtual meeting and the public not being permitted to attend virtually in violation of the Open Public Meetings Act (OPMA). Complainant further maintains that, while attending the meeting virtually, the public could see “people in her house walking back and forth in the background” and those individuals that were in Respondent Gray’s house “were privy to confidential information that was discussed during executive session.” Complainant provides that during the same Board meeting, a motion failed and after executive session, two Board members wanted to change their vote. Complainant further provides that in order for a Board member to change their vote, the Board must agree “unanimously,” and despite two Board members’ vote not to allow it, Respondents disregarded their objections and allowed the Board to revote on the matter. Complainant contends that Respondents violated *N.J.S.A. 18A:12-24.1(a)* and *N.J.S.A. 18A:12-24.1(e)*.

In Count 5 (in C49-24 and Count 4 in C50-24), Complainant contends that on May 23, 2024, a former Board member stated on public radio that back in December 2023, Respondents tried to settle a lawsuit, which would award money and a job to a friend. According to Complainant, on May 14, 2024, the Board, under the direction of Respondents, settled the lawsuit with the said friend. Complainant further contends Respondents violated *N.J.S.A. 18A:12-24.1(e)* and *N.J.S.A. 18A:12-24.1(f)*.

B. *Written Statements and Allegation of Frivolous Filing*

In Respondent Rowell’s Written Statement, Respondent Rowell denies that she “knowingly or willfully” violated any of the provisions alleged in Counts 1 through 5 and further denies that she “engaged in any behavior that violates the Act.”

In Respondent Gray’s Written Statement, which includes an allegation of frivolous filing, Respondent denies the allegations in Count 2 (Count 1 in C50-24), and “leaves Complainant to her proofs.” Moreover, Respondent Gray argues that the “former Board member” who spoke on the radio was not a Board member when the alleged matter took place, and further Complainant did not provide an affidavit from the former Board member affirming the allegations. In addition, Complainant has not provided a transcript from the confidential closed session discussion, and according to Respondent Gray, “there was no discussion regarding [the Assistant Superintendent’s] performance or other personal matters of her employment.” Respondent Gray also adds that the demotion was “recommended by the new Superintendent...as part of fiscal accountability and in part due to a reduction in work force.” Therefore, Respondent Gray argues that the allegations fail to support a violation of *N.J.S.A. 18A:12-24.1(d)* and *N.J.S.A. 18A:12-24.1(e)*.

As to Count 3 (Count 2 in C50-24), Respondent Gray again denies the allegations contained within and notes as the Board Vice President, she is not responsible to serve RICE notices. Moreover, she asserts that it is not her responsibility to “prepare[] the agenda, circulate[] the agenda, or prepare[] the resolutions contained therein.” Respondent Gray argues Complainant has not provided the necessary documentation to sustain a violation of *N.J.S.A.* 18A:12-24.1(a) nor that Respondent Gray gave a direct order to school personnel to support a violation of *N.J.S.A.* 18A:12-24.1(e).

Regarding Count 4 (Count 3 in C50-24), Respondent Gray denies the allegations that she violated *N.J.S.A.* 18A:12-24.1(a) and *N.J.S.A.* 18A:12-24.1(e), and initially argues that Complainant was not present during executive session, and therefore, cannot “opine on whether [Respondent Gray] was allowing confidential information to be heard by non-board members; and any board members therein who disclosed information to Complainant are themselves subject to ethics violations.” Respondent Gray maintains that the public was “afforded access and was able to watch the proceedings” and Respondent Gray did not appear virtually, but rather, by telephone due to a personal matter, and appearing by telephone does not violate the OPMA or any other laws or Board policies.

As to Count 5 (Count 4 in C50-24), Respondent Gray again denies the allegations and reaffirms that Complainant is providing “hearsay” as she was not in executive session nor privy to the communication that occurred. Respondent Gray notes she “does not have a personal relationship, is not friends, never worked, never served on the board with [the named individual], nor did she make the recommendation to settle a lawsuit with [him].”

Finally, Respondent Gray asserts the Complaint is frivolous, because the “allegations in the Complaint did not occur,” and Complainant did not provide any “credible evidence” to support her allegations. Respondent Gray argues that the Complaint was “brought in bad faith and specifically for the purposes of vindication against the demotion due to fiscal accountability measures when the Complainant’s relative [] was demoted from Assistant Superintendent to” building principal. In addition, Respondent Gray notes Complainant relies on “hearsay” and has singled out Respondent Gray and the Board President [(Respondent Rowell)] “imputing to them more power than they possess, on matters in which all other board members had a vote.”

C. *Response to Allegation of Frivolous Filing*

In response to Respondent Gray’s allegation of frivolous filing, Complainant reasserts her allegations and notes that the information is not hearsay, as the former Board member was a Board member at the time the events occurred, and therefore, has firsthand knowledge of the event, Complainant was present at the Board meeting when the Assistant Superintendent’s employment was discussed, and she was also present at the meeting when the non-renewals and demotions were discussed. Complainant maintains that she saw for herself that during the virtual meeting, individuals were walking behind Respondent, and further notes that another Board member was denied virtual attendance at a meeting when her son was sick. Ultimately, Complainant argues the Complaint is “grounded in factual evidence and is not frivolous.”

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.”

Jurisdiction of the Commission

In reviewing the allegations in this matter, the Commission notes that its authority is limited to enforcing the Act, *N.J.S.A.* 18A:12-21 *et seq.*, a set of minimum ethical standards by which all school officials must abide. In this regard, the Commission has jurisdiction only over matters arising under the Act, and it may not receive, hear, or consider any matter that does not arise under the Act, *N.J.A.C.* 6A:28-1.4(a).

With the jurisdiction of the Commission in mind, to the extent that Complainant seeks a determination from the Commission that Respondents may have violated the OPMA, Board policies, and/or inappropriately *Riced* an employee, the Commission advises that such determinations fall beyond the scope, authority, and jurisdiction of the Commission. Although Complainant may be able to pursue a cause of action(s) in the appropriate tribunal, the Commission is not the appropriate entity to adjudicate those claims. Accordingly, those claims are dismissed.

Alleged Untimeliness

Part 1 of Count 1 (C49-24 only) concerns events from a Board meeting on December 13, 2022.

The Commission’s regulations provide a one hundred eighty (180) day limitation period for filing a complaint. More specifically, *N.J.A.C.* 6A:28-6.5(a) provides, in relevant part:

- (a) Complaints shall be filed within 180 days of notice *of the events which form the basis of the alleged violation(s)*. A complainant shall be deemed to be notified of events that form the basis of the alleged violation(s) *when the complainant knew of the events, or when such events were made public so that one using reasonable diligence would know or should have known* (emphasis added).

With the above in mind, and pursuant to *N.J.A.C.* 6A:28-6.5(a), the Commission must determine when Complainant knew of the events which form the basis of the Complaint, or when such events were made public so that one using reasonable diligence would know, or should have known, of such events.

The Commission recognizes that limitation periods of this type serve to discourage dilatoriness and provide a measure of repose in the conduct of school affairs. *Kaprow v. Berkley Township Bd. of Educ.*, 131 N.J. 571, 587 (1993). Thus, “notice of the alleged violation” must be interpreted in a manner that anticipates the reasonable diligence of complainant(s). In addressing potential violations of the Act, the Commission must balance the public’s interest in knowing of potential violations against the important policy of repose and a respondent’s right to fairness. The time limitations set forth in the regulations must be enforced if the Commission is to operate in a fair and consistent manner. *Phillips v. Streckenbein et al., Edgewater Park Bd. of Educ., Burlington County*, C19-03 (June 24, 2003).

In this case, Complainant filed her Complaint on June 11, 2024, and one hundred eighty (180) days prior to that date is December 14, 2023. The allegation in Part 1 of Count 1 stems from a vote and statements that were made at a Board meeting on December 13, 2022.

After review, the Commission finds that there is not a credible basis upon which to find that Complainant was unaware of Respondent’s actions/conduct until a date(s) other than when they occurred. Although the Commission recognizes that the regulatory time period may be relaxed, in its discretion, in any case where strict adherence may be deemed inappropriate or unnecessary or may result in injustice, it does not find extraordinary circumstances in the within matter that would compel relaxation. Critical to the Commission’s determination was that the conduct occurred at a Board meeting, and as such Complainant was aware of the conduct on the day it occurred, as it was public knowledge, or could have been aware after the minutes were published/made public. The Commission finds that Respondent was aware of the statements at the time they were made, or could have been aware, shortly thereafter.

Consequently, any allegations of the Act stemming from the Board meeting on December 13, 2022, in Count 1 are time-barred, and therefore, dismissed.

Alleged Violations of the Act

Complainant further submits that Respondents violated *N.J.S.A.* 18A:12-24.1(a), *N.J.S.A.* 18A:12-24.1(d), *N.J.S.A.* 18A:12-24.1(e), and *N.J.S.A.* 18A:12-24.1(f), and 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.

d. I will carry out my responsibility, not to administer the schools, but, together with my fellow board members, to see that they are well run.

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.

f. I will refuse to surrender my independent judgment to special interest or partisan political groups or to use the schools for personal gain or for the gain of friends.

Pursuant to *N.J.A.C.* 6A:28-6.4(a), a violation(s) of *N.J.S.A.* 18A:12-24.1(a), *N.J.S.A.* 18A:12-24.1(d), *N.J.S.A.* 18A:12-24.1(e), and *N.J.S.A.* 18A:12-24.1(f) need to be supported by certain factual evidence, more specifically:

1. 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.

4. Factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(d) shall include, but not be limited to, evidence that Respondents 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.

5. 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.

6. Factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(f) shall include evidence that Respondents 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.

Count 1

In the remainder of Count 1 and as to Respondent Rowell only, Complainant contends that on May 14, 2024, Respondent Rowell voted on the Districts' re-appointments, which included Respondent Rowell's brother-in law, in violation of *N.J.S.A.* 18A:12-24.1(a) and *N.J.S.A.* 18A:12-24.1(e). Respondent Rowell denies that she "knowingly or willfully" violated any provisions and further denies that she "engaged in any behavior that violates the Act."

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. 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 Respondent Rowell violated a specific law, rule, or regulation of the State Board of Education and/or court orders

pertaining to schools, or that she brought about changes through illegal or unethical procedures, when she 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. In addition, even if Respondent Rowell did vote for her brother-in-law for a re-appointment, this would not be a personal promise or action beyond the scope of her duties such that, by its nature, had the potential to compromise the board. 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(a)* and/or *N.J.S.A. 18A:12-24.1(e)* in Count 1.

Count 2

In Count 2 (Count 1 in C50-24), Complainant states that Respondents “told” Board counsel to draft a resolution to fire the Assistant Superintendent, despite the Assistant Superintendent having received good evaluations and without the Superintendent’s recommendation. Consequently, Complainant alleges that the Assistant Superintendent’s contract was non-renewed in violation of *N.J.S.A. 18A:12-24.1(d)* and *N.J.S.A. 18A:12-24.1(e)*. Respondent Rowell denies that she “knowingly or willfully” violated the provision. Respondent Gray denies the allegations in Count 2 (Count 1 in C50-24), and “leaves Complainant to her proofs.” She further states that the former Board member who spoke on the radio was not on the Board when this matter occurred, and therefore, does not have first-hand knowledge of what happened. Respondent Gray also states that the demotion of the Assistant Superintendent was “recommended by the new Superintendent...as part of fiscal accountability and in part due to a reduction in work force” and “there was no discussion regarding [the Assistant Superintendent’s] performance or other personal matters of her employment.”

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(d)* and/or *N.J.S.A. 18A:12-24.1(e)* were violated in Count 2 (Count 1 in C50-24). Complainant claims to have heard of this allegation on the radio from a third party and does not present any evidence that Respondents made a direct order to school personnel or became involved in the day-to-day administration of the school, as required by *N.J.S.A. 18A:12-24.1(d)*. Respondent Gray has asserted that the demotion was at the recommendation of the Superintendent, and not the Board. With respect to *N.J.S.A. 18A:12-24.1(e)*, Complainant has not shown how Respondents made any personal promises or took action beyond the scope of their duties as they were acting in their official capacity as Board members. Therefore, 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(d)* and *N.J.S.A. 18A:12-24.1(e)* in Count 2 (Count 1 in C50-24).

Count 3

In Count 3 (Count 2 in C50-24), Complainant asserts Respondents failed to follow Board policy and the law regarding non-renewal of employees by not giving the employees *Rice* notices on May 7, 2024, in violation of *N.J.S.A. 18A:12-24.1(a)* and *N.J.S.A. 18A:12-24.1(e)*. Respondent Rowell denies that she “knowingly or willfully” violated the Act. Respondent Gray counters by denying the allegations and noting she was not responsible to serve *Rice* notices. Respondent Gray also argues Complainant has not provided the necessary documentation to

sustain a violation of *N.J.S.A. 18A:12-24.1(a)* nor that Respondent gave a direct order to school personnel to support a violation of *N.J.S.A. 18A:12-24.1(e)*.

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)* and/or *N.J.S.A. 18A:12-24.1(e)* were violated in Count 3 (Count 2 in C50-24). As noted above, the Commission does not have jurisdiction over the failure to follow Board policies or the issuance (or non-issuance) of *Rice* notices. 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. With respect to *N.J.S.A. 18A:12-24.1(e)*, the Complaint lacks factual support that Respondents made any personal promises or took action beyond the scope of their duties such that, by its nature, had the potential to compromise the board. Accordingly, 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)* and *N.J.S.A. 18A:12-24.1(e)* in Count 3 (Count 2 in C50-24.)

Count 4

In Count 4 (Count 3 in C50-24), Complainant maintains that Respondent Rowell allowed Respondent Gray to attend the May 14, 2024, Board meeting virtually and to violate the confidentiality provisions required in executive session in contravention of the OPMA. Complainant also alleges that both Respondents disregarded Board policies and allowed the Board to revote on a matter in violation of *N.J.S.A. 18A:12-24.1(a)* and *N.J.S.A. 18A:12-24.1(e)*. Respondent Rowell denies that she “knowingly or willfully” violated any provisions of the Act. Respondent Gray argues that Complainant was not present during executive session, and therefore, cannot “opine on whether [Respondent Gray] was allowing confidential information to be heard by non-board members.” Respondent Gray also asserts that appearing by telephone does not violate the OPMA or any other laws or Board policies.

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)* and/or *N.J.S.A. 18A:12-24.1(f)* were violated. As stated above, the Commission does not have jurisdiction over the failure to follow Board policies or the OPMA. Also as noted above, 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. With regard to *N.J.S.A. 18A:12-24.1(e)*, the Complaint lacks factual support that Respondents made any personal promises or took action beyond the scope of their duties such that, by its nature, had the potential to compromise the board. Therefore, 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)* and *N.J.S.A. 18A:12-24.1(e)* in Count 4 (Count 3 in C50-24).

Count 5

In Count 5 (Count 4 in C50-24), Complainant asserts Respondents violated *N.J.S.A. 18A:12-24.1(e)* and *N.J.S.A. 18A:12-24.1(f)* when in December of 2023, Respondents tried to settle a lawsuit which would have awarded money and a job to a friend. Later, on May 14, 2024, as Board members, they settled a lawsuit involving the same friend. Respondent Rowell denies that she “knowingly or willfully” violated this provision. Respondent Gray counters she “does not have a personal relationship, is not friends, never worked, never served on the board with [the individual], nor did she make the recommendation to settle a lawsuit with [him].”

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)* and/or *N.J.S.A. 18A:12-24.1(f)* were violated. At all times in Count 5 (Count 4 in C50-24) Respondents acted in their capacity as Board members. Therefore, Complainant has not demonstrated how Respondents made any personal promises nor took any private action that may compromise the Board as required by *N.J.S.A. 18A:12-24.1(e)*. With respect to *N.J.S.A. 18A:12-24.1(f)*, Complainant has not demonstrated that Respondents are friends or have a personal relationship with the individual. 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(e)* and *N.J.S.A. 18A:12-24.1(f)* in Count 5 (Count 4 in C50-24).

IV. Request for Sanctions

At its meeting on February 18, 2025, the Commission considered Respondent Gray’s request that the Commission find the Complaint frivolous, and impose sanctions pursuant to *N.J.S.A. 18A:12-29(e)*. Despite Respondent Gray’s 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 March 25, 2025, 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 also voted to find that any allegations stemming from the Board meeting on December 13, 2022, in Count 1 were untimely filed. The Commission further advises the parties that, following its review, it voted to find that the Complaint is not frivolous, and to deny Respondent Gray’s 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: March 25, 2025

***Resolution Adopting Decision
in Connection with C49-24 and C50-24 (Consolidated)***

Whereas, at its meeting on February 18, 2025, the School Ethics Commission (Commission) considered the Complaints, the Written Statements 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 February 18, 2025, the Commission discussed finding that any allegations stemming from the Board meeting on December 13, 2022, in Count 1 were untimely filed; and

Whereas, at its meeting on February 18, 2025, the Commission discussed finding that the facts and circumstances presented in the Consolidated Complaint or Complaints and the Written Statements 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 February 18, 2025, the Commission discussed finding the Complaint not frivolous, and denying the request for sanctions; and

Whereas, at its meeting on March 25, 2025, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on February 18, 2025; 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 March 25, 2025.

Brigid C. Martens, Director
School Ethics Commission