Before the School Ethics Commission
OAL Docket No.: EEC-08606-24
SEC Docket No.: C76-23
Final Decision

In the Matter of Sahar Aziz,
Westfield Board of Education, Union County,
Respondent

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on October 2, 2023, by Brendan Galligan (Complainant), alleging that Sahar Aziz (Respondent), a member of the Westfield 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(b) (Count 1 and Count 2) and *N.J.S.A.* 18A:12-24(c) (Count 3 through Count 9 and Count 30), as well as *N.J.S.A.* 18A:12-24.1(e) (Count 10 through Count 16), *N.J.S.A.* 18A:12-24.1(f) (Count 17 through 23), *N.J.S.A.* 18A:12-24.1(i) (Count 24), and *N.J.S.A.* 18A:12-24.1(j) (Count 25 through Count 29) of the Code of Ethics for School Board Members (Code). On December 22, 2023, Respondent filed a Written Statement, and also alleged that the Complaint is frivolous. Complainant filed a response to the allegation of frivolous filing on January 23, 2024.

At its special meeting on June 17, 2024, the Commission adopted a decision finding the Complaint was timely filed, and finding that there were sufficient facts and circumstances pled in the Complaint and in the Written Statement to lead a reasonable person to believe that *N.J.S.A.* 18A:12-24(c) was violated in Count 30 of the Complaint, but insufficient facts and circumstances to lead a reasonable person to believe that the alleged provisions in Counts 1 through 29 of the Complaint were violated. The Commission also adopted a decision finding the Complaint not frivolous, and denying Respondent's request for sanctions. Based on its finding of probable cause, the Commission transmitted the remaining allegation in the above-captioned matter to the Office of Administrative Law (OAL) for a hearing.

At the OAL, on May 6, 2025, the parties filed cross-motions for summary decision. The parties filed their opposing papers on June 27, 2025, and they filed their replies on July 8, 2025. The record closed on July 8, 2025, and the Administrative Law Judge (ALJ) issued an Initial Decision on August 18, 2025, concluding that Respondent violated *N.J.S.A.* 18A:12-24(c)[1] and recommending a penalty of censure. Respondent filed exceptions to the Initial Decision, in accordance with *N.J.A.C.* 1:1-18.4, and Petitioner filed a reply thereto.

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[1] The ALJ mistakenly referenced *N.J.S.A.* 18A:12-24.1(c) instead of *N.J.S.A.* 18A:12-24(c). The Commission will correct references to the provision throughout this decision.

At its meeting on September 23, 2025, the Commission considered the full record in this matter. Thereafter, at its meeting on October 28, 2025, the Commission voted to adopt the ALJ's findings of fact, the legal conclusion that Respondent violated *N.J.S.A.* 18A:12-24(c), and the recommended penalty of censure.

II. Initial Decision

Based on the documents submitted by both parties, the ALJ issued the following findings of fact:

- On February 6, 2023, an ethics Complaint was filed against Respondent (C18-23).
- On February 10, 2023, the Board notified its insurance carrier of the Complaint filed against Respondent and retained legal counsel at its expense to defend Respondent in the action.
- Shortly thereafter, the insurance carrier retained a law firm to defend Respondent.
- Between February and June 2023, Respondent communicated with her attorney and was fully cognizant the law firm had been assigned by the insurance carrier to defend her.
- The agenda for the June 27, 2023, Board meeting contained the resolution for finance and facilities, and it was one of the largest agenda items because it encompassed all financial matters for the Board. The resolution contained more than 3,000 items and spanned more than 350 pages.
- Within the 350-page listing of financial items, there was a seventeen-page document of hand and machine checks, which listed in alphabetical order the checks that were to be approved at the meeting. One of the checks was a payment to the law firm representing Respondent for $5,000.00, which was the deductible for the insurance carrier to defend Respondent. This was the only payment the Board made that month to the law firm while Respondent was on the Board.
- The resolution for finance and facilities was presented to the Board, including Respondent, at the June 27, 2023, meeting. None of the line items were discussed or voted on separately. The Board, including Respondent, participated and voted to approve the resolution unanimously.
- Respondent knew the law firm represented her in the legal proceeding, and Respondent had been in communication with her attorneys for several months before the June Board meeting. Moreover, the Board meeting occurred during her third year on the Board, when she had already received her two years of training on her ethical obligations as a board member and when she had a clear understanding of how meetings are conducted and how agenda items are voted on.

Initial Decision at 3-4.

The ALJ noted that the Board was obligated to retain and pay an attorney to defend Respondent against the ethics complaint. *Id.* at 6. The ALJ further noted that it "was a direct benefit" to Respondent, and as a result, Respondent was "not permitted to vote on the resolution that approved the payment." *Ibid.*

According to the ALJ, Respondent "knew that she was represented by a law firm because she had been in communication with her attorneys for several months before the June 2023 Board meeting." *Ibid.* Further, the ALJ noted that Respondent "also knew that she would be voting on a resolution to pay this law firm to defend her" because the Board meeting occurred during her third year on the Board, when she had a clear understanding of how board meetings were conducted and how agenda items were voted on. *Ibid.* Despite these facts, the ALJ noted, Respondent willfully acted in her official capacity as a Board member to approve the payment. Therefore, the ALJ concluded that on June 27, 2023, Respondent voted to approve the payment of legal fees in violation of *N.J.S.A.* 18A:12-24(c).

The ALJ noted that Respondent argued the Board did not discuss the motion to approve the finance and facilities resolution or any of its line items, including the one for her attorney's fees, and therefore, she was unaware that the resolution contained the line item for her attorney's fees, and regardless of her vote, the line item would have passed anyway. *Id.* at 7. The ALJ further noted Respondent argued that Board counsel did not advise her to recuse from voting, nor was there any discussion that her participation would violate the Act. *Ibid.* However, the ALJ found that Respondent's arguments "are not only self-serving, but they are also insulting." *Ibid.* The ALJ stated that Respondent "holds herself out as an authority on the law," as a lawyer and a law professor, and therefore, "she knew better than to vote on the finance and facilities resolution without having first reviewed every line item." *Ibid.* The ALJ asserted that Respondent was obligated as a Board member to do exactly that, and the fact that the resolution contained more than 3,000 items and spanned more than 350 pages does not absolve her of that responsibility. *Ibid.*

As to penalty, the ALJ found that censure is the appropriate penalty because while it is clear that Respondent should have known better, "instead of demonstrating any contrition, she argues that she did not know, in dereliction of her duty, to review the resolution before voting upon it." *Id.* at 8. As such, the ALJ concluded that "such deliberate indifference" warrants a censure. *Ibid.*

III. Exceptions

Respondent's Exceptions

Respondent argues her vote "was an oversight and harmless error and she should not be penalized for voting alongside her fellow Board members on the last meeting of the school year." According to Respondent, her vote was not related to any personal involvement, rather, the vote was in relation to her capacity as a Board member and she voted, alongside her fellow members, for the defense of an ethics claim, which was not public. Respondent notes she did not choose the law firm, the insurance carrier did, and it was not necessary for her to recuse because she did not "engage and/or participate in any prohibited acts." Respondent further notes she did not have a business interest, or use her position "to secure 'unwarranted privilege or advantage,'" she did not have a financial involvement that could impair her objectivity, and the legal fees were not a gift or favor offered with the intent to influence Respondent. Respondent claims none of the other Board members recused themselves from the travel expenses, and ethics charges were not filed against them. Respondent further claims that despite her request to review the agenda earlier, the Superintendent declined and provided the agenda to the entire Board the Friday before the meeting. Moreover, because the Complaint was not yet public, the line item did not note it by name, and therefore, the agenda merely noted a payment to the law firm. In addition, Respondent notes she does not have any family employed by the Board, nor any business with the Board, which would constitute a conflict, and therefore, recusal.

Respondent reiterates that the Commission had not yet made a decision, and therefore, the matter was confidential and had she recused from the vote, it would have drawn attention to the matter. Furthermore, Respondent claims she did not act deliberately or intentionally, and she did not realize that voting on the payment to the law firm would be a violation of the Act.

As to the penalty of censure, Respondent argues it "is overly punitive" as this was her "first and only alleged penalty."

Petitioner's Reply to Respondent's Exceptions

Petitioner argues that as to a violation of *N.J.S.A.* 18A:12-24(c), the record shows that a reasonable member of the public could believe that Respondent's actions were impaired by an interest that is not shared in common with other members of the public. Petitioner argues that Respondent's "actions constitute a violation of her indirect personal interests." Petitioner further argues that Respondent "did not have a direct financial interest in the law firm being paid, but she did have an indirect interest in having the prior complaint, [C18-23], litigated and that required the payment for legal services." According to Petitioner, the fact that the approval for payment was part of a vast number of items is irrelevant; what matters is that she voted on something for which she reaped an indirect financial interest, and therefore, violated *N.J.S.A.* 18A:12-24(c).

As to Respondent's "rationale [] that if she had recused herself from the vote, then the confidentiality of [the] ethics claim against her would have been broken," Petitioner asserts this "argument fails because it is not supported by any evidence in the record or any regulation, case law, or statute." Further, there was not any evidence provided that Respondent's vote "acted as a layer of protection for the" complaint against her. Additionally, regarding Respondent's claim that her vote was harmless error, Petitioner argues the ALJ correctly found "by casting her vote, she violated the Act," because as "a lawyer" she knew better than to vote on a matter without first having reviewed every line item.

As to the penalty of censure, Petitioner asserts despite her defense, Respondent voted on an item that she should not have, and that does not mean her actions are "harmless error," and it "does not absolve her of the consequences of violating the Act with her vote." Petitioner states the ALJ correctly found that she violated the Act and rightly decided she receive a censure.

IV. Analysis

Upon a careful, thorough, and independent review of the record, the Commission agrees with the ALJ's findings of fact, the legal conclusion that Respondent violated *N.J.S.A.* 18A:12-24(c), and the recommended penalty of censure.

N.J.S.A. 18A:12-24(c) prohibits a school official from acting in her official capacity in a matter where she, a member of her immediate family, or a business organization in which she has an interest, has a direct or indirect financial involvement that might reasonably be expected to impair her objectivity or independence of judgment, and from acting in her official capacity in a matter where she or a member of her immediate family has a personal involvement that is or creates some benefit to her or a member of her immediate family. The Commissioner finds that Respondent has a direct or indirect financial interest with votes on or about the law firm that provided her with free representation in the defense of an ethics charge. Such financial involvement may reasonably be expected to impair her objectivity or independence of judgment with respect to the law firm because she benefits financially from their representation. Additionally, the Commission finds that Respondent also has a personal involvement with the law firm as it was providing her with legal representation, creating an attorney-client or personal relationship. Respondent was ware of the law firm as she had been in communication with them about her personal ethics matter. This personal involvement undoubtedly creates a benefit to Respondent as she receives a legal defense without incurring costs. Notwithstanding Respondent's financial and personal interest, she voted to approve the payment of the law firm.

The Commission does not find Respondent's arguments to be persuasive. Regardless, if the resolution was large and Respondent did not realize the payment to the law firm was on the agenda, Respondent nevertheless has a responsibility to be aware of what she is approving and ensure that she does not have a conflict of interest. Respondent was clearly aware that she was receiving legal representation and that the Board was paying the bill, so it should not have been a surprise that the payment would be on the finance and facilities resolution. Further, Respondent's argument that she did not have enough time to review the materials is not supported. Respondent admittedly received the agenda the Friday before the Tuesday, June 27 meeting, and therefore, she had ample time to review, at the very least, the finance and facilities resolution. Notably, Respondent does not show remorse for her actions and instead accuses other Board members of voting to approve travel; however, the Commission finds it irrelevant whether other Board members participated in an unrelated vote. Moreover, Respondent claims she did not choose the law firm, the insurance carrier did, and it was not necessary for her to recuse because she did not "engage and/or participate in any prohibited acts," she did not have a business interest, or use her position "to secure 'unwarranted privilege or advantage,'" she did not have a financial involvement that could impair her objectivity, and the legal fees were not a gift or favor offered with the intent to influence her. The Commission finds these arguments unmoving. Respondent voted on a matter in which she had a conflict of interest as Respondent had a financial or personal interest with the law firm. Further, Respondent's vote is not harmless error, nor does it matter whether the resolution would have passed without Respondent's vote. Simply voting on a matter in which Respondent was conflicted financially and/or personally violates the Act. Accordingly, the Commission agrees with the ALJ that Respondent violated *N.J.S.A.* 18A:12-24(c).

With respect to a penalty, the Commission agrees with the ALJ that a penalty of censure is appropriate. Respondent, an attorney, who has several years of experience as a Board member, should have been aware that voting on a personal matter is prohibited. Nevertheless, even after Respondent became aware of the error, she has failed to acknowledge that the vote was inappropriate. Instead of taking personal responsibility, Respondent has continued to blame others. Ultimately, Respondent failed to review a resolution prior to a vote when she was well aware that she had a legal matter being paid for by the Board that would need to be approved. Accordingly, the Commission finds that a censure is warranted for the violation of *N.J.S.A.* 18A:12-24(c).

V. Decision

For the aforementioned reasons, the Commission adopts the ALJ's findings of fact, the legal conclusion that Respondent violated *N.J.S.A.* 18A:12-24(c), and the recommended penalty of censure.

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 Office 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: October 28, 2025

Resolution Adopting Decision in Connection with C76-23

Whereas, at its special meeting on June 17, 2024, 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 August 18, 2025; and

Whereas, the ALJ found that Respondent violated *N.J.S.A.* 18A:12-24(c) and recommended a penalty of censure; and

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

Whereas, at its meeting on September 23, 2025, the Commission reviewed the record in this matter, discussed adopting the ALJ's findings of fact, the legal conclusion that Respondent violated *N.J.S.A.* 18A:12-24(c), and the recommended penalty of censure; and

Whereas, at its meeting on October 28, 2025, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on September 23, 2025; and

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

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Robert W. Bender, Chairperson

I hereby certify that this Resolution was duly adopted by the School Ethics Commission at its meeting on October 28, 2025

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Brigid C. Martens, Director
School Ethics Commission