

CURTIS LACKLAND and ERNESTINE LACKLAND,	:	
	:	BEFORE THE SCHOOL ETHICS COMMISSION
V.	:	
	:	Docket No.: C10-99
LINCOLN GREEN AND JOHN BRYANT, <i>PLEASANTVILLE BOARD OF EDUCATION, ATLANTIC COUNTY</i>	:	DECISION
	:	

PROCEDURAL HISTORY

This matter arises from a complaint filed by Curtis Lackland and Ernestine Lackland on May 25, 1999 against former Pleasantville Board of Education member Lincoln Green and present member John Bryant. Specifically, the complainants allege that Rev. Bryant violated N.J.S.A. 18A:12-24(a), (b) and (d) of the School Ethics Act by requesting and receiving personnel documents concerning Mrs. Lackland and serving as chair of the Finance Committee that recommended Atlantic Associates to become broker in 1997. The complainants also allege that Lincoln Green violated the Act by failing to list his consulting business on his financial disclosure forms for 1994 through 1997 and providing favors to those who supported his consulting business.¹

Mr. Green wrote a letter to the Commission in response to the complaint stating that since he had not been a member of the Pleasantville Board since April 1998, he believed that the complaint was frivolous. He also stated his belief that the complainants were raising the same issues that the Commission had already dismissed in the previous complaint that Mr. Lackland had filed against him, C18-98. The Commission informed Mr. Green that it could not accept his letter as a response to the charges since such responses must be under oath. However, the Commission noted that it would consider the legal issues raised as to whether he should be subject to a complaint filed in May 1999 when he has not been a board member since April 1998 and whether the Commission already decided these issues in its decision in C18-98.

Rev. Bryant filed his answer on July 6, 1999 admitting that he requested information on Mrs. Lackland, but only as to her insurance coverage. He says he did so in order to respond to the previous complaint of Mr. Lackland against him. He denies asking for or viewing her personnel file. Rev. Bryant denied that he had a political connection

¹ The Lacklands also allege that Lincoln Green misstated facts on his campaign contribution forms for the Election Law Enforcement Commission in 1996 and 1998. However, the Election Law Enforcement Commission, not the School Ethics Commission, is the appropriate forum for complaints regarding election law violations. Therefore, the Commission dismissed paragraphs three and five of the complaint.

with Atlantic Associates that would require that he abstain from the vote on the insurance broker.

The parties were invited to attend the Commission's July 27, 1999 meeting at which their case would be discussed. Mr. Lackland and Rev. Bryant indicated their willingness to appear. However, when the Commission reached their case on the agenda, neither was present. The Commission discussed other cases and returned to the present case, but there was still no one present to testify. Thereafter, the Commission returned to public session. At its public meeting, the Commission determined that there was no probable cause to credit the allegations in the complaint and dismissed the complaint against both respondents. Mr. Lackland appeared after the meeting with additional information, but the Commission had already dismissed the complaint.²

STATEMENT OF FACTS

Rev. John Bryant is currently a member of the Pleasantville Board of Education (Board), having initially been elected in 1996. Mr. Lincoln Green was first elected to the Board April 1995. He ceased to be a Board member when he did not win re-election in April 1998. Mrs. Ernestine Lackland is a teacher in the Pleasantville School District. Curtis Lackland is the owner of Corporate Employee Benefits (CEB), which was chosen by the Board to be Insurance Broker of Record on June 3, 1998. Atlantic Associates Insurance Agency, owned by Lena Fulton, was the Insurance Broker of Record prior to Mr. Lackland's firm, having been first appointed to the position on June 6, 1995.

Curtis Lackland previously filed complaint C18-98 alleging that Rev. Bryant violated the School Ethics Act, N.J.S.A. 18A:12-21 et seq., by releasing Mr. Lackland's resume and references to his competitor for the insurance broker position. Mr. Lackland further alleged in C18-98 that respondents Bryant and Green violated the act when they participated in the discussion and voted to appoint Lena Fulton's firm, Atlantic Associates Insurance Agency, as broker of record from 1995 to 1998. Mr. Lackland also alleged that Bryant and Green had political and financial ties to Lena Fulton, which created a conflict of interest in violation of N.J.S.A. 18A:12-24(c).

Lena Fulton contributed funds to the campaign of Lincoln Green and Mr. Green supported Ms. Fulton's firm as insurance broker of record. Rev. Bryant served as Finance Chair in 1997. He had been campaign treasurer for Pleasantville Mayor Ralph Peterson since 1992. Lena Fulton made contributions to Rev. Bryant's campaign in 1996 and to Mayor Peterson's campaign. Rev. Bryant voted to appoint Lena Fulton as insurance broker at a Board meeting in 1997.

The complaint alleges that Rev. Bryant requested information concerning Mrs. Lackland's insurance coverage. Rev. Bryant admits that he did so. The question before the

² The Commission was already in possession of the materials that Mr. Lackland brought with him to the meeting and considered them in making its determination on probable cause.

Commission is whether any of the conduct of Mr. Green or Rev. Bryant violated the School Ethics Act.

ANALYSIS

Mr. Green argues in his letter to the Commission that Mr. Lackland brought the charges against him too long after he ceased being a member of the Board for the Commission to pursue them now. Mr. Green ceased to be a member of the Board in April 1998. The present complaint was filed in May 1999. The Commission agrees with Mr. Green that it ordinarily should not pursue charges against a board member that are filed a year after the board member leaves office. In addition, the Commission already addressed the issue of Mr. Green's receipt of campaign contributions from Lena Fulton and his connections to the Mayor of Pleasantville in its prior decision in C18-98. Therefore, the Commission finds no probable cause to credit the allegations against Lincoln Green and dismisses the complaint against him.

Regarding Rev. Bryant, the first issue is whether he violated any provision of the School Ethics Act by requesting information on Mrs. Lackland's insurance coverage. N.J.S.A. 18A:12-24(b) of the School Ethics Act prohibits a school official from using or attempting to use his official position to secure unwarranted privileges or advantages for himself, members of his immediate family or others. The complainants have not alleged and the Commission has failed to ascertain an unwarranted privilege that Rev. Bryant obtained or attempt to obtain by determining the type of insurance coverage that Mrs. Lackland selected. The Act does not set forth that it is a violation for a school official to use his position for a questionable or inappropriate purpose. It only prohibits using one's position to secure an unwarranted privilege or advantage. The Commission finds no such unwarranted privilege or advantage in this case and thus finds no probable cause to credit this allegation.

N.J.S.A. 18A:12-24(f) provides that a school official may not use, or allow to be used, his public office or any information not generally available to members of the public to secure financial gain for himself or any business organization with which he is associated. The Commission fails to see how the information that Rev. Bryant sought would result in any financial gain to him. Rev. Bryant has stated that he obtained the information in an attempt to defend himself against Mr. Lackland's charges against him. This does not constitute securing financial gain. Regarding Atlantic Associates, the Commission does not have sufficient information to conclude that Atlantic Associates is a business organization with which Rev. Bryant is associated or whether any financial gain could have inured to the company from possessing information concerning Mrs. Lackland's insurance coverage. In fact, the Commission expressly ruled that Rev. Bryant did not have a financial or personal involvement with Atlantic Associates in its decision in C18-98. Based on the foregoing, the Commission concludes that there is no probable cause to credit the allegation that Rev. Bryant used or attempted to use the information to secure financial gain for himself or any business with which he is associated in violation of N.J.S.A. 18A:12-24(f).

The second allegation against Rev. Bryant, that he should have abstained from recommending and voting for Atlantic Associates because of his ties to Mayor Peterson and Lena Fulton was addressed in the Commission's decision in C18-98. The fact that C18-98 was based on a vote that occurred in 1998 and the present complaint is based on a vote that occurred in 1997 does not change the outcome. However, apparently complainants now wish to determine whether Rev. Bryant violated N.J.S.A. 18A:12-24(a), (b) and (d) instead of N.J.S.A. 18A:12-24(c) in connection with the same conduct. N.J.S.A. 18A:12-24(a) is inapplicable since the complainants have not set forth that Rev. Bryant engaged in any business, transaction, or professional activity, much less one that is in substantial conflict with the proper discharge of his duties. In addition, complainants have set forth no facts to demonstrate that Rev. Bryant's service as campaign treasurer to the Mayor impacts upon his duties as a Board member. Regarding N.J.S.A. 18A:12-24(b), the Commission cannot conclude based on the facts before it that Rev. Bryant used his position to secure an unwarranted privilege or that Ms. Fulton received an unwarranted privilege by obtaining the appointment to be the Board's insurance broker of record in 1997. Her company had been serving in that capacity since 1995 and had established herself as capable of performing the tasks required. N.J.S.A. 18A:12-24(d), which prohibits a board member from undertaking any service which might reasonably be expected to prejudice his independence of judgment in the exercise of his official duties, is also inapplicable. The only service Rev. Bryant is alleged to have undertaken is serving as the Mayor's campaign treasurer. While such service may prohibit him from acting on matters directly affecting the mayor, the information presented to the Commission has not demonstrated that Rev. Bryant has undertaken any service that might reasonably be expected to prejudice his independence of judgment with respect to the exercise of his official duties. Based on the foregoing, the Commission finds no probable cause to credit these allegations.

DECISION

For the foregoing reasons, the School Ethics Commission finds no probable cause to credit the allegations in the complaint and dismisses the charges against the respondents.

Paul C. Garbarini
Chairperson

Resolution Adopting Decision -- C10-99

Whereas, the School Ethics Commission has considered the pleadings filed by the parties and the documents submitted in support thereof and has considered the testimony of parties in executive session, in addition to its independent investigation; and

Whereas, the Commission has found no probable cause to credit the allegations that respondent violated the School Ethics Act, N.J.S.A. 18A:12-21 et seq. and therefore dismisses the charges against him; and

Whereas the Commission has reviewed the proposed decision of its staff; and

Whereas, the Commission agrees with the proposed decision;

Now Therefore Be It Resolved that the Commission hereby adopts the proposed decision referenced as its decision in this matter and directs its staff to notify all parties to this action of the Commission's decision herein.

Paul C. Garbarini, Chairperson

I hereby certify that this Resolution was duly adopted by the School Ethics Commission at its public meeting on September 28, 1999.

Lisa James-Beavers
Executive Director