

STATE OF NEW JERSEY
STATE ETHICS COMMISSION
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STATE OF NEW JERSEY
STATE ETHICS COMMISSION
COMMISSION CASE NO. 07-19

IN THE MATTER OF	:	
MARK YAROS,	:	Administrative Action
SUPERVISOR OF EDUCATIONAL	:	
PROGRAMS 1,	:	CONSENT ORDER
DEPARTMENT OF CORRECTIONS	:	

WHEREAS, the State Ethics Commission (Commission) is authorized to initiate, receive, investigate, review and hear complaints regarding violations of the New Jersey Conflicts of Interest Law, *N.J.S.A. 52:13D-12 et seq.* (Conflicts Law), applicable rules of the Commission, *N.J.A.C. 19:61-1.1 et seq.*, the Uniform Ethics Code, and any agency code of ethics by any State officer or employee or special State officer or employee; and

WHEREAS, this matter was brought before the Commission by a complaint filed with the Commission; and

WHEREAS, the Commission conducted an investigation of all the matters and issues raised by the complaint; and

WHEREAS, as a result of the investigation, the Commission and Mark Yaros (Yaros) desire to enter into a final and complete resolution of all of the matters and issues raised thereby;

IT IS THEREFORE agreed by the parties as follows:

1. Yaros has been a Supervisor of Educational Programs 1 at the Department of Corrections (DOC) Garden State Youth Correctional Facility (Facility) since 2017. At all times relevant to this matter, Yaros was a State employee subject to the Conflicts Law.

2. One of the employees within Yaros' direct chain of command at the Facility is a Learning Disabilities Specialist whose duties include conducting educational evaluations for students with special needs (the "subordinate").

3. On Tuesday, January 29, 2019, after their normal work hours, Yaros sent a text message from his personal phone to the subordinate's personal phone asking if she would perform a learning disabilities test on his son.

4. The subordinate agreed to perform the test, and they exchanged several follow-up texts to discuss specifics concerning Yaros' son.

5. Yaros did not overtly pressure his subordinate to perform the learning test on his son, but the subordinate felt that the request itself was a form of pressure because she did not feel comfortable saying no to her supervisor.

6. Yaros offered to pay his subordinate a fair price to perform the learning test, but the subordinate did not feel comfortable discussing a price for her services with her supervisor, so she offered to perform the test for free.

7. The subordinate interviewed Yaros' son and determined that specialized testing needed to be done. She did not have access to the necessary specialized testing kit so she did not perform the test at the time of the interview. The subordinate later advised Yaros' son that she could not perform the test.

8. It is the Commission's position that Yaros violated sections 23(e)(3) and 23(e)(7) of the Conflicts of Interest Law by asking his subordinate to perform a learning disabilities test on his son.

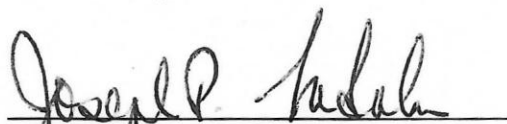
9. It is Yaros' position that he did not intend to pressure his subordinate to perform the test and was not trying to use his position to negotiate an unfair price for her services.

10. In hindsight, however, Yaros acknowledges that requesting his subordinate to perform a learning disabilities test on his son can be construed as a misuse of his State position to secure an unwarranted benefit to himself and his son in violation of section 23(e)(3) of the Conflicts Law and that his actions created the reasonable impression that he was engaged in conduct violative of the public trust in violation of section 23(e)(7) of the Conflicts Law.


11. In consideration of the above, Yaros agrees to pay a civil penalty in the amount of \$750.00 to resolve this matter, which shall be due within thirty (30) days of the date on which this Consent Order is fully executed.


Mark Yaros

Dated: 10/25/19


State Ethics Commission
By: Joseph P. LaSala, Chair

Dated: 12/9/19


State Ethics Commission
By: Mark T. Holmes, Executive Director

Dated: 12/3/19