MATTHEW J. PLATKIN				
ATTORNEY GENERAL OF NEW JE	ERS	EY		
Attorney for Department of	ΕE	ducation,		
School Ethics Commiss				
Richard J. Hughes Justice	Co	mplex		
25 Market Street, P.O. Box				
Trenton, New Jersey 08625-				
,	0 11			
By: Laurie Fichera				
Deputy Attorney Gener	al			
(609) 376-3100				
<ul> <li>And a set of a se</li></ul>				
	:			
	:	OFFICE OF ADMINISTRATIVE	LAW	
	:			
IN THE MATTER OF MELISSA	:			
VARLEY, BERKELEY HEIGHTS	:	OAL DOCKET NO. EEC 03574	- 2022	N
		AGENCY DOCKET NO. C36-21		
UNION COUNTY	:			
	:			
	:	CONSENT ORDER		
		navnesta konerce do erma kone persen - postskonker, programmer internet.		

WHEREAS, Petitioner, New Jersey Department of Education, School Ethics Commission ("SEC") and Respondent, Melissa Varley ("Respondent"), have mutually agreed to settle the above-captioned matter, with MATTHEW J. PLATKIN, Attorney General of New Jersey, by Laurie Fichera, Deputy Attorney General, appearing on behalf of the SEC, and Mark Wenczel, Esq., Cleary Giacobbe Alfieri Jacobs, LLC, appearing on behalf of Respondent; and

WHEREAS, this matter arose from the SEC's decision of April 26, 2022, finding probable cause to credit the allegations that Respondent violated N.J.S.A. 18A:12-24(b) and (f); and

WHEREAS, the settlement of this matter shall not constitute precedent in other pending or future litigation or be considered an admission of any conduct beyond that specifically described herein, or in the attached affidavit or Respondent.

NOW, THEREFORE, the parties hereto agree to settle the above-captioned matter upon the following terms:

 Respondent acknowledges that the conduct described in the attached affidavit, incorporated herein by reference, constitutes a violation of N.J.S.A. 18A:12-24(b).

2. The parties agree that the SEC will recommend that the Commissioner impose the penalty of a reprimand.

3. The Commissioner agrees that she will adopt the SEC's recommendation and impose the penalty of a reprimand for the conduct described in the attached affidavit.

4. By accepting the penalty of a reprimand, Respondent agrees to waive any and all hearings to which she is entitled pursuant to N.J.S.A. 18A:12-29 and N.J.A.C. 6A:28-10.7, and Respondent further agrees that she will not oppose the reprimand.

5. The parties agree that this Consent Order fully resolves all issues between them arising from the SEC's April 26, 2022, decision finding probable cause.

Mark Wenczel, Esq. Attorney for Respondent

Date: November 30, 2022

2

reja Laurie Fichera, D.A.G.

Attorney for Petitioner

Date: 12/22/2022

## As to penalty only

Angelica Allen-McMillan, Ed.D. Angelica Allen-McMillan, Ed.D. Commissioner of Education

Date: 1-12-2023

MATTHEW J. PLATKIN ATTORNEY GENERAL OF NEW JERSEY Attorney for Department of Education, School Ethics Commission Richard J. Hughes Justice Complex 25 Market Street, P.O. Box 112 Trenton, New Jersey 08625-0112 Laurie Fichera By: Deputy Attorney General (609) 376-3100 : OFFICE OF ADMINISTRATIVE LAW : IN THE MATTER OF MELISSA : VARLEY, BERKELEY HEIGHTS : OAL DOCKET NO. EEC 03574 - 2022 N BOARD OF EDUCATION, : AGENCY DOCKET NO. C36-21 UNION COUNTY • : : AFFIDAVIT OF MELISSA VARLEY

Melissa Varley, of full age, being duly sworn upon her oath, deposes and says:

I was the Superintendent of the Berkeley Heights
 Public Schools during the 2020-2021 school year.

2. During the 2020-2021 school year, my child was among four candidates who completed online applications for three open temporary summer positions with the Berkeley Heights Board of Education ("Board").

3. One candidate withdrew her application after being advised of the short-term nature of the position and the minimum wage compensation to be paid.

1

4. As a result, I recommended the three remaining candidates, including my child, to the Board for temporary employment without reviewing the Board's nepotism policy and confirming the policy included an exclusion for student employees, as had existed with my previous employer and was permissive pursuant to N.J.A.C. 6A:23A-6.2(b).

5. Following questioning by a member of the public regarding my recommendation, I contacted Board counsel and immediately removed my child from the position.

6. I acknowledge that my conduct, set forth above in paragraph four, technically violated N.J.S.A. 18A:12-24(b).

7. I agree to accept a penalty of reprimand for my conduct as set forth in paragraph four.

8. I acknowledge that in signing this affidavit I have secured the advice of an attorney and I understand the terms of this agreement.

Melissa Varley

Sworn and Subscribed before me this  $\underline{\mathcal{I}}$  day of November, 2022

Sach Luth

SARAH LATZKE NOTARY PUBLIC OF NEW JERSEY My Commission Expires 8/8/2023