



State of New Jersey
DEPARTMENT OF EDUCATION
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Governor

SHEILA Y. OLIVER
Lt. Governor

ANGELICA ALLEN-McMILLAN, Ed.D.
Acting Commissioner

SCHOOL ETHICS COMMISSION

January 31, 2023

For Complainant

Edmund Maciejewski



For Respondent

Mark A. Wenczel, Esq.
Cleary Giacobbe Alfieri Jacobs, LLC
169 Ramapo Valley Road, UL 105
Oakland, NJ 07436

SUBJECT: EDMUND MACIEJEWSKI v. PAMELA STANLEY, BERKELEY
HEIGHTS BOARD OF EDUCATION, UNION COUNTY, SCHOOL
ETHICS COMMISSION DOCKET #C92-22

Dear Parties:

Enclosed please find the Decision on Motion to Dismiss adopted by the School Ethics Commission at its special meeting on January 31, 2023.

If you have any questions, or need additional information, please feel free to contact our office at school.ethics@doe.nj.gov.

Sincerely,

Kathryn A. Whalen, Esq.
Director, School Ethics Commission

Enclosure

Before the School Ethics Commission
Docket No.: C92-22
Decision on Motion to Dismiss

Edmund Maciejewski,
Complainant

v.

Pamela Stanley,
Berkeley Heights Board of Education, Union County,
Respondent

I. Procedural History

The above-captioned matter arises from a Complaint that was filed on October 5, 2022, by Edmund Maciejewski (Complainant), alleging that Pamela Stanley (Respondent), a member of the Berkeley Heights 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 violated *N.J.S.A. 18A:12-24(a)* in Count 1; *N.J.S.A. 18A:12-24(b)* in Count 2; *N.J.S.A. 18A:12-24(c)* in Count 3; *N.J.S.A. 18A:12-24(f)* in Count 4; *N.J.S.A. 18A:12-24(g)* in Count 5; *N.J.S.A. 18A:12-24.1(a)* of the Code of Ethics for School Board Members (Code) in Count 6; *N.J.S.A. 18A:12-24.1(c)* of the Code in Count 7; *N.J.S.A. 18A:12-24.1(e)* of the Code in Count 8; and *N.J.S.A. 18A:12-24.1(f)* of the Code in Count 9.

On October 6, 2022, the Complaint was served on Respondent via electronic mail, notifying her that ethics charges had been filed against her with the School Ethics Commission (Commission), and advising that she had twenty (20) days to file a responsive pleading.¹ On October 31, 2022, Respondent filed a Motion to Dismiss in Lieu of Answer (Motion to Dismiss), and also alleged that the Complaint is frivolous. On November 23, 2022, Complainant filed a response to the Motion to Dismiss and allegation of frivolous filing and, in connection therewith, voluntarily withdrew the claims in Count 1 and Count 6.²

The parties were notified by correspondence dated December 12, 2022, that the above-captioned matter would be discussed by the Commission at its meeting on December 20, 2022,

¹ In order to conduct business during the Coronavirus (COVID-19) pandemic, the Commission implemented an electronic filing system, which remains a permissible method by which the Commission and parties can effectuate service of process. Consequently, service of process was effectuated by the Commission through electronic transmission only.

² Because, as part of his response to the Motion to Dismiss and allegation of frivolous filing, Complainant voluntarily withdrew the allegations in Count 1 and Count 6, those Counts are dismissed and will not be further discussed or analyzed by the Commission.

in order to make a determination regarding the Motion to Dismiss and allegation of frivolous filing. Following its discussion on December 20, 2022, the Commission adopted a decision at its special meeting on January 31, 2023, granting the Motion to Dismiss as to the alleged violation of *N.J.S.A.* 18A:12-24(g) (in Count 5), but denying the Motion to Dismiss as to the stated violations of *N.J.S.A.* 18A:12-24(b) (in Count 2); *N.J.S.A.* 18A:12-24(c) (in Count 3); *N.J.S.A.* 18A:12-24(f) (in Count 4); *N.J.S.A.* 18A:12-24.1(c) (in Count 7); *N.J.S.A.* 18A:12-24.1(e) (in Count 8); and *N.J.S.A.* 18A:12-24.1(f) (in Count 9). The Commission also adopted a decision finding the Complaint not frivolous, and denying Respondent’s request for sanctions.

Based on its decision, the Commission also directed Respondent to file an Answer to Complaint (Answer) as to the remaining allegations. Upon receipt of the Answer, the above-captioned matter will be docketed by the Commission to determine whether probable cause exists to credit the remaining allegations in the Complaint. Probable cause exists when there is a reasonable ground of suspicion supported by facts and circumstances strong enough in themselves to warrant a reasonable person to believe that the Act was violated.

II. Summary of the Pleadings

A. Remaining Allegations in the Complaint

In Count 2, Complainant asserts that, on June 16, 2022, Respondent violated *N.J.S.A.* 18A:12-24(b) because she “used her vote as a [B]oard member to secure the unwarranted privilege or advantage of having her personal legal bills paid for by the Board” According to Complainant, not only did Respondent “demand/vote to have the Board ... pay for her legal expenses, but also voted against a motion to strike the clause that included the [B]oard paying her expenses for her personal filing of the ethics complaint.”

Based on the same conduct as that in Count 2, Complainant additionally asserts that Respondent violated *N.J.S.A.* 18A:12-24(c) (in Count 3) because she “had a direct and indirect financial gain that clearly would impair her objectivity and independence of judgment” when she “acted in her official capacity to create the benefit of having her legal bills paid by the Board”; violated *N.J.S.A.* 18A:12-24(f) (in Count 4) because she “used her public office to secure financial gain not generally available to members of the public, by demanding and then voting on the ... Board ... funding her personal filing of [e]thics charges,” and also voting against the motion to strike the operative clause; violated *N.J.S.A.* 18A:12-24(g) (in Count 5) because she represented herself in filing an ethics complaint against another Board member; violated *N.J.S.A.* 18A:12-24.1(c) (in Count 7) because she did not confine her official actions as a Board member to policy making, planning, and appraisal when she used Board resources to “write up and fund” an ethics complaint against another Board member; violated *N.J.S.A.* 18A:12-24.1(e) (in Count 8) because her private action of filing an ethics complaint against another Board member compromises the Board; and violated *N.J.S.A.* 18A:12-24.1(f) (in Count 9) because she used her position as a Board member for personal gain by “demanding and voting on having the Board fund an ethics complaint” that she filed (personally) against another Board member. According to Complainant, “normal residents” who want to file an ethics complaint would have to utilize their own personal funds.

Complainant additionally submits that Respondent violated *N.J.S.A.* 18A:12-24.1(c) (in Count 7) because she did not confine her official actions as a Board member to policy making, planning, and appraisal when she disobeyed the Board President and continued to read personal attacks on other Board members and concerned parents.

B. *Motion to Dismiss and Allegation of Frivolous Filing*

Following receipt of the Complaint, Complainant filed a Motion to Dismiss, and argues that the Complaint must be dismissed because the claims are frivolous, and the Complaint fails to state a claim upon which relief may be granted.

Regarding the claimed violation of *N.J.S.A.* 18A:12-24(b) (Count 2), Respondent argues that Complainant's "baseless claim does not involve the Respondent securing or attempting to secure any unwarranted privilege in her official capacity," and "plainly ignores the fact that the Board collectively voted to support the filing of an [e]thics [c]omplaint against" another Board member. As such, Complainant has failed to provide the necessary factual evidence to demonstrate that Respondent used her official position to secure unwarranted privileges, advantages, or employment, and this claim must be dismissed.

As to the alleged violation of *N.J.S.A.* 18A:12-24(c) (Count 3), Respondent argues that Complainant failed to "proffer any factual evidence of Respondent, acting in her official capacity, in a matter in which she or a family member has a personal interest." Instead, the record "clearly shows that the Board voted collectively to file an [e]thics [c]omplaint against" another Board member in order to "address concerns of a super majority of the Board" Respondent further argues that without any factual basis supportive of the claim, Count 3 must be dismissed.

With regard to the claimed violation of *N.J.S.A.* 18A:12-24(f) (Count 4), Respondent argues that Complainant failed "to proffer any evidence of ... Respondent using the resources available to her as a [B]oard member to secure personal financial gain," nor does he allege "that any personal financial gain was secured by Respondent." According to Respondent, because she is acting on behalf of the Board pursuant to a duly passed resolution authorizing the filing of the [e]thics [c]omplaint against" another Board member, Count 4 is devoid of any possible merit, and must be dismissed.

Regarding the alleged violation of *N.J.S.A.* 18A:12-24(g) (Count 5), Respondent argues Complainant has failed to establish that Respondent represented an entity other than the Board, and "ignores that the filing of the [e]thics [c]omplaint ... was authorized by the Board" As such, Respondent is only representing the Board, and same is authorized by *N.J.S.A.* 18A:12-24(g). Therefore, the alleged violation of *N.J.S.A.* 18A:12-24(g) must be dismissed.

As to the claimed violation of *N.J.S.A.* 18A:12-24.1(c) (Count 7) as it relates to her conduct on June 16, 2022, Respondent argues that each member of the Board collectively voted on whether to file the ethics complaint; each member of the Board was made aware of the resolution; and the evidence reveals that the filing of the ethics complaint was directly related to her duty to develop the general rules and principles that guide the management of the Berkeley

Heights School District (District) as individual Board members are permitted to file ethics complaints. As to the claim that she “disobeyed” the Board President, Respondent argues that there is no evidence she took Board action to effectuate policies and plans, and her reading of a statement did not constitute Board action or action unrelated to her duties as a Board member. As such, Respondent asserts the claimed violation of *N.J.S.A.* 18A:12-24.1(c) must be dismissed.

Regarding the alleged violation of *N.J.S.A.* 18A:12-24.1(e) (Count 8), Respondent maintains that the resolution authorizing the filing of the ethics complaint “by Respondent on behalf of the Board” was supported by three quarters (3/4s) of the Board and, therefore, the Board, “as a whole,” supports the filing. As such, Respondent contends no personal promises, and no private action was taken in violation of *N.J.S.A.* 18A:12-24.1(e).

As to the claimed violation of *N.J.S.A.* 18A:12-24.1(f) (Count 9), Respondent argues that, although required to establish a violation, “Complainant makes no argument that there was involvement of a special interest group, partisan political group, or family member to which Respondent surrendered her independent judgment.” Therefore, Respondent avers Complainant has failed to provide actual factual evidence sufficient to establish a violation of *N.J.S.A.* 18A:12-24.1(f).

Finally, Respondent argues that the Complaint is frivolous because the facts, if anything, demonstrate that Respondent complied with all applicable laws. Moreover, because the Complaint is “completely devoid of any factual evidence,” and is nothing more than the assertion of “baseless, meritless claims without providing any detail or factual evidence,” the Complaint is frivolous and “a fine should be levied ... to offset the costs, borne by the taxpayers” to defend Respondent.

C. *Response to Motion to Dismiss and Allegation of Frivolous Filing*

In his response to the Motion to Dismiss and allegation of frivolous filing, Complainant maintains that Respondent violated *N.J.S.A.* 18A:12-24(b) (Count 2) because she voted on June 16, 2022, “to secure the unwarranted privilege for herself to have her legal bills paid for supporting an ethics complaint that she as a person filed.” The fact that the Board may have “collectively” authorized the filing is, according to Complainant, “irrelevant.” Complainant submits that, “[a]llowing [B]oard involvement in filing an ethics complaint would leave the [B]oard itself in a conflicted state where it would have filed a complaint, and having to defend against the same complaint.”

Regarding Count 3, Complainant reiterates that Respondent acted in her official capacity to vote to have the Board fund the filing of her ethics complaint against a fellow Board member, and this “unwarranted financial benefit is clearly enough to impair her objectivity and independence of judgment.” In essence, Complainant argues that Respondent “acted in her official capacity in a matter where she created the benefit of having the [Board] fund her personal complaint.”

As to Count 4, Complainant maintains that Respondent used her position as a Board member to vote on a matter which resulted in her receiving “a financial gain in kind, in the form

of paid-for legal services at no cost to herself.” By approving the use of Board counsel, and voting against a motion to strike this provision, Respondent “voted in the affirmative to provide herself thousands of dollars in legal support.”

Regarding Count 5, Complainant asserts that in filing an ethics complaint against a fellow Board member, Respondent “is representing herself in opposition of the Board on which she sits.” In addition, by filing the ethics complaint, Respondent “not only is taking action that the Board is obligated to defend against, but [Respondent] voted to authorize the use of the Board attorney to do so at the expense of the” District’s taxpayers.

As to Count 7, Complainant reiterates that Respondent failed to confine her actions to policy making and planning when she seconded a motion and then voted in the affirmative to have the Board attorney prepare an ethics complaint against another Board member. Likewise, Complainant argues that Respondent failed to confine her actions to policy making, planning when she voted in favor of filing the ethics complaint on behalf of the Board. According to Complainant, Respondent’s affirmative votes in both instances failed to advance any policy or plan which would develop the general rules and principles of the District.

Regarding Count 8, Complainant maintains that by seconding and then voting in the affirmative to authorize the Board attorney to prepare an ethics complaint, Respondent clearly engaged in conduct beyond the scope of her duties. Respondent also voted in the affirmative to authorize herself to file the ethics complaint, and this too “is clearly” beyond the scope of Respondent’s duties as a Board member. Moreover, Respondent’s actions have compromised the Board “by creating a situation where the [B]oard is both funding [Respondent’s] personal ethics complaint and defending against [Respondent’s] personal ethics complaint. As such, not only has Respondent put herself in a compromised situation, she has also put the Board and the Board’s attorney in a compromised situation.

As to Count 9, Complainant argues that Respondent is the only named Complainant in the ethics complaint filed against a fellow Board member; Respondent voted to authorize the Board attorney to assist and represent her; and, as a result, Respondent has “clearly” acquired a benefit for herself in violation of *N.J.S.A.* 18A:12-24.1(f).

Finally, Complainant maintains that Respondent failed to provide sufficient grounds to dismiss the Complaint, failed to show that the Complaint was commenced in bad faith, and failed to show that Complainant knew, or should have known, that the Complaint was without any reasonable basis in law or equity and could not be supported by a good faith argument for an extension, modification, or reversal of existing law. Therefore, Complainant requests that the Motion to Dismiss be denied.

III. Analysis

A. *Standard for Motion to Dismiss*

In determining whether to grant a Motion to Dismiss, the Commission shall review the facts in the light most favorable to the non-moving party (Complainant), and determine whether

the allegation(s), if true, could establish a violation(s) of the Act. Unless the parties are otherwise notified, a Motion to Dismiss and any response are reviewed by the Commission on a summary basis. *N.J.A.C.* 6A:28-8.1 *et seq.* Thus, the question before the Commission is whether Complainant has pled sufficient facts which, if true, could support a finding that Respondent violated *N.J.S.A.* 18A:12-24(b) in Count 2; *N.J.S.A.* 18A:12-24(c) in Count 3; *N.J.S.A.* 18A:12-24(f) in Count 4; *N.J.S.A.* 18A:12-24(g) in Count 5; *N.J.S.A.* 18A:12-24.1(c) of the Code in Count 7; *N.J.S.A.* 18A:12-24.1(e) of the Code in Count 8; and/or *N.J.S.A.* 18A:12-24.1(f) of the Code in Count 9.

B. *Alleged Violations of the Act*

Complainant submits that, based on the conduct more fully detailed above, Respondent violated *N.J.S.A.* 18A:12-24(b) (in Count 2), *N.J.S.A.* 18A:12-24(c) (in Count 3), *N.J.S.A.* 18A:12-24(f) (in Count 4), and *N.J.S.A.* 18A:12-24(g) (in Count 5), and these provisions state:

b. No school official shall use or attempt to use her official position to secure unwarranted privileges, advantages or employment for herself, members of her immediate family or others;

c. No school official shall act in her official capacity in any matter where he, 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. No school official shall act in her official capacity in any matter where she or a member of her immediate family has a personal involvement that is or creates some benefit to the school official or member of her immediate family;

f. No school official shall use, or allow to be used, her public office or employment, or any information, not generally available to the members of the public, which she receives or acquires in the course of and by reason of her office or employment, for the purpose of securing financial gain for herself, any member of her immediate family, or any business organization with which she is associated;

g. No school official or business organization in which she has an interest shall represent any person or party other than the school board or school district in connection with any cause, proceeding, application or other matter pending before the school district in which she serves or in any proceeding involving the school district in which she serves or, for officers or employees of the New Jersey School Boards Association, any school district. This provision shall not be deemed to prohibit representation within the context of official labor union or similar representational responsibilities;

In order to credit a violation of *N.J.S.A.* 18A:12-24(b), the Commission must find evidence that Respondent used or attempted to use her official position to secure an unwarranted privilege, advantage or employment for herself, members of her immediate family, or “others.”

To credit a violation of *N.J.S.A. 18A:12-24(c)*, the Commission must find evidence that Respondent acted in her official capacity in a matter where she, or a member of her immediate family, had a direct or indirect financial involvement that might reasonably be expected to impair her objectivity, or in a matter where she had a personal involvement that created some benefit to her, or to a member of her immediate family.

In order to credit a violation of *N.J.S.A. 18A:12-24(f)*, the Commission must find evidence that Respondent used her public employment, or any information not generally available to the public, and which she received in the course of and by reason of her employment, for the purpose of securing financial gain for herself, her business organization, or a member of her immediate family.

To credit a violation of *N.J.S.A. 18A:12-24(g)*, the Commission must find evidence that Respondent or a business organization in which she has an interest represented a person or party other than the Board or the District in connection with a cause, proceeding, application, or other matter pending before the District in which she serves, or in any proceeding involving the District in which she serves.

Complainant further submits that Respondent violated *N.J.S.A. 18A:12-24.1(c)* (in Count 7), *N.J.S.A. 18A:12-24.1(e)* (in Count 8), and *N.J.S.A. 18A:12-24.1(f)* (in Count 9), and these provisions of the Code provide:

c. I will confine my board action to policy making, planning, and appraisal, and I will help to frame policies and plans only after the board has consulted those who will be affected by them.

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)*, violations of *N.J.S.A. 18A:12-24.1(c)*, *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:

3. Factual evidence of a violation of *N.J.S.A. 18A:12-24.1(c)* shall include evidence that Respondent took board action to effectuate policies and plans without consulting those affected by such policies and plans, or took action that was unrelated to Respondent's duty to (i) develop the general rules and principles that guide the management of the school district or charter school; (ii) formulate the programs and methods to effectuate the goals of the school district or charter school; or (iii) ascertain the value or liability of a policy.

5. Factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(e) shall include evidence that Respondent made personal promises or took action beyond the scope of her 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 Respondent 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 Respondent used the schools in order to acquire some benefit for herself, a member of her immediate family or a friend.

Based on its review, the Commission finds that if the facts as enumerated in the Complaint are proven true by sufficient credible evidence, and Respondent voted on a matter(s) which authorized and/or directed the Board to provide her with a Board-appointed attorney in connection with the filing and prosecution of a personal matter (at no personal cost to Respondent), and/or voted against a motion to strike which might have resulted in Respondent bearing personal financial responsibility for the filing and prosecution of a personal matter, they may support a finding(s) that Respondent used or attempted to use her official position to secure unwarranted privileges, advantages or employment for herself, members of her immediate family or others (*N.J.S.A.* 18A:12-24(b)); acted 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, had a direct or indirect financial involvement that might reasonably be expected to impair her objectivity or independence of judgment, or in a matter where she or a member of her immediate family had a personal involvement that is or creates some benefit to her or a member of her immediate family (*N.J.S.A.* 18A:12-24(c)); and/or used, or allowed to be used, her public office for the purpose of securing financial gain for herself, any member of her immediate family, or any business organization with which she is associated (*N.J.S.A.* 18A:12-24(f)).

Similarly, the facts as asserted in the Complaint may additionally support a determination(s) that Respondent, by engaging in the action(s) further detailed herein, took action to effectuate policies and plans without consulting those affected by such policies and plans, or took action that was unrelated to her duties as a Board member (*N.J.S.A.* 18A:12-24.1(c)); made personal promises or took action beyond the scope of her duties such that, by its nature, had the potential to compromise the Board (*N.J.S.A.* 18A:12-24.1(e)); and/or used the schools in order to acquire some benefit for herself, a member of her immediate family, or a friend (*N.J.S.A.* 18A:12-24.1(f)).

Notwithstanding the above, the Commission finds that even if the facts as pled in the Complaint are proven true by sufficient credible evidence, they would not support a finding that Respondent violated *N.J.S.A.* 18A:12-24(g). Even if Respondent did vote on a matter which authorized and/or directed the Board to provide her with a Board-appointed attorney in connection with the filing and prosecution of a personal matter (at no personal cost to Respondent), and did vote against a motion to strike which might have resulted in Respondent bearing personal financial responsibility for the filing and prosecution of a personal matter, such

facts do not evidence that Respondent, or a business organization in which she has an “interest,”³ represented a person or party other than the Board in connection with a cause, proceeding, application, or matter pending before the District. A board member’s vote(s) on a motion(s), even if not appropriate under the facts and circumstances alleged here, is not tantamount to “representation” in connection to a “cause, proceeding, application, or matter pending before” the District.

Accordingly, and for the reasons detailed above, the Commission finds that the alleged violation of *N.J.S.A.* 18A:12-24(g) in Count 5 should be dismissed, but that the stated violations of *N.J.S.A.* 18A:12-24(b) in Count 2; *N.J.S.A.* 18A:12-24(c) in Count 3; *N.J.S.A.* 18A:12-24(f) in Count 4; *N.J.S.A.* 18A:12-24.1(c) in Count 7; *N.J.S.A.* 18A:12-24.1(e) in Count 8; and *N.J.S.A.* 18A:12-24.1(f) in Count 9 should not be dismissed at this stage of the proceedings. As such, Respondent shall file an Answer, in which facts and circumstances contesting the remaining violations of the Act can be submitted for consideration.

IV. Request for Sanctions

At its meeting on December 20, 2022, the Commission considered Respondent’s request that the Commission find the Complaint frivolous, and impose sanctions pursuant to *N.J.S.A.* 18A:12-29(e). Despite Respondent’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 special meeting on January 31, 2023, the Commission voted to find the Complaint not frivolous, and to deny the request for sanctions.

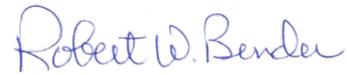
V. Decision

Based on the foregoing, and in reviewing the facts in the light most favorable to the non-moving party (Complainant), the Commission voted to **grant** the Motion to Dismiss in part, and to **deny** the Motion to Dismiss in part. More specifically, the Commission has determined that the Motion to Dismiss should be **granted** as to the alleged violation of *N.J.S.A.* 18A:12-24(g) (in Count 5), and should be **denied** as to the stated violations of *N.J.S.A.* 18A:12-24(b) (in Count 2); *N.J.S.A.* 18A:12-24(c) (in Count 3); *N.J.S.A.* 18A:12-24(f) (in Count 4); *N.J.S.A.* 18A:12-24.1(c) (in Count 7); *N.J.S.A.* 18A:12-24.1(e) (in Count 8); and *N.J.S.A.* 18A:12-24.1(f) (in Count 9). The Commission also voted to find that the Complaint is not frivolous, and to deny Respondent’s request for sanctions.

Therefore, and in accordance with *N.J.A.C.* 6A:28-7.1 *et seq.*, Respondent is directed to file, **within twenty (20) days of the mailing date set forth below**, an Answer regarding the

³ Pursuant to *N.J.S.A.* 18A:12-23, “interest” is defined as “the ownership or control of more than 10% of the profits, assets, or stock of a business but shall not include the control of assets in a labor union.”

allegations that she violated *N.J.S.A.* 18A:12-24(b) (in Count 2); *N.J.S.A.* 18A:12-24(c) (in Count 3); *N.J.S.A.* 18A:12-24(f) (in Count 4); *N.J.S.A.* 18A:12-24.1(c) (in Count 7); *N.J.S.A.* 18A:12-24.1(e) (in Count 8); and *N.J.S.A.* 18A:12-24.1(f) (in Count 9). As noted above, following receipt of the Answer, the above-captioned matter will be docketed by the Commission to determine whether probable cause exists to credit the remaining allegations in the Complaint. Probable cause exists when there is a reasonable ground of suspicion supported by facts and circumstances strong enough in themselves to warrant a reasonable person to believe that the Act was violated.



Robert W. Bender, Chairperson

Mailing Date: January 31, 2023

**Resolution Adopting Decision
in Connection with C92-22**

Whereas, at its meeting on December 20, 2022, the School Ethics Commission (Commission) considered the Complaint, the Motion to Dismiss in Lieu of Answer (Motion to Dismiss) and allegation of frivolous filing, and the response to the Motion to Dismiss and allegation of frivolous filing submitted in connection with the above-referenced matter; and

Whereas, at its meeting on December 20, 2022, the Commission discussed granting the Motion to Dismiss as to the alleged violation of *N.J.S.A.* 18A:12-24(g) (in Count 5); and

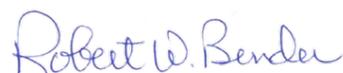
Whereas, at its meeting on December 20, 2022, the Commission discussed denying the Motion to Dismiss as to stated violations of *N.J.S.A.* 18A:12-24(b) (in Count 2); *N.J.S.A.* 18A:12-24(c) (in Count 3); *N.J.S.A.* 18A:12-24(f) (in Count 4); *N.J.S.A.* 18A:12-24.1(c) (in Count 7); *N.J.S.A.* 18A:12-24.1(e) (in Count 8); and *N.J.S.A.* 18A:12-24.1(f) (in Count 9); and

Whereas, at its meeting on December 20, 2022, the Commission discussed finding the Complaint not frivolous, and denying the request for sanctions; and

Whereas, at its meeting on December 20, 2022, the Commission discussed directing Respondent to file an Answer to Complaint (Answer) as to the remaining allegations in the Complaint; and

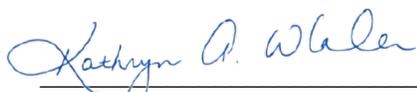
Whereas, at its special meeting on January 31, 2023, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on December 20, 2022; and

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 special meeting on January 31, 2023.



Kathryn A. Whalen, Esq.
Director, School Ethics Commission