

	:	BEFORE THE SCHOOL
GAIL D. BROOKS	:	ETHICS COMMISSION
	:	
v.	:	
	:	
JAMES PRESSLEY	:	Docket No. C48-05
PLEASANTVILLE	:	
BOARD OF EDUCATION,	:	DECISION
ATLANTIC COUNTY	:	
	:	

PROCEDURAL HISTORY

This matter arises from a complaint filed on November 10, 2005, by Gail D. Brooks, Superintendent of the Pleasantville School District (District) against James Pressley, a member of the Pleasantville Board of Education (Board) alleging that Mr. Pressley violated the School Ethics Act (Act), N.J.S.A. 18A:12-21 et seq., as follows:

1. Mr. Pressley violated N.J.S.A. 18A:12-24.1(e), (i) and (j) of the Code of Ethics for School Board Members in the Act when he accused the Assistant Board Secretary/Director of Special Projects, Gregory Allen, of theft of a post-it note and called the police to report a crime.
2. Mr. Pressley violated N.J.S.A. 18A:12-24.1(d) and (g) of the Code of Ethics for School Board Members in the Act when he asked both Dr. Brooks and the District's Network Engineer, Robert Bloom, if they knew whether there were any computers missing from the District.
3. Mr. Pressley violated N.J.S.A. 18A:12-24.1(e) and (g) of the Code of Ethics for School Board Members in the Act when he told a teacher that Dr. Brooks had tricked the Board into non-renewing staff who held emergency certification.
4. Mr. Pressley violated N.J.S.A. 18A:12-24.1(a), (c) and (d) of the Code of Ethics for School Board Members in the Act when he accessed information from the personnel database with the help of a staff member.
5. Mr. Pressley violated N.J.S.A. 18A:12-24.1(c), (d) and (h) of the Code of Ethics for School Board Members in the Act when, during a Curriculum Committee meeting, he made evaluative statements about Dr. Brooks and asked why Dr. Brooks did not hire Dr. Deloris Campbell for a curriculum position.
6. Mr. Pressley violated N.J.S.A. 18A:12-24(b) of the Act when he requested Mr. Bloom to assist him with a homework assignment for a college class.

Mr. Pressley, through his attorney Ronald C. Hunt, Esquire, filed a timely answer on December 21, 2005 in which he responded that Dr. Brooks had failed to provide a factual basis for a violation of the Code of Ethics for School Board Members. He also responded specifically to each allegation as follows:

1. On or about September 13, 2005, Mr. Pressley discovered that mail was missing from its designated location. Mr. Pressley learned that Mr. Allen had allegedly removed the mail. After allowing Dr. Brooks eight days to investigate the matter, Mr. Pressley contacted the police to document the alleged theft by filing an incident report.
2. On or about September 22, 2005, Mr. Pressley advised Dr. Brooks that he had been informed by a person who knew he was a Board member that laptop computers were allegedly missing from the middle school. Mr. Pressley also advised Mr. Bloom about the missing laptop computers.
3. Mr. Pressley denied that any such conversation took place with a teaching staff member.
4. On the day in question, Mr. Pressley advised Donna Corrigan, a staff member in the District, of the death of an employee's family member and asked if she would type a condolence letter. After Ms. Corrigan completed typing the letter, Mr. Pressley stepped behind her, and at her request, he reviewed the completed document.
5. Mr. Pressley denied that he made any evaluative statements about Dr. Brooks at the Curriculum Committee meeting. He also denied that he ever requested Dr. Brooks to hire Dr. Campbell. However, he asserts that Dr. Campbell was on the Committee agenda and there was a discussion regarding her qualifications.
6. Mr. Pressley denied seeking personal assistance from Mr. Bloom for his college homework. He admitted that Mr. Bloom assisted him with a homework project, but asserted that Mr. Bloom's assistance was unsolicited and occurred when Mr. Pressley was present during a walk-through of the school.

The Commission invited Mr. Pressley and his attorney, Mr. Hunt, and Dr. Brooks and her attorney, Andrew Babiak, Esquire, to attend its January 24, 2006 meeting to present witnesses and testimony for a hearing to determine whether the respondent's conduct violated the Act. The parties were also notified that their attendance at the hearing was not required. The parties and their attorneys attended the hearing. Prior to the testimony, Mr. Babiak withdrew allegation number three with prejudice. Dr. Brooks and her witnesses Gregory Allen, Robert Bloom and Robin Viorla testified. Mr. Pressley and his witnesses Donna Corrigan, Donielle Graves and Marvin Royal testified. After presentation of the testimony, both parties were advised to submit simultaneous written summations by February 16, 2005.

In his written summation, Mr. Pressley argued that it was reasonable for him to file a police incident report regarding the missing mail because of the history of his ongoing problem with receiving his mail. He further argued that the filing of an incident report in no way compromised the Board. Mr. Pressley argued his action in reporting information about a potential theft of computers was appropriate and he never attempted to vouch for the information. He argued that he did not have information of any greater detail to provide to the District. Mr. Pressley argued that he did not review personnel information, but was reviewing a condolence letter as attested to by a 30 year veteran Human Resources secretary who stated that she did not display any personnel information for Mr. Pressley to review. Mr. Pressley argued that Dr. Brooks' contention that he had made evaluative statements regarding Dr. Brooks and asked her if she was going to hire Dr. Campbell was uncorroborated and self-serving. Mr. Pressley argued that he did not meet with Mr. Bloom to solicit his assistance to complete a homework assignment. He argued that Mr. Bloom volunteered his assistance. Finally, Mr. Pressley argued that, based on the facts and evidence presented, Dr. Brooks had failed to establish probable cause as to each allegation and he asked the Commission to dismiss the complaint.

In Dr. Brooks' written summation, she argued that, based on the testimony of the witnesses, she established probable cause to find that Mr. Pressley had violated N.J.S.A. 18A:12-24(b) of the Act and N.J.S.A. 18A:12-24.1(a), (c), (d), (e), (g), (h), (i) and (j) of the Code of Ethics for School Board Members in the Act. Mr. Babiak asked the Commission to find probable cause that Mr. Pressley violated the Act.

At its February 28, 2006 meeting, the Commission reviewed and considered the written summations of both parties and voted to find no probable cause to credit the allegations that Mr. Pressley violated N.J.S.A. 18A:12-24(b) of the Act and N.J.S.A. 18A:12-24.1(a), (c), (d), (e), (g), (h), (i) and (j) of the Code of Ethics for School Board Members in the Act. The Commission was scheduled to adopt its written decision finding no probable cause at its March 28, 2006 meeting; however, on March 20, 2005, the Commission received a letter from Mr. Hunt that included a letter from Dr. Brooks, withdrawing this complaint in light of her resignation as Superintendent. The Commission discussed the request for withdrawal at its March 28, 2005 meeting and voted not to accept the withdrawal of the complaint and to adopt this decision with amendments.

FACTS

The Commission was able to discern the following facts based on the pleadings, the documents submitted and the testimony.

Dr. Brooks is the Superintendent of the District. Mr. Pressley has been a member of the Board for one year and he is the Board's Vice-President. Mr. Pressley is a member of the Curriculum Committee. Mr. Allen is the Assistant Board Secretary and the Director of Special Projects. He has worked for the District for 16 months.

1. Post-it Note

On September 13, 2005 a disgruntled parent, who had met with an Assistant Principal and was not satisfied with the results, walked into the District office asking to speak with someone, but no one was available to meet with the parent. The receptionist, Ms. Graves, testified that the parent asked if she could leave a note for Mr. Pressley. The parent put her name and phone number on a post-it note, put Mr. Pressley's name on it and gave it to Ms. Graves. Ms. Graves took the post-it note to the Dr. Brook's office, but Dr. Brooks was not there, so Ms. Graves handed the post-it note to Mr. Allen. Mr. Allen testified that he then spoke with the parent who was upset about the transfer of her child. He calmed the parent down and sent her back to the Principal. He then spoke with both Principals and gave them the parent's phone number. He then placed the post-it note on Dr. Brooks' computer screen. He said that he believed that the issue had been addressed and, "he just moved on." Mr. Pressley called Dr. Brooks to discuss the post-it note. Mr. Pressley advised Dr. Brooks that, pursuant to his conversation with Ms. Graves, Mr. Allen had the post-it note. Dr. Brooks could not find the post-it note and told Mr. Pressley that she did not know where it was. Dr. Brooks testified that a few days later she dropped something off her desk and found the post-it note. She then gave it to Ms. Graves and told Ms. Graves to make sure that Mr. Pressley got it.

Mr. Pressley testified that all Board members had a mail box in the Board office and normally all Board member mail is placed in the mail box and is not given to Dr. Brooks. Mr. Pressley had been having difficulty receiving his mail. Mr. Pressley was contacted by a parent who was angry with him for not responding to her despite the fact that she left her information for Mr. Pressley to contact her. When he got off the phone with the parent, he called Ms. Graves and she told him that Mr. Allen had the post-it note. Mr. Pressley was concerned that Mr. Allen had the post-it note because he felt harassed by Mr. Allen, who had on occasion spoken with Mr. Pressley inappropriately about Mr. Pressley's prior attendance as a student. Mr. Pressley contacted Dr. Brooks about the post-it note. When he did not hear from Dr. Brooks, Mr. Pressley called the police to file an incident report. Mr. Pressley never got the post-it note.

2. Missing Laptop Computers

Mr. Pressley testified that, while he was in Pathmark shopping, an individual approached him and told him that there were missing laptops in the middle school. After he got to his car, he called Dr. Brooks, but she was unavailable. He then went to see Dr. Brooks and asked her if she was aware of any missing laptops. Dr. Brooks was concerned because the District had just bought 3,700 laptops and she was disturbed to hear that some may be missing. Mr. Pressley then spoke to Mr. Bloom about the missing laptops. The District stopped deployment of the laptops and began the task of counting every single laptop. It took more than six staff members one entire day to count the laptops and two to three additional days to double check. Mr. Pressley did not give the District any additional information regarding who had told him about the missing laptops.

4. Personnel Database

Mr. Pressley was at the Human Resource Center in June 2005 because an employee's mother had died. The funeral was that weekend and Mr. Pressley was looking to have a condolence letter drawn up for him. Mr. Pressley testified that he went to see if the letter was done, but Dr. Brooks' secretary was not there so he went to the secretary of the Business Administrator. She told him that she could not write the letter and she sent him to the Human Resources Center. Ms. Corrigan, who has been employed in the District for 30 years, was the Executive Secretary to the Director of Human Resources. Mr. Pressley told Ms. Corrigan that he had spoken with the Director of Human Resources and the Director had given his permission for her to write the letter. Ms. Corrigan wrote the letter and when Mr. Pressley reviewed it he found a mistake. Ms. Corrigan then asked Mr. Pressley to stand behind her and look at her computer screen to make sure there were no more mistakes. She then printed the letter out and gave it to Mr. Pressley. Ms. Corrigan testified that the whole incident took about seven minutes.

Ms. Virola worked for the District for one year and is no longer with the District. She was not renewed. She testified that she watched from the door as Mr. Pressley stood behind Ms. Corrigan's computer screen and saw that Mr. Pressley was looking at personnel data. Ms. Virola testified that she saw actual personnel data on the screen. Mr. Pressley testified that it is impossible to see Ms. Corrigan's screen from the door. Ms. Corrigan testified that there is a wall right behind her computer where Mr. Pressley was standing.

5. Curriculum Committee Meeting

Mr. Pressley was late to the October 5, 2005 Curriculum Committee meeting and when he arrived there were no more copies of the materials that had already been handed out. Mr. Pressley testified that he shared his concerns that he did not have a copy of the materials with someone at the meeting. Dr. Brooks testified that, at the meeting, Mr. Pressley made inappropriate evaluative statements about her such as "once again the Superintendent did not give him information on a timely basis." Dr. Campbell's name was on the agenda for the meeting and she was discussed by the committee members including Mr. Pressley.

6. Homework Assignment

Mr. Pressley testified that he was in the middle school conducting a walk-through and he encountered Mr. Bloom and told Mr. Bloom that he was going to work on a project for school. Mr. Bloom assisted Mr. Pressley with the project, which was homework for a college class. Mr. Pressley completed the answers and Mr. Bloom told him if the answers were right or wrong. Mr. Bloom testified that Mr. Pressley asked him to help with homework and that he provided Mr. Pressley with assistance on homework on more than one occasion. Mr. Pressley testified that Mr. Bloom volunteered to help him with the homework.

ANALYSIS

The Commission initially notes that the complainants bear the burden of proving factually any violations of the Code of Ethics for School Board Members under N.J.S.A. 18A:12-29.

1. Post-it Note

Dr. Brooks alleged that Mr. Pressley violated N.J.S.A. 18A:12-24.1(e), (i) and (j) of the Code of Ethics for School Board Members in the Act when he accused Mr. Allen of theft of a post-it note and called the police to report a crime. N.J.S.A. 18A:12-24.1(e) provides:

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.

To prove a violation of N.J.S.A. 18A:12-24.1(e), Dr. Brooks alleged that when Mr. Pressley accused Mr. Allen of theft of a post-it note and then contacted the police, as if to report a crime, he took private action that could have compromised the Board. The evidence shows that Mr. Pressley had problems receiving mail in the Board office. Mr. Pressley learned from a parent that the parent had left him a post-it note with the administration and the parent was angry that Mr. Pressley had not contacted her. Mr. Pressley called Ms. Graves who told him that Mr. Allen had the post-it note. The evidence shows that he did not accuse Mr. Allen of theft, but merely advised Dr. Brooks that, per Ms. Graves, Mr. Allen had possession of the post-it note. After he gave Dr. Brooks an opportunity to find the post-it note, he called the police to file an incident report in order to document his problems receiving mail. The Commission finds that Mr. Pressley took private action when he called the police about the post-it note. However, the Commission finds that his private action could not have compromised the Board. Mr. Pressley was only trying to get mail that had been left for him at the District office. While calling the police might have been an over-reaction, such action could not have compromised the Board, since Mr. Pressley had already attempted to find a solution to the problem through Dr. Brooks. Therefore, the Commission finds no probable cause to credit the allegations that Mr. Pressley violated N.J.S.A. 18A:12-24.1(e) when he called the police to file an incident report about the missing post-it note.

N.J.S.A. 18A:12-24.1(i) provides:

I will support and protect school personnel in proper performance of their duties.

To prove a violation of N.J.S.A. 18A:12-24.1(i), Dr. Brooks argued that when Mr. Pressley filed an incident report with the police, in which he accused Mr. Allen of having the missing post-it note, that he failed to support and protect school personnel in the proper performance of their duties. However, the evidence shows that Mr. Allen did

have the post-it note at some point and Ms. Graves told Mr. Brooks that Mr. Allen had the post-it note. The evidence also shows that Mr. Pressley waited eight days for an administrative solution, which did not occur. Thereafter, he attempted to solve the problem himself by filing an incident report and providing the police the information that he had regarding the incident. The Commission can find no evidence to show that Mr. Pressley failed to support and protect school personnel in the proper performance of their duties. Therefore, the Commission finds no probable cause to credit the allegations that Mr. Pressley violated N.J.S.A. 18A:12-24.1(i) when he called the police to file an incident report about the missing post-it note and provided the police with the information that Mr. Allen had the post-it note.

N.J.S.A. 18A:12-24.1(j) provides:

I will refer all complaints to the chief school administrative officer and will act on the complaints at public meetings only after failure of an administrative solution.

To prove a violation of N.J.S.A. 18A:12-24.1(j), Dr. Brooks argues that Mr. Pressley failed to withhold taking action regarding the missing post-it note until after the failure of an administrative solution. However, the evidence shows that Mr. Pressley did wait for Dr. Brooks to handle the matter. It was only after Dr. Brooks failed to find the post-it note that Mr. Pressley called the police to file an incident report. Therefore, the Commission finds no probable cause to credit the allegations that Mr. Pressley violated N.J.S.A. 18A:12-24.1(j) when he called the police to file an incident report about the missing post-it note.

2. Missing Laptop Computers

Dr. Brooks alleged that Mr. Pressley violated N.J.S.A. 18A:12-24.1(d) and (g) of the Code of Ethics for School Board Members in the Act when he asked both Dr. Brooks and Mr. Bloom, if they knew whether there were any computers missing from the District. N.J.S.A. 18A:12-24.1(d) provides:

I will carry out my responsibility, not to administer the schools, but, together with my fellow board members, to see that they are well run.

To prove a violation of N.J.S.A. 18A:12-24.1(d), Dr. Brooks argues that when Mr. Pressley called Dr. Brooks to report that he heard that laptop computers were missing, it resulted in the District's audit of all laptop computers. She argues that, because of the time and personnel it took to audit the laptop computers, Mr. Pressley failed to carry out his responsibility to see that the schools are well run. The evidence shows that Mr. Pressley was approached by an individual in Pathmark who claimed that there were laptop computers missing from the middle school. Since the District had just bought 3,700 laptops, Mr. Pressley took this information to Dr. Brooks. The Commission finds that, in light of the expense of the 3,700 laptop computers, Mr. Pressley had the

responsibility to take that information to Dr. Brooks in case the information proved to be correct. The Commission further finds that no matter where the information came from and because of the expense of the computers, the District would have had to audit the laptop computers in order to protect its investment. Therefore, the Commission finds no probable cause to credit the allegations that Mr. Pressley violated N.J.S.A. 18A:12-24.1(d) when he called Dr. Brooks and told her that someone had reported to him that there were laptop computers missing from the middle school.

N.J.S.A. 18A:12-24.1(g) provides:

I will hold confidential all matters pertaining to the schools which, if disclosed, would needlessly injure individuals or the schools. In all other matters, I will provide accurate information and, in concert with my fellow board members, interpret to the staff the aspirations of the community for its school.

Dr. Brooks claims that Mr. Pressley failed to provide accurate information regarding the alleged missing laptop computers. The evidence shows that Mr. Pressley reported the information that was given to him by an individual in Pathmark. The fact that the information later turned out to be untrue does not prove that Mr. Pressley provided inaccurate information. It only proves that the information given him by the individual in Pathmark was inaccurate. Therefore, the Commission finds no probable cause to credit the allegations that Mr. Pressley violated N.J.S.A. 18A:12-24.1(g) when he called Dr. Brooks and told her that someone had reported to him that there were laptop computers missing from the middle school.

4. Personnel Database

Dr. Brooks alleged that Mr. Pressley violated N.J.S.A. 18A:12-24.1(a), (c) and (d) of the Code of Ethics for School Board Members in the Act when he accessed information from the personnel database with the help of a staff member. N.J.S.A. 18A:12-24.1(a) provides:

I will uphold and enforce all laws, rules and regulations of the State Board of Education and court orders pertaining to the schools. Desired changes shall be brought about only through legal and ethical procedures.

In order for the Commission to find a violation of N.J.S.A. 18A:12-24.1(a), Dr. Brooks would have to provide the Commission with a determination from the courts or the Commissioner of Education that Mr. Pressley violated N.J.S.A. 18A:12-24.1(a). Absent such a determination, the Commission cannot find a failure to enforce all laws, rules and regulations of the State Board of Education and court orders pertaining to the schools. Furthermore, the evidence is contradictory regarding what occurred in the Human Resource Center. There is testimony by Ms. Corrigan, a 30-year veteran at the school, that when Dr. Pressley was looking at her computer, he was reviewing a

condolence letter and not personnel information. Ms. Corrigan also testified that there is a wall behind her computer, which would have made it impossible for Ms. Virola to have seen the computer screen. Ms. Virola's testimony is suspect since she only worked at the District for a year and was not renewed. Therefore, the Commission finds no probable cause to credit the allegation that Mr. Pressley violated N.J.S.A. 18A:12-24.1(a) when he was in the Human Resource Center with Ms. Corrigan.

N.J.S.A. 18A:12-24.1(c) provides:

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.

The evidence shows that Mr. Pressley was in the Human Resource Center to obtain a condolence letter because a District employee's mother had died. Mr. Pressley was not conducting official Board duties and did not take Board action when he went to the Human Resources Center. Therefore, the Commission finds no probable cause to credit the allegation that Mr. Pressley violated N.J.S.A. 18A:12-24.1(c) when he went to the Human Resource Center to have a condolence letter drawn up by Ms. Corrigan.

To prove a violation of N.J.S.A. 18A:12-24.1(d), which has been set forth above, Dr. Brooks argues that Mr. Pressley engaged in administering the schools when he had Ms. Corrigan type a condolence letter for him. The evidence shows that Mr. Pressley did not order Ms. Corrigan to type the condolence letter, but rather he got the permission of her supervisor. The Commission cannot see how requesting a condolence letter to be written rises to the level of administering the schools. This conduct did not involve any action regarding the day to day administration of the schools. Therefore, the Commission finds no probable cause to credit the allegation that Mr. Pressley violated N.J.S.A. 18A:12-24.1(d) when he requested Ms. Corrigan to type a condolence letter for him.

5. Curriculum Committee Meeting

Dr. Brooks alleged that Mr. Pressley violated N.J.S.A. 18A:12-24.1(c), (d) and (h) of the Code of Ethics for School Board Members in the Act when, during a Curriculum Committee meeting, he made evaluative statements about Dr. Brooks and asked why she did not hire Dr. Deloris Campbell for a curriculum position.

To prove a violation of N.J.S.A. 18A:12-24.1(c), Dr. Brooks claimed that Mr. Pressley failed to confine his Board action to policy making, planning and appraisal. However, the Commission notes that Dr. Campbell's name was on the agenda for the Curriculum Committee meeting and she was discussed by other Committee members including Mr. Pressley. Thus, Mr. Pressley's question about Dr. Campbell at the Curriculum Committee meeting was in furtherance of his Board member duties of policy making, planning and appraisal. The Commission can find no factual evidence to sustain a finding of probable cause that Mr. Pressley violated N.J.S.A. 18A:12-24.1(c). Therefore, the Commission finds no probable cause to credit the allegation that Mr.

Pressley violated N.J.S.A. 18A:12-24.1(c) when he made evaluative statements about Dr. Brooks at the Curriculum Committee meeting.

To prove a violation of N.J.S.A. 18A:12-24.1(d), Dr. Brooks argued that Mr. Pressley attempted to administer personnel matters and thus administered the schools. However, the Commission notes that Mr. Pressley made his comments regarding Dr. Campbell during a Curriculum Committee meeting when her name was on the agenda and when other Committee members also discussed Dr. Campbell. The discussion of Dr. Campbell took place when Mr. Pressley was involved in an official meeting of the Board's Curriculum Committee. Mr. Pressley's remarks regarding Dr. Campbell during a Curriculum Committee meeting do not rise to the level of administering the schools in violation of N.J.S.A. 18A:12-24.1(d). Therefore, the Commission finds no probable cause to credit the allegation that Mr. Pressley violated N.J.S.A. 18A:12-24.1(d) when he questioned Dr. Brooks about Dr. Campbell at a Curriculum Committee meeting when Dr. Campbell's name was on the agenda for discussion.

N.J.S.A. 18A:12-24.1(h) provides

I will vote to appoint the best qualified personnel available after consideration of the recommendation of the chief school administrator.

Dr. Brooks argued that Mr. Pressley failed to wait for her recommendation regarding the appointment of Dr. Campbell in violation of N.J.S.A. 18A:12-24.1(h). However, the evidence shows that Mr. Pressley raised the issue of Dr. Campbell at a Curriculum Committee meeting where Dr. Campbell's name was on the agenda for discussion. There is no evidence to show that Mr. Pressley failed to vote to appoint the best qualified personnel after consideration of the recommendation of Dr. Brooks. The Commission can find no factual evidence to sustain a finding of probable cause that Mr. Pressley violated N.J.S.A. 18A:12-24.1(h). Therefore, the Commission finds no probable cause to credit the allegation that Mr. Pressley violated N.J.S.A. 18A:12-24.1(h) when he questioned Dr. Brooks about Dr. Campbell at a Curriculum Committee meeting when Dr. Campbell's name was on the agenda for discussion.

6. Homework Assignment

Dr. Brooks alleged that Mr. Pressley violated N.J.S.A. 18A:12-24(b) of the Act when he requested Mr. Bloom to assist him with a homework assignment for a college class. N.J.S.A. 18A:12-24(b) provides:

No school official shall use or attempt to use his official position to secure unwarranted privileges, advantages or employment for himself, members of his immediate family or others;

To prove a violation of N.J.S.A. 18A:12-24(b), Dr. Brooks argued that Mr. Pressley used his position as a Board member to have his homework done by a district employee. The Commission notes that the evidence is contradictory. Mr. Bloom

testified that Mr. Pressley asked him for help on his homework. Mr. Pressley testified that it was Mr. Bloom who volunteered to help him with his homework. There is not enough evidence for the Commission to determine the correct version of the facts. Therefore, Dr. Brooks has failed to provide factual evidence to sustain a finding of probable cause that Mr. Pressley violated N.J.S.A. 18A:12-24(b). Therefore, the Commission finds no probable cause to credit the allegation that Mr. Pressley violated N.J.S.A. 18A:12-24(b) when he received help on his homework from Mr. Bloom.

DECISION

For the reasons expressed above, the Commission finds no probable cause to credit the allegations that Mr. Pressley violated the Act or the Code of Ethics for School Board Members in the Act and therefore dismisses the complaint in its entirety.

Paul C. Garbarini
Chairperson

Resolution Adopting Decision – C48-05

Whereas, the School Ethics Commission has considered the pleadings and the response filed by the parties and the documents submitted in support thereof; and

Whereas, the Commission finds no probable cause to credit the allegations that Respondent violated N.J.S.A. 18A:12-21 et seq.; and

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

Whereas, the Commission agrees with the proposed decision;

Now Therefore Be It Resolved that the Commission hereby adopts the proposed decision to dismiss as its final 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 the Resolution was duly adopted by the School Ethics Commission at its public meeting on March 28, 2006.

Lisa James-Beavers
Executive Director