

---

**IRA TESSLER**

v.

**ANTHONY PREZIOSO**

***MONROE TOWNSHIP  
BOARD OF EDUCATION,  
MIDDLESEX COUNTY***

---

**BEFORE THE SCHOOL  
ETHICS COMMISSION**

**SEC Docket No. C07-14  
OAL Dkt. No. EEC 9923-14**

**FINAL DECISION**

### **PROCEDURAL HISTORY**

This matter arises from a Complaint filed on March 4, 2014 by Ira Tessler, alleging that Anthony Preziosi, a member of the Monroe Township Board of Education (Board), violated the School Ethics Act (Act), N.J.S.A. 18A:12-21 et seq. By letter of March 12, 2014, the Complainant was notified that his complaint was deficient, and on March 27, 2014, the Complainant filed an Amended Complaint, curing all deficiencies. The Complaint specifically alleged that the Respondent violated N.J.S.A. 18A:12-24.1(e) of the Code of Ethics for School Board Members. By letter dated April 2, 2014, the School Ethics Commission (Commission) acknowledged receipt of the Complaint and served it on the Respondent, notifying him that charges were filed against him with the Commission and advising that he had 20 days to answer the Complaint.

On May 5, 2014, the Respondent filed a deficient Answer to the Complaint, and on May 16, 2014, he submitted an Amended Answer, curing all defects.

The parties were notified by letter dated May 6, 2014 that this matter was scheduled for discussion before the Commission on May 27, 2014, in accordance with N.J.A.C. 6A:28-10.8. Therein, the parties were specifically advised that the Commission would take one of several actions: decide to retain the complaint for a hearing by the Commission at a later date; decide to refer the matter to the Office of Administrative Law (OAL) for a hearing; table the matter to request additional information or legal advice; or dismiss the complaint where the allegations in the complaint, on their face, were insufficient, even if true, to warrant review by the Commission as possible violations of the Act.

At its meeting on May 27, 2014, the Commission voted to transmit this complaint to the OAL for a *de novo* plenary hearing as a contested case, pursuant to N.J.S.A. 52:14B-1-15, N.J.S.A. 52:14F-1-13.

After transmittal, the Administrative Law Judge (ALJ) conducted a hearing on April 24, 2015 and closed the record the same day. The OAL requested an extension of time for filing the Initial Decision with the Commission, and on August 6, 2015, the Initial Decision of the ALJ

was transmitted to the Commission, and the decision was mailed to the parties on August 11, 2015. The Commission received the file from the OAL on August 12, 2015.

The ALJ concluded in his Initial Decision that Complainant's proofs were insufficient to support his claims that the Respondent violated the Code and dismissed the Complaint. No exceptions to the Initial Decision were filed by either party, pursuant to N.J.A.C. 1:1-15.4 et seq.

Upon return of the matter from the OAL, pursuant to N.J.S.A. 52:14B-10(c) and N.J.A.C. 1:1-18.8 and for good cause shown, the Commission was granted an extension of time in which to issue its final decision in this matter. At its August 25, 2015 meeting, the Commission reviewed the record of this matter and the Initial Decision of the ALJ, at which time the Commission adopted the findings and conclusions of the ALJ for the reasons expressed in his Initial Decision.

## **ANALYSIS**

Upon careful and independent review, the Commission finds that the record supports the ALJ's factual findings as well as the legal conclusion that the Complainant failed to meet his burden to prove by a preponderance of the credible evidence that the Respondent violated N.J.S.A. 18A:12-24.1(e) of the Code of Ethics for School Board Members. The ALJ reasoned that the purpose of Respondent's arm gestures were too "vague" to determine their meaning and too "speculative" to determine their intent. Consequently, the ALJ could find no violation of the Act and dismissed the Complaint. The Commission concurs. Moreover, this tribunal has determined that the record and decision in this matter are no longer under seal.

## **DECISION**

The Commission determines to adopt the ALJ's Initial Decision on Remand, dismissing the complaint in its entirety. This decision is a final decision of an administrative agency. Therefore, it is appealable only to the Superior Court--Appellate Division. See, New Jersey Court Rule 2:2-3(a).

---

Robert W. Bender  
Chairperson  
School Ethics Commission

Mailing Date: September 23, 2015

## **Resolution Adopting Decision – C07-14**

**Whereas**, pursuant to N.J.A.C. 6A:28-10.8(a), the Commission voted to transmit this matter to the Office of Administrative Law for hearing; and

**Whereas**, at its meeting on August 25, 2015, the Commission received and considered the Initial Decision of the Administrative Law Judge, including the record and all documents submitted to the ALJ; and

**Whereas**, neither party filed exceptions in response to the ALJ’s decision; and

**Whereas**, the Administrative Law Judge concluded in his Initial Decision that the Complaint should be dismissed for failure of the Complainant to meet his burden to prove a violation of the Code by a preponderance of the credible evidence; and

**Whereas**, at its meetings of August 25, 2015 and September 22, 2015, the Commission determined to adopt the Initial Decision of the ALJ as the Final Decision and to unseal the record; and

**Whereas**, the Commission finds that the within decision accurately memorializes its adoption of the Initial Decision;

**Now Therefore Be It Resolved**, the Commission hereby adopts the within decision as a Final Decision and directs its staff to notify all parties to this action of the decision.

---

Robert W. Bender, Chairperson

I hereby certify that this Resolution was duly adopted by the School Ethics Commission at its public meeting on September 22, 2015.

---

Joanne M. Restivo  
Acting Executive Director  
School Ethics Commission