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**ROBERT L. STEVENS**

v.

**ANGELIA EDWARDS**  
**BRIDGETON BOARD OF EDUCATION,**  
**CUMBERLAND COUNTY**

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**BEFORE THE SCHOOL  
ETHICS COMMISSION**

**DOCKET NO.: C27-16**

**DECISION ON  
PROBABLE CAUSE**

## **PROCEDURAL HISTORY**

This matter arises from a Complaint filed with the School Ethics Commission (Commission) on July 7, 2016, by Robert L. Stevens, alleging that Angelia Edwards, a member of the Bridgeton Board of Education (Board) as well as its President, violated the School Ethics Act (Act), N.J.S.A. 18A:12-21 et seq. More specifically, Complainant alleges that Respondent violated N.J.S.A. 18A:12-24(b) and (f) of the Act, as well as N.J.S.A. 18A:12-24.1(e) of the Code of Ethics for School Board Members (Code).

On July 15, 2016, the Complaint was served on Respondent via regular and certified mail, notifying her that charges were filed against her, and advising her that she had twenty (20) days to respond. When Respondent failed to respond within twenty (20) days, a letter dated August 8, 2016 was mailed to her advising that failure to file a responsive pleading by August 18, 2016, could result in the Commission finding in favor of the Complainant, and assessing a penalty against her. Respondent filed an Answer on August 17, 2016.

By correspondence dated August 10, 2016, the Parties were advised that the Commission would review this matter at its meeting on August 23, 2016, in order to make a probable cause determination in accordance with the procedures set forth in N.J.A.C. 6A:28-10.9. At its meeting on August 23, 2016, the Commission could not determine whether probable cause existed to credit the allegations in the Complaint without additional information. Therefore, the Commission voted to table the matter and to request additional information and documentation from Respondent by September 15, 2016. Respondent submitted the additional information and documentation requested by the Commission as directed.

By correspondence dated September 12, 2016, the Parties were notified that the Commission would reconsider this matter at its meeting on September 27, 2016, in order to make a probable cause determination in accordance with the procedures set forth in N.J.A.C. 6A:28-10.9. At its meeting on September 27, 2016, the Commission reviewed the matter and found that there was no probable cause to credit the allegation that Respondent violated N.J.S.A. 18A:12-24(b) of the Act in Count 1, and no probable cause to credit the allegation that Respondent violated N.J.S.A. 18A:12-24(f) of the Act or N.J.S.A. 18A:12-24.1(e) of the Code in Count 2. Accordingly, the Commission dismissed the Complaint in its entirety for failure to provide sufficient facts to support a finding of probable cause, pursuant to N.J.A.C. 6A:28-10.7(d).

## **SUMMARY OF THE PLEADINGS**

### **A. The Complaint**

In Count 1, Complainant alleges that on or about the week of June 20, 2016, Respondent, without permission or authorization from the Board, used a school facility in order to clean and store chickens in support of her personal business (“Manna from Heaven”) and, therefore, used the facility for personal/business gain. Complainant also asserts that Respondent realized a cash savings by using the Board’s facilities without permission or authorization. Complainant alleges Respondent’s actions to be a violation of N.J.S.A. 18A:12-24(b).

In Count 2, Complainant alleges that on May 27, 2016, Respondent received compensation for catering an event (the NJ JROTC Military Dance) for students, parents, staff and guests. Complainant alleges this to be a violation of N.J.S.A. 18A:12-24(f) because she secured a financial gain (catering the event), and the public was not given an opportunity to bid on a catering contract. Complainant further alleges this to be a violation of N.J.S.A. 18A:12-24.1(e) because Respondent catered the school-sponsored event without first seeking or obtaining the Board’s input on entering into a catering contract with Respondent’s personal business. According to Complainant, Respondent’s unilateral actions disregarded the authority of the Board and, thereby, weakened and compromised the Board.

### **B. Answer to Complaint and Additional Information as Requested by the Commission**

In response to Count 1, Respondent asserts that use of the school premises by her personal business organization, a 501(c)(3) non-profit corporation, was on the Board’s June 14, 2016 agenda for approval. In supplemental information and documentation, Respondent indicated that her personal business organization did submit a written request dated May 26, 2016, to the Board for use of the school premises, and that the Board approved the use as requested. Importantly, Respondent abstained from the vote.

In response to Count 2, Respondent admits that her personal business organization participated in the storage, preparation, and cooking of the food for the NJ JROTC Military Dance which was held at the Marino Center. Respondent asserts that the Marino Center is not a Board owned property, and that the food was purchased by the NJ JROTC, not the Board. Respondent states that she cooked and served the food free of charge, and was not compensated by the Board or the NJ JROTC. In supplemental information and documentation, Respondent advised that the NJ JROTC Military Dance was not sponsored by the Board, and that the event was sponsored by the Air Force JROTC Parent Support Group Booster Club.

## **ANALYSIS**

This matter is before the Commission for a determination of probable cause pursuant to N.J.A.C. 6A:28-10.7. That is, the Commission must determine, based on the evidence before it, whether probable cause exists to credit the allegations in the Complaint. A finding of probable cause is not an adjudication on the merits, but, rather, an initial review whereupon the

Commission makes a preliminary determination whether the matter should proceed to an adjudication on the merits, or whether further review is not warranted.

Complainant alleges that Respondent violated N.J.S.A. 18A:12-24(b) and (f) of the Act, and N.J.S.A. 18A:12-24.1(e) of the Code. Thus, the question before the Commission is whether 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 or Code has been violated. N.J.A.C. 6A:28-10.7(b).

### **Allegations of Prohibited Acts**

Complainant asserts that Respondent violated N.J.S.A. 18A:12-24(b) in Count 1, and violated N.J.S.A. 18A:12-24(f) in Count 2. These provisions provide, respectively:

b. 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;

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

In order to credit the allegation of a violation of N.J.S.A. 18A:12-24(b) in Count 1, the Commission must find evidence 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. Complainant alleges that during the week of June 20, 2016, Respondent, without permission or authorization from the Board, used a school facility for her personal business organization and, as a result, used the facility for personal/business gain. Although Respondent admits that her personal business organization did use the school facility as alleged, she also asserts that, prior to using the school premises, her organization submitted a request to the Board to use the facility for this purpose, and that the request was approved by the Board. Moreover, when the Board considered and approved the use of the school premises for this purpose, Respondent abstained from the vote. Respondent submitted documentation corroborating her position.

Based on the foregoing, the Commission finds, after review, that there is no information or allegation in the Complaint, or in any other documentation submitted by or relied upon by Complainant, that Respondent used, or attempted to use, her official position to secure an unwarranted privilege, advantage or employment. As a result, the Commission finds no probable cause to credit the allegation that Respondent violated N.J.S.A. 18A:12-24(b) of the Act.

In order to credit the allegation of a violation of N.J.S.A. 18A:12-24(f) in Count 2, the Commission must find evidence that Respondent used, or allowed to be used, her public office or employment, or any information not generally available to the public, which she received or acquired in the course of and by reason of her office or employment, for the purpose of securing financial gain for herself, a member of her immediate family, or any business organization with which she is associated. Complainant argues that on May 27, 2016, Respondent received compensation for catering an event (the NJ JROTC Military Dance) for students, parents, staff and guests. By catering the event and receiving compensation, Complainant submits that Respondent secured a financial gain (catering the event), and the public was not given an opportunity to bid on a catering contract. Respondent countered that neither she nor her personal business organization purchased or provided food for the NJ JRTOC Military Dance, and that the she and her personal business organization only stored, prepared and cooked the food for the event *free of charge*. As indicated in the correspondence from George L. Linen, TSgt, USAF (Ret) that was attached to Respondent's Answer, "Ms. Edwards volunteered her services..." in connection with the event at the Marino Center.

Based on the above, and after review, the Commission finds that there is no information or allegation in the Complaint, or in any other documentation submitted by or relied upon by Complainant, that Respondent used, or allowed to be used, her public office or employment, or any information not generally available to the public, which she received or acquired in the course of and by reason of her office or employment, for the purpose of securing financial gain for herself or her personal business organization. Accordingly, the Commission finds no probable cause to credit the allegation that Respondent violated N.J.S.A. 18A:12-24(f) of the Act.

### **Allegation of Violation of Code**

Complainant asserts that Respondent violated N.J.S.A. 18A:12-24.1(e) of the Code in Count 2. This provision provides:

- 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.

Pursuant to N.J.A.C. 6A:28-6.4(a)(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 his or her duties such that, by its nature, had the potential to compromise the Board. In this regard, Complainant alleges that on May 27, 2016, and in connection with the NJ JROTC Military Dance, Respondent catered a "school-sponsored event" without first seeking or obtaining the Board's input on the catering contract entered into with Respondent's personal business organization. As a result, Complainant alleges that Respondent disregarded the Board's authority and, thereby, compromised the Board. However, Respondent denies that the NJ JROTC was a Board sponsored event and, instead, asserts that it was sponsored by the Air Force JROTC Parent Support Group Booster Club. Correspondence submitted to the Commission from George L. Linen, TSgt, USAF (Ret) corroborates that the event was not sponsored by the

Board. Respondent additionally argues that she and her personal business organization cooked and served food for the event, but were not compensated by the Air Force JROTC Parent Support Group Booster Club or the Board. Again, the correspondence from George L. Linen, TSgt, USAF (Ret) that was attached to Respondent's Answer confirms that Respondent volunteered her services.

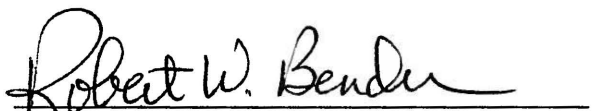
After review of the above, the Commission finds that there is no information or allegation in the Complaint, or in any other documentation submitted by or relied upon by Complainant, that Respondent made a personal promise or took action beyond the scope of her duties that had the potential to comprise the Board. The Commission also finds that Respondent's involvement with the event was as a private citizen with a personal business organization (non-profit), and not as a Board member. Therefore, the Commission finds no probable cause to credit the allegation that Respondent violated N.J.S.A. 18A:12-24.1(e) of the Code.

Accordingly, and for the reasons set forth above, the Commission dismisses the Complaint in its entirety for failure to provide sufficient facts to support a finding of probable cause, pursuant to N.J.A.C. 6A:28-10.7(d).

#### **NOTICE**

Pursuant to N.J.S.A. 18A:12-29(b), the Commission hereby notifies Complainant and Respondent that it finds no probable cause to credit the allegation that Respondent violated N.J.S.A. 18A:12-24(b) of the Act in Count 1, and no probable cause to credit the allegation that Respondent violated N.J.S.A. 18A:12-24(f) of the Act or N.J.S.A. 18A:12-24.1(e) of the Code in Count 2. Therefore, and pursuant to N.J.A.C. 6A:28-10.7(d), the Complaint is dismissed for failure to provide sufficient facts to support a finding of probable cause.

This decision is a final decision of an administrative agency and, therefore, it is appealable only to the Superior Court--Appellate Division. See, New Jersey Court Rule 2:2-3(a).



Robert W. Bender  
Chairperson

Mailing Date: October 25, 2016

## Resolution Adopting Decision – C27-16

**Whereas**, the School Ethics Commission (Commission) has considered the Complaint and the documents filed in support thereof, the Answer along with its supporting documentation, as well as the additional information and documentation submitted by the Respondent at the Commission's request; and

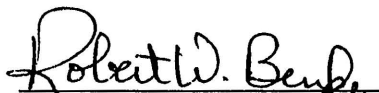
**Whereas**, at its meetings on September 27, 2016, the Commission reviewed the matter and found no probable cause to credit the allegation that Respondent violated N.J.S.A. 18A:12-24(b) of the Act in Count 1; and

**Whereas**, at its meetings on September 27, 2016, the Commission reviewed the matter and found no probable cause to credit the allegation that Respondent violated N.J.S.A. 18A:12-24(f) of the Act or N.J.S.A. 18A:12-24.1(e) of the Code in Count 2; and

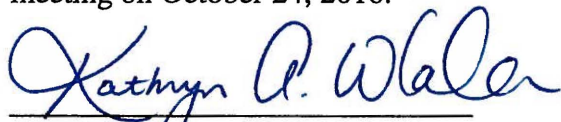
**Whereas**, at its meeting on September 27, 2016, the Commission voted to dismiss the Complaint for failure to provide sufficient facts to support a finding of probable cause, as determined pursuant to N.J.A.C. 6A:28-10.7(d); and

**Whereas**, at its meeting on October 24, 2016, the Commission agreed that the within probable cause notice accurately memorializes its findings; and

**Now Therefore Be It Resolved**, that the Commission hereby adopts the proposed probable cause notice in this matter and directs its staff to notify all parties to this action of said notice.

  
Robert W. Bender, Chairperson

I hereby certify that the Resolution was duly adopted by the School Ethics Commission at its public meeting on October 24, 2016.

  
Kathryn A. Whalen  
Acting Executive Director  
School Ethics Commission