
**IN THE MATTER OF
LESLIE LARSON
MONTCLAIR BOARD OF EDUCATION,
ESSEX COUNTY**

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:
: **BEFORE THE SCHOOL
ETHICS COMMISSION**
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:
: **SEC Docket No. C40-13
OAL Dkt. No. EEC 04366-14**
:
: **WITHDRAWAL OF
PROBABLE CAUSE NOTICE**

PROCEDURAL HISTORY

This matter arises from a timely complaint filed on August 19, 2013 by David Herron alleging that Leslie Larson, Board member of the Montclair Board of Education, violated the School Ethics Act (Act), N.J.S.A. 18A:12-21 et seq. On August 21, 2013, the Complainant was advised that the Complaint was deficient and was given 20 days to cure its defects. On September 20, 2013, the Complainant was again reminded that he had not complied with the original request. By September 27, 2013, the Complainant filed an amended complaint, satisfying all requirements. Specifically, the Complainant asserts that the Respondent violated N.J.S.A. 18A:12-24(a), (b), (c), (d), (e) and (f) of the Act.

The Respondent retained counsel, who requested and received a short extension to file her Answer. On October 28, 2013, the Respondent filed her Answer and alleged that the Complaint was frivolous. The Complainant was accorded 20 days to respond to the allegation of frivolousness. N.J.A.C. 6A:28-7.2(b). The Commission reviewed this matter at its meeting on December 19, 2013, in order to make a probable cause determination, in accordance with procedures set forth at N.J.A.C. 6A:28-10.7 and to make a determination regarding the allegation of frivolousness. The Commission found the Complaint not frivolous in accordance with the standard set forth at N.J.A.C. 6A:28-1.2. The Commission found probable cause to credit the allegations in the Complaint that the Respondent violated N.J.S.A. 18A:12-24(a), (b), (c), and (f) of the Act in Counts 1 and 2 but dismissed the alleged violations of N.J.S.A. 18A:12-2 (d) and (e) in both Counts. In accordance with N.J.A.C. 6A:28-10.7(b)1, as the Commission found probable cause it became the complaining party, relieving the Complainant of a duty to prosecute. Pursuant to N.J.A.C. 6A:28-10.7(c)2, the matter was transmitted to the Office of Administrative Law (OAL) for hearing.

At its meeting on October 27, 2015, the School Ethics Commission reviewed with counsel the development of the above case before the OAL. By letter of November 5, 2015, pursuant to N.J.A.C. 1:1-3.3(a), the Commission requested the return of this file for further analysis, regarding the issuance the Notice of Probable Cause before this tribunal.

Upon return of the file on January 8, 2016, the Commission placed the matter on its February 23, 2016 agenda for discussion. At that meeting, the Commission made its determination and took action to withdraw its Notice of Probable Cause of January 28, 2014, and to administratively dismiss the matter, pursuant to N.J.A.C. 6A:28-10.2.

NOTICE

Pursuant to N.J.S.A. 18A:12-29(b), the Commission hereby notifies the Complainant and the Respondent that as the complaining party to this Complaint, it hereby withdraws its January 28, 2014 Notice of Probable Cause and has determined to take no further action in this matter.

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: March 23, 2016

Resolution Adopting Decision – C40-13

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

Whereas, at its meeting on February 23, 2016, the Commission determined to withdraw its January 28, 2014 Notice of Probable Cause in this matter; and

Whereas, at its meeting on March 22, 2016, the Commission agreed that the within decision accurately memorializes its findings and recommendations;

Now Therefore Be It Resolved, that the Commission hereby adopts the within decision and directs it staff to notify all parties to this action of the decision.

Robert W. Bender, Chairperson

I hereby certify that the Resolution was duly adopted by the School Ethics Commission at its public meeting on March 22, 2016.

Joanne M. Restivo
Acting Executive Director
School Ethics Commission