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**JOHN HAINES**

v.

**BARBARA SZILAGYI,  
EGG HARBOR TOWNSHIP BOARD  
OF EDUCATION,  
ATLANTIC COUNTY**

- AND -

**AMBER UMPHLETT**

v.

**BARBARA SZILAGYI,  
EGG HARBOR TOWNSHIP BOARD  
OF EDUCATION,  
ATLANTIC COUNTY**

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**BEFORE THE SCHOOL  
ETHICS COMMISSION**

**DOCKET NO.: C55-17**

**DOCKET NO.: C62-17**

**DECISION ON  
MOTION TO DISMISS**

**CONSOLIDATED**

## **I. PROCEDURAL HISTORY**

This consolidated matter arises from a Complaint filed on June 19, 2017, by John Haines (Complainant Haines), and from a Complaint filed on July 10, 2017, by Amber Umphlett (Complainant Umphlett), alleging that Barbara Szilagyi (Respondent), a member and Vice President of the Egg Harbor Township Board of Education (Board), violated the School Ethics Act (Act), N.J.S.A. 18A:12-21 et seq. More specifically, Complainant Haines and Complainant Umphlett allege that Respondent violated the Code of Ethics for School Board Members (Code), and N.J.S.A. 18A:12-24.1(a), (b), (c), (e), (f), (g), and (i) when she attended a meeting at which a controversial Board topic was being discussed. Complainant Haines also asserts that Respondent violated N.J.S.A. 18A:12-24.1(a), (b), (c), (e), (f), and (i) when she removed the transgender policy from the Board's agenda.

On June 29, 2017, and following amendment of his deficient Complaint, Complainant Haines' Amended Complaint (Complaint) was sent to Respondent, notifying her that charges were filed against her with the School Ethics Commission (Commission), and advising that she had twenty (20) days to respond to the Complaint. On July 18, 2017, Respondent filed a Motion to Dismiss in Lieu of Answer (Motion to Dismiss) and alleged that the Complaint is frivolous. Complainant Haines filed a brief written response to the Motion to Dismiss and allegation of frivolous filing on August 24, 2017.

On July 17, 2017, Complainant Umphlett's Complaint was sent to Respondent, notifying her that additional charges were filed against her with the Commission, and advising that she had twenty (20) days to respond to the Complaint. On July 31, 2017, Respondent filed a Motion to

Dismiss and alleged that the Complaint is frivolous. Complainant Umphlett filed a written response to the Motion to Dismiss and allegation of frivolous filing on September 18, 2017.

By correspondence dated September 13, 2017, the parties were notified that, pursuant to its authority as set forth in N.J.A.C. 6A:28-6.6, the Commission consolidated the Complaints filed by Complainant Haines and Complainant Umphlett against Respondent. The Commission's decision to consolidate was based on a review of (1) the identity of the parties in each of the matters; (2) the nature of all questions of fact and law respectively involved; (3) the advisability generally of disposing of all aspects of a controversy in a single proceeding; and (4) other matters appropriate to a prompt and fair resolution of the issues. More specifically, because each Complaint names the same Respondent, Respondent is represented by the same counsel in each matter, and each Complaint alleges that the same conduct/action formed the basis for alleged violations of the Code, the Commission determined that, in the interest of efficiency, it could resolve both Complaints as a consolidated matter.

By correspondence dated September 18, 2017, the parties were notified that this consolidated matter would be placed on the Commission's agenda for its meeting on September 26, 2017, in order to make a determination regarding the Motions to Dismiss and allegations of frivolous filing. At its meeting on September 26, 2017, the Commission considered the filings in this matter and, at its meeting on October 31, 2017, the Commission voted to grant the Motions to Dismiss in their entirety, and to find the Complaints not frivolous.

## **II. SUMMARY OF THE PLEADINGS**

### **A. The Complaints**

In this consolidated matter, Complainant Haines and Complainant Umphlett, both members of the Board, collectively allege that, on or about February 23, 2017, Respondent, the Board Vice President, attended a "religious church group meeting" at the New Life Assembly of God to discuss the Board's transgender policy. According to Complainants, the Board's transgender policy has been a "very sensitive and controversial topic." Complainants argue that when she was at this meeting, Respondent was introduced as and/or represented herself to be the Vice President of the Board. According to the Complainants, the "religious group" affiliated with this church is opposed to the Board's adoption of a transgender policy, and has attended Board meetings to express its disapproval of the policy.

By attending this meeting, Complainant Haines and Complainant Umphlett argue that Respondent violated N.J.S.A. 18A:12-24.1(a), N.J.S.A. 18A:12-24.1(b), N.J.S.A. 18A:12-24.1(c), N.J.S.A. 18A:12-24.1(e), N.J.S.A. 18A:12-24.1(f), N.J.S.A. 18A:12-24.1(g), and N.J.S.A. 18A:12-24.1(i).<sup>1</sup>

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<sup>1</sup> Based on the same set of operative facts, Complainant Haines alleged violations of N.J.S.A. 18A:12-24.1(a), N.J.S.A. 18A:12-24.1(b), N.J.S.A. 18A:12-24.1(c), N.J.S.A. 18A:12-24.1(e), N.J.S.A. 18A:12-24.1(f), and N.J.S.A. 18A:12-24.1(i), and Complainant Umphlett alleged violations of N.J.S.A. 18A:12-24.1(e) and N.J.S.A. 18A:12-24.1(g).

In addition, Complainant Haines asserts that during the “week of February 27, 2017,” Respondent, “on her own” and without first discussing it with the other members of the Board, had the proposed transgender policy removed from the agenda. As such, Complainant Haines contends that Respondent violated N.J.S.A. 18A:12-24.1(a), N.J.S.A. 18A:12-24.1(b), N.J.S.A. 18A:12-24.1(c), N.J.S.A. 18A:12-24.1(e), N.J.S.A. 18A:12-24.1(f), and N.J.S.A. 18A:12-24.1(i).

**B. Motions to Dismiss and Allegations of Frivolous Filing**

In lieu of Answers, Respondent filed a Motion to Dismiss in each matter, and also alleged that each Complaint is frivolous.

Regarding Complainant Haines and Complainant Umphlett’s claims that she violated the Code by attending a meeting regarding the transgender policy, Respondent argues that, based on the burden of proof for each allegation as enumerated in N.J.A.C. 6A:28-6.4, neither Complainant has proffered any credible factual evidence or facts sufficient to establish a violation of N.J.S.A. 18A:12-24.1(a), N.J.S.A. 18A:12-24.1(b), N.J.S.A. 18A:12-24.1(c), N.J.S.A. 18A:12-24.1(e), N.J.S.A. 18A:12-24.1(f), or N.J.S.A. 18A:12-24.1(i). Respondent also asserts that she did not speak at the meeting, is not a member of the church, did not make any promises to anyone, did not disclose any confidential or private information, and merely attended a meeting that was open to the public. Respondent also notes that another Board member was also present at this meeting.

Regarding Complainant Haines’ argument that Respondent unilaterally removed the transgender policy from the agenda, Respondent denies doing so, and instead asserts that it was removed by the Board President. Respondent also contends that Complainant Haines is fully aware that it was the Board President, and not her, who removed the transgender policy from the agenda. As such, Respondent denies violating N.J.S.A. 18A:12-24.1(a), N.J.S.A. 18A:12-24.1(b), N.J.S.A. 18A:12-24.1(c), N.J.S.A. 18A:12-24.1(e), N.J.S.A. 18A:12-24.1(f), and N.J.S.A. 18A:12-24.1(i).

Finally, Respondent asserts that the Complaints are frivolous and were filed in bad faith, solely for the purpose of harassment, embarrassment, delay, or malicious injury.

**C. Responses to Motions to Dismiss and Allegations of Frivolous Filing**

In response to the Motions to Dismiss and allegations of frivolous filing, Complainant Haines simply replied, “I stand by my contention.” In Complainant Umphlett’s response, she reiterated her position that Respondent attended the meeting at New Life Church, and was introduced as the Board Vice President to a vocal group of citizens who opposed the Board’s transgender policy. According to Complainant Umphlett, “Many board members were invited to the same meeting,” but declined to attend “because of the sensitivity of the topic and the controversy surrounding it.” As a result of Respondent’s attendance at this meeting, “many allegations” have been levied toward the Board, and Board members who voted no to the policy “for other reasons were criticized unjustly.”

Complainant Umphlett further argues that, pursuant to Bylaw 0146, “all formal expressions” by a Board member “in which his or her Board affiliation is likely to be recognized, such as letters to government officials or newspapers, speeches to organizations, and the like,” shall include “a

statement that the opinions expressed do not necessarily represent those of the Board.” Although Respondent represents she did not interact or express her opinion at the meeting, Complainant Umphlett argues that “appearing at a meeting either in support or opposition during an ongoing policy discussion is a direct violation of our bylaws,” namely Bylaw 0146.

### **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 (Complainants) and determine whether the allegation(s), if true, could establish a violation of the Act. Unless the parties are otherwise notified, a Motion to Dismiss and any response, is reviewed by the Commission on a summary basis, in accordance with N.J.A.C. 6A:28-8.1 et seq. Thus, the question before the Commission is whether Complainants have alleged facts which, if true, could support a finding that Respondent violated N.J.S.A. 18A:12-24.1(a), (b), (c), (e), (f), (g), and (i) of the Code when she attended a meeting regarding the transgender policy, and whether Respondent violated N.J.S.A. 18A:12-24.1(a), (b), (c), (e), (f), and (i) of the Code when she allegedly removed the transgender policy from the Board’s agenda.

#### **B. Alleged Violations of Code – Attendance at Meeting**

Complainants allege that Respondent violated N.J.S.A. 18A:12-24.1(a), (b), (c), (e), (f), (g), and (i) of the Code. These provisions of the Code provide, respectively:

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

b. I will make decisions in terms of the educational welfare of children and will seek to develop and maintain public schools that meet the individual needs of all children regardless of their ability, race, creed, sex, or social standing.

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.

g. 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.

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

More specifically, Complainants argue that Respondent violated the foregoing provisions of the Code when she attended a “religious church group meeting” to discuss the Board’s transgender policy, a sensitive and controversial topic. Moreover, at this meeting, Complainants assert that Respondent was introduced as and/or represented herself to be the Board Vice President. Respondent counters that she did not speak at the meeting, is not a member of the church, did not make any promises to anyone, did not disclose any confidential or private information, and merely attended a meeting that was open to the public.

**1. Alleged Violation of N.J.S.A. 18A:12-24.1(a)**

As set forth in N.J.A.C. 6A:28-6.4(a)(1), factual evidence of a violation of N.J.S.A. 18A:12-24.1(a) shall include a copy of a final decision from any court of law or administrative agency of this State demonstrating that Respondent failed to enforce all laws, rules and regulations of the State Board of Education, and/or court orders pertaining to schools or that Respondent brought about changes through illegal or unethical procedures. Other than asserting that Respondent attended a public meeting regarding a controversial topic (the Board’s transgender policy), neither Complainant provided a final decision from any court or administrative agency demonstrating that Respondent failed to enforce laws, rules and regulations, court orders, or otherwise brought about changes through illegal or unethical procedures. At worst, Respondent attended a public meeting that, for their own reasons, Complainants chose not to attend. Therefore, the Commission finds that even if all of the facts as alleged in the Complaints are true, there is no sufficient, credible evidence to support a finding that Respondent violated N.J.S.A. 18A:12-24.1(a) of the Code.

**2. Alleged Violation of N.J.S.A. 18A:12-24.1(b)**

Pursuant to N.J.A.C. 6A:28-6.4(a)(2), factual evidence of a violation of N.J.S.A. 18A:12-24.1(b) shall include evidence that Respondent willfully made a decision contrary to the educational welfare of children, or evidence that Respondent took deliberate action to obstruct the programs and policies designed to meet the individual needs of all children, regardless of their ability, race, color, creed or social standing. Other than declaring that Respondent attended a meeting, neither Complainant articulated any other facts to demonstrate how her attendance was contrary to the educational welfare of children. Accordingly, the Commission finds that even if all of the facts as alleged in the Complaints are true, there is no sufficient, credible evidence to support a finding that Respondent violated N.J.S.A. 18A:12-24.1(b) of the Code.

**3. Alleged Violation of N.J.S.A. 18A:12-24.1(c)**

As set forth in N.J.A.C. 6A:28-6.4(a)(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. Again, other than asserting that Respondent attended a meeting regarding a controversial Board issue, neither Complainant articulated any specific factual evidence as required by N.J.A.C. 6A:28-6.4(a)(3). There is no factual evidence to establish, let alone suggest, that Respondent took Board action to effectuate a policy or plan, or took action that was unrelated to her duties as a Board member. Therefore, the Commission finds that even if all of the facts as alleged in the Complaints are true, there is no sufficient, credible evidence to support a finding that Respondent violated N.J.S.A. 18A:12-24.1(c) of the Code.

**4. Alleged Violation of N.J.S.A. 18A:12-24.1(e)**

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. Although Complainants argue that Respondent attended a meeting, they do not specifically indicate what purported personal promises she made at this meeting (if any), or how her attendance at this public meeting was beyond the scope of her duties as a Board member and, thereby, had the potential to compromise the Board. By Complainants' own admission, they too were invited to attend, but declined. Accordingly, the Commission finds that even if all of the facts as alleged in the Complaints are true, there is no sufficient, credible evidence to support a finding that Respondent violated N.J.S.A. 18A:12-24.1(e) of the Code.

**5. Alleged Violation of N.J.S.A. 18A:12-24.1(f)**

As set forth in N.J.A.C. 6A:28-6.4(a)(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 Respondent, a member of his or her immediate family or a friend. Once again, neither Complainant offered factual evidence to demonstrate that Respondent attended this meeting on behalf of, or at the request of, a special interest group. Instead, it appears that Respondent, like another Board member, merely attended a meeting that was open to the public to discuss a topic being addressed by the Board. Therefore, the Commission finds that even if all of the facts as alleged in the Complaints are true, there is no sufficient, credible evidence to support a finding that Respondent violated N.J.S.A. 18A:12-24.1(f) of the Code.

**6. Alleged Violation of N.J.S.A. 18A:12-24.1(g)**

Pursuant to N.J.A.C. 6A:28-6.4(a)(7), factual evidence of a violation of the confidentiality provision of N.J.S.A. 18A:12-24.1(g) shall include evidence that Respondent took action to make public, reveal or disclose information that was not public under any laws, regulations or court orders of this State, or information that was otherwise confidential in accordance with board policies, procedures or practices. There is nothing in either Complaint alleging that Respondent disclosed confidential or private information, or the nature of any confidential or private information she allegedly disclosed. In fact, neither Complainant alleges that Respondent made a statement at the meeting, and instead cite her physical presence as the basis for the alleged violation of the Code. Accordingly, the Commission finds that even if all of the facts as alleged in the Complaints are true, there is no sufficient, credible evidence to support a finding that Respondent violated N.J.S.A. 18A:12-24.1(g) of the Code.

**7. Alleged Violation of N.J.S.A. 18A:12-24.1(i)**

As set forth in N.J.A.C. 6A:28-6.4(a)(9), factual evidence of a violation of N.J.S.A. 18A:12-24.1(i) shall include evidence that Respondent took deliberate action which resulted in undermining, opposing, compromising or harming school personnel in the proper performance of their duties. Based on its review, the Commission finds that neither Complainant has identified the specific action that Respondent took which undermined, opposed, compromised, or harmed school personnel in the proper performance of their duties. Therefore, the Commission finds that even if all of the facts as alleged in the Complaints are true, there is no sufficient, credible evidence to support a finding that Respondent violated N.J.S.A. 18A:12-24.1(i) of the Code.

Accordingly, and granting all inferences in favor of the non-moving party (Complainants), the Commission has determined that Complainants have not alleged facts sufficient to state a claim for a violation of N.J.S.A. 18A:12-24.1(a), (b), (c), (e), (f), (g), and (i) of the Code, based on her attendance at a meeting at which a controversial Board topic was being discussed.

**C. Alleged Violations of Code – Removal of Policy from Agenda**

Complainant Haines also alleges that Respondent violated N.J.S.A. 18A:12-24.1(a), (b), (c), (e), (f), and (i) of the Code when she purportedly removed the transgender policy from the agenda, and did so without first discussing it with the other members of the Board.

**1. Alleged Violation of N.J.S.A. 18A:12-24.1(a)**

As set forth in N.J.A.C. 6A:28-6.4(a)(1), factual evidence of a violation of N.J.S.A. 18A:12-24.1(a) shall include a copy of a final decision from any court of law or administrative agency of this State demonstrating that Respondent failed to enforce all laws, rules and regulations of the State Board of Education, and/or court orders pertaining to schools or that Respondent brought about changes through illegal or unethical procedures. Complainant has not provided a copy of a final decision from any court or administrative agency demonstrating that Respondent failed to comply with a lawful mandate, or otherwise brought about a change through an illegal or unethical procedure. Therefore, the Commission finds that even if all of the facts as alleged in the Complaint

are true, there is no sufficient, credible evidence to support a finding that Respondent violated N.J.S.A. 18A:12-24.1(a) of the Code.

**2. Alleged Violation of N.J.S.A. 18A:12-24.1(b)**

Pursuant to N.J.A.C. 6A:28-6.4(a)(2), factual evidence of a violation of N.J.S.A. 18A:12-24.1(b) shall include evidence that Respondent willfully made a decision contrary to the educational welfare of children, or evidence that Respondent took deliberate action to obstruct the programs and policies designed to meet the individual needs of all children, regardless of their ability, race, color, creed or social standing. Other than asserting that Respondent allegedly removed a matter from the agenda, Complainant Haines did not provide any facts to demonstrate how this alleged action/decision was contrary to the educational welfare of children. Accordingly, the Commission finds that even if all of the facts as alleged in the Complaint are true, there is no sufficient, credible evidence to support a finding that Respondent violated N.J.S.A. 18A:12-24.1(b) of the Code.

**3. Alleged Violation of N.J.S.A. 18A:12-24.1(c)**

As set forth in N.J.A.C. 6A:28-6.4(a)(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. There is nothing in Complainant Haines' Complaint which details the specific factual evidence required by N.J.A.C. 6A:28-6.4(a)(3). There is no factual evidence to establish, or even imply, that Respondent took specific Board action to effectuate a policy or plan, or unrelated to her duties as a Board member. Therefore, the Commission finds that even if all of the facts as alleged in the Complaint are true, there is no sufficient, credible evidence to support a finding that Respondent violated N.J.S.A. 18A:12-24.1(c) of the Code.

**4. Alleged Violation of N.J.S.A. 18A:12-24.1(e)**

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. Although Complainant Haines argues that Respondent allegedly removed a matter from the agenda, he does not specifically indicate what personal promises she made, or how this action, if true, was beyond the scope of her duties and, therefore, had the potential to compromise the Board. Accordingly, the Commission finds that even if all of the facts as alleged in the Complaint are true, there is no sufficient, credible evidence to support a finding that Respondent violated N.J.S.A. 18A:12-24.1(e) of the Code.

**5. Alleged Violation of N.J.S.A. 18A:12-24.1(f)**

As set forth in N.J.A.C. 6A:28-6.4(a)(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 Respondent, a member of his or her immediate family or a friend. Complainant Haines has not offered any factual evidence to demonstrate that Respondent allegedly removed the transgender policy from the agenda on behalf of, or at the request of, a special interest group, or that she did so to benefit herself, a member of her immediate family, or a friend. Therefore, the Commission finds that even if all of the facts as alleged in the Complaint are true, there is no sufficient, credible evidence to support a finding that Respondent violated N.J.S.A. 18A:12-24.1(f) of the Code.

**6. Alleged Violation of N.J.S.A. 18A:12-24.1(i)**

Pursuant to N.J.A.C. 6A:28-6.4(a)(9), factual evidence of a violation of N.J.S.A. 18A:12-24.1(i) shall include evidence that Respondent took deliberate action which resulted in undermining, opposing, compromising or harming school personnel in the proper performance of their duties. Based on its review, the Commission finds that Complainant Haines has not established or articulated any facts to demonstrate how Respondent's alleged removal of the policy from the agenda undermined, opposed, compromised, or harmed *school personnel* in the proper performance of their duties. Accordingly, the Commission finds that even if all of the facts as alleged in the Complaint are true, there is no sufficient, credible evidence to support a finding that Respondent violated N.J.S.A. 18A:12-24.1(i) of the Code.

Based on the foregoing, and granting all inferences in favor of the non-moving party (Complainant Haines), the Commission has determined that Complainant Haines has failed to allege facts sufficient to state a claim for a violation of N.J.S.A. 18A:12-24.1(a), (b), (c), (e), (f), and (i) of the Code based on Respondent's alleged removal of the transgender policy from the Board's agenda.

**IV. REQUEST FOR SANCTIONS**

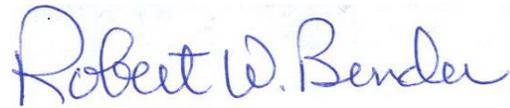
At its meeting on September 26, 2017, the Commission considered Respondent's request that the Commission find the Complaints frivolous and impose sanctions pursuant to N.J.S.A. 18A:12-29(e). Despite Respondent's argument, the Commission cannot find evidence which might show that the Complainants filed their respective Complaints in bad faith or solely for the purpose of harassment, delay, or malicious injury. The Commission also does not have information to suggest that Complainants knew or should have known that their respective Complaints were without any reasonable basis in law or equity or that they 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, the Commission finds that the Complaints are not frivolous, and *denies* Respondent's request for sanctions.

**V. DECISION**

Pursuant to N.J.S.A. 18A:12-29(b), and after reviewing the facts in the light most favorable to the non-moving party (Complainants), the Commission hereby notifies Complainants and

Respondent that, for the reasons set forth above, this consolidated matter is dismissed in its entirety, and neither Complaint is frivolous.

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).



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Robert W. Bender, Chairperson

Mailing Date: November 1, 2017

## **Resolution Adopting Decision – C55-17 and C62-17**

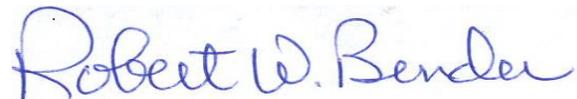
**WHEREAS**, the School Ethics Commission (Commission) considered the Complaints, the Motions to Dismiss in Lieu of Answers (Motions to Dismiss) and the allegations of frivolous filings, and the Responses to Motions to Dismiss and allegations of frivolous filings; and

**WHEREAS**, at its meeting on September 26, 2017, the Commission discussed granting the Motions to Dismiss in their entirety; and

**WHEREAS**, at its meeting on September 26, 2017, the Commission discussed finding the Complaints not frivolous; and

**WHEREAS**, at its meeting on October 31, 2017, the Commission reviewed and voted to approve the within decision memorializing its actions/findings from September 26, 2017; 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.



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Robert W. Bender, Chairperson

I hereby certify that the Resolution was duly adopted by the School Ethics Commission at its public meeting on October 31, 2017.



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Kathryn A. Whalen, Director  
School Ethics Commission