

SEC #C10-96
C # 39-97SEC
SB # 9-97

IN THE MATTER OF EDWARD GORE, :
HAMILTON TOWNSHIP BOARD OF : STATE BOARD OF EDUCATION
EDUCATION. : DECISION

Decided by the School Ethics Commission, November 26, 1996

Decided by the Commissioner of Education, January 30, 1997

For the Complainants-Respondents, Geraldine Callahan, Deputy Attorney General (Peter Verniero, Attorney General of New Jersey)

For the Respondent-Appellant, Destribats, Campbell, DeSantis, Magee & O'Donnell (Dennis DeSantis, Esq., of Counsel)

This appeal arises from a complaint filed with the School Ethics Commission alleging that Edward Gore had used his position as a member of the Hamilton Township Board of Education to secure home addresses of district employees for the purpose of sending those employees an intimidating letter advising them that their jobs could be in jeopardy if they did not vote for the board candidates Mr. Gore had endorsed.

By decision of November 26, 1996, the School Ethics Commission found that Mr. Gore's actions violated N.J.S.A. 18A:12-24(b).¹ It recommended that the Commissioner of Education sanction Mr. Gore for this violation by censuring him.

¹ N.J.S.A. 18A:12-24(b) provides:

By decision of January 30, 1997, the Commissioner determined that censure was the appropriate sanction for such violation.

Mr. Gore has appealed both the Ethics Commission's determination that he violated the School Ethics Act and the sanction imposed on him by the Commissioner of Education. He argues, as he did before the Ethics Commission and the Commissioner, that he did not use his position as a board member to secure the addresses because they were public records. He further contends that it was improper to penalize him for sending the letter at issue since he was exercising his right to free speech.

Based on our review of this matter, and for the reasons expressed by the Ethics Commission in its decision, we affirm the Ethics Commission's determination that Mr. Gore violated N.J.S.A. 18A:12-24(b). We fully concur with the Ethics Commission that although it may have been appropriate for him to obtain employees' addresses for purposes related to board business, in this instance Mr. Gore obtained the information solely for his own political purposes. We find that the inappropriateness of his conduct is amply demonstrated by the fact that the letter was constructed so as to convey the initial impression that it related to official board business and was designed for and sent out to a selected group of district employees over Mr. Gore's signature as vice-president of the Hamilton Township Board of Education.

We also affirm the Commissioner's determination that the appropriate sanction in this case is a censure as delineated by N.J.A.C. 6:3-9.19(c)(1). In this, we join with

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.

the Ethics Commission in rejecting Mr. Gore's claim that a sanction cannot be imposed on him because he was exercising his right to free speech. Quite simply, he is not being sanctioned for the exercise of such rights. Rather, the sanction is for using his position as a member of a district board of education to obtain the home addresses of vulnerable employees in order to send them a targeted letter to solicit votes for the candidates he supported.

Review of Mr. Gore's submissions in this appeal indicates to us that he has not yet acknowledged the impropriety of his conduct or comprehended its seriousness. It is critical that members of district boards of education recognize the importance of maintaining public confidence in them. Central to this is the ability and desire to conform their conduct to the standards set forth in the School Ethics Act. There is no question that Mr. Gore failed to do so in this instance and that the imposition of a sanction is necessary in order to impress upon him the seriousness of this failure. Therefore, we fully concur with the Ethics Commission's recommendation and the Commissioner's determination directing that Mr. Gore be censured.

June 4, 1997

Date of mailing _____