

AGENCY DKT. NO. 64-3/18

JUANITA HYMAN V. LAWRENCE TONY DAVENPORT, :
BOARD OF EDUCATION OF THE CITY OF :
PLEASANTVILLE, ATLANTIC COUNTY. :
: COMMISSIONER OF EDUCATION
PAUL MOORE AND JUANITA HYMAN V. JEROME PAGE, : DECISION
BOARD OF EDUCATION OF THE CITY OF :
PLEASANTVILLE, ATLANTIC COUNTY. :
:
GARNELL BAILEY V. LAWRENCE TONY DAVENPORT, :
JEROME PAGE, MICHAEL BRIGHT, AND :
DORIS ROWELL, BOARD OF EDUCATION OF THE :
CITY OF PLEASANTVILLE, ATLANTIC COUNTY. :

The Commissioner has reviewed the record of this matter and the decision of the School Ethics Commission (SEC), finding that respondents Davenport and Bright violated provisions of *N.J.S.A.* 18A:12-24.1 of the School Ethics Act (SEA), and dismissing the complaints against respondents Page and Rowell.¹ With regard to respondent Davenport, the SEC found that he violated *N.J.S.A.* 18A:12-24.1(e), (g), (i), and (j) in connection with three separate incidents over the course of several months; specifically, Davenport: approached and questioned a building principal regarding a personal matter, which led the building principal to visit her doctor and contact law enforcement; made an inappropriate gesture and used a racial epithet during an encounter with a District employee; and blatantly disregarded the Board’s policies regarding

¹ With regard to Page, the SEC noted that the Administrative Law Judge (ALJ) did not discuss the alleged violation of *N.J.S.A.* 18A:12-24.1(a) and (b), nor did the petitioners file exceptions to the ALJ’s apparent dismissal of those claims. The SEC, therefore, dismissed those allegations, to the extent that the ALJ did not find violations pertaining to those claims and there were no objections filed regarding same. With regard to Rowell, the SEC noted that the ALJ did not discuss the alleged violation of *N.J.S.A.* 18A:12-24.1(g) and (h), nor did the petitioner file exceptions to the ALJ’s apparent dismissal of those claims. The SEC, therefore, dismissed those allegations, to the extent that the ALJ did not find violations pertaining to those claims and there were no objections filed regarding same. Additionally, with regard to Rowell, although the SEC did not specifically dismiss *N.J.S.A.* 18A:12-24.1(f), it is the Commissioner’s understanding – based on the SEC’s reasoning for dismissing the other subsections – that the SEC’s intent was to likewise dismiss the allegation pertaining to *N.J.S.A.* 18A:12-24.1(f). Therefore, *N.J.S.A.* 18A:12-24.1(f) is also deemed dismissed.

the use of facilities.² With regard to respondent Bright, the SEC found that he violated *N.J.S.A.* 18A:12-24.1(j) when he questioned, reprimanded, and coerced action by a District employee, relative to personnel matters that were beyond his purview as a Board member.³

The SEC's decision was forwarded – pursuant to *N.J.S.A.* 18A:12-29 – for the Commissioner's final determination on the following recommended penalties: suspension for sixty days for Davenport; and censure for Bright. No exceptions were filed by any of the parties in this matter, nor have they instituted an appeal pursuant to *N.J.A.C.* 6A:4 *et seq.*

Upon review, the Commissioner concurs with the penalties recommended by the SEC in consequence of the inappropriate conduct of respondents Davenport and Bright, respectively. Accordingly, having been found to have violated *N.J.S.A.* 18A:12-24.1(e), (g), (i), and (j) of the SEA, respondent Davenport is hereby suspended for sixty days from the date of this decision; respondent Bright, having been found to have violated *N.J.S.A.* 18A:12-24.1(j) of the SEA, is hereby censured for his conduct.

IT IS SO ORDERED.⁴

ACTING COMMISSIONER OF EDUCATION

Date of Decision: April 13, 2018

Date of Mailing: April 13, 2018

² The SEC dismissed the allegations that Davenport violated *N.J.S.A.* 18A:12-24.1(a) and (f) on the basis that the ALJ did not find violations of the SEA for those claims, and because there were no objections on the record from the petitioners pertaining to same.

³ The SEC dismissed the allegation that Bright violated *N.J.S.A.* 18A:12-24.1(d) on the basis that the ALJ did not find violations of the SEA relating to the claim, and because there was no objection on the record from the petitioner pertaining to same. Although the SEC did not specifically dismiss *N.J.S.A.* 18A:12-24.1(e) and (f), it is the Commissioner's understanding – based on the SEC's reasoning for dismissing the other subsection – that it was the intent of the SEC to likewise dismiss the allegations pertaining to *N.J.S.A.* 18A:12-24.1(e) and (f). Therefore, *N.J.S.A.* 18A:12-24.1(e) and (f) are also deemed dismissed.

⁴ This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L.* 2008, c. 36. (*N.J.S.A.* 18A:6-9.1)