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**JUAN SANTIAGO**

v.

**JOSEPH ATALLO,  
PATERSON BOARD OF EDUCATION,  
PASSAIC COUNTY**

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: **BEFORE THE SCHOOL**  
: **ETHICS COMMISSION**  
:  
: **Docket No. C06-00**  
:  
: **DECISION**  
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### **PROCEDURAL HISTORY**

This matter arises from a complaint filed on May 19, 2000 alleging that Paterson Board of Education member Joseph Atallo violated the School Ethics Act, N.J.S.A. 18A:12-21 et seq. by engaging in conduct that was unbecoming of a board member. Specifically, the complaint alleges that on May 2, 2000, Mr. Atallo interrupted a board meeting, argued with the board president and slandered board members.

The Commission advised the complainant that the allegations did not set forth a cognizable claim under the School Ethics Act and he was invited to amend his complaint accordingly. The Commission sent a follow up letter advising that the complaint would be dismissed if no amended complaint was received by the Commission's July 25, 2000 meeting.

As no amended complaint or other response was received, the Commission found no probable cause and dismissed the complaint at its public meeting of July 25, 2000.

### **DECISION**

The School Ethics Commission is authorized to hear complaints arising under the School Ethics Act, a set of minimum standards by which all school officials must abide. While the provisions are quite broad in their scope, they do not address every type of conduct that may be considered offensive or inappropriate. The school official's conduct has to be that which violates the public trust or creates justifiable a impression that the public trust is being violated, N.J.S.A. 18A:12-22, and falls within one of the prohibited acts set forth at N.J.S.A. 18A:12-24.

As the conduct alleged does not violate or give the impression of violating the public trust and does not fall within one of the prohibited acts set forth under N.J.S.A. 18A:12-24, the Commission must dismiss the complaint for failing to state a claim under the School Ethics Act.

For the foregoing reasons, the Commission finds no probable cause to credit the allegations in the complaint against Mr. Atallo and, therefore, dismisses the complaint against him.

This decision is a final decision of an administrative agency. Therefore, it is appealable only to the Superior Court--Appellate Division.

Paul C. Garbarini  
Chairperson

**Resolution Adopting Decision -- C06-00**

Whereas, the School Ethics Commission has considered the pleadings filed by the complainant; and

Whereas, the Commission has found no probable cause to credit the allegation that respondent violated the School Ethics Act, N.J.S.A. 18A:12-21 et seq. and therefore dismisses the charges against him; and

Whereas the Commission directed its staff to draft this decision; and

Whereas, the Commission's reasoning is set forth in this decision;

Now Therefore Be It Resolved that the Commission directs its staff to notify all parties to this action of the Commission's decision herein.

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Paul C. Garbarini, Chairperson

I hereby certify that the School Ethics Commission directed that that this decision be drafted and sent at its public meeting on July 25, 2000.

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Lisa James-Beavers  
Executive Director