

BONNIE THORNHILL,	:	BEFORE THE SCHOOL
	:	ETHICS COMMISSION
v.	:	
	:	Docket No.: C03-99
JAMES SCOTT,	:	
<i>EAST ORANGE BD. OF EDUCATION</i>	:	DECISION
<i>ESSEX COUNTY</i>	:	
	:	

PROCEDURAL HISTORY and STATEMENT OF FACTS

This matter arises from a claim that respondent James Scott, Maintenance Department Supervisor for the East Orange Board of Education violated the School Ethics Act, N.J.S.A. 18A:12-21 et seq. Specifically, complainant Bonnie Thornhill alleges that Mr. Scott violated an agreement between the East Orange Board of Education and the company that she represents, Mantek, by using Mantek equipment to deliver a competitor’s product and by damaging Mantek equipment before it was returned to her. Last, she alleges that she was being blackballed by the East Orange Board of Education because she “does not give them anything.”

Commission staff advised Ms. Thornhill that her complaint did not appear to allege any violation of the School Ethics Act, except perhaps the last allegation. Thus, she was invited to file an amended complaint or send a letter clarifying who she is alleging committed the conduct and what she is alleging he or she did to violate the Act. Ms. Thornhill was told that her complaint would be dismissed if she did not file an amended complaint or provide more detailed allegations within twenty days. She did not respond.

Mr. Scott was sent a copy of the complaint and given twenty days to provide a response. He responded by setting forth his version of events concerning the contract with Mantek. He denied any wrongdoing.

The Commission scheduled this matter for dismissal at its May 25, 1999 meeting. In its public session, the Commission found no probable cause and dismissed the complaint.

ANALYSIS

The complainant did not set forth any particular provision of the School Ethics Act that respondent violated. This would not be fatal to her complaint if she had, in fact, set forth allegations that, if proven, would constitute a violation of one of the prohibited acts of N.J.S.A. 18A:12-24. However, after reviewing those provisions, the School Ethics Commission concludes that there are no sections of the statute that are applicable to the facts set forth in the

complaint. Thus, the Commission concludes that the complainant has failed to set forth a claim under which relief can be granted pursuant to the School Ethics Act.

DECISION

For the foregoing reasons, the Commission finds no probable cause to credit the allegations in the complaint and dismisses the complaint against James Scott.

This decision constitutes final agency action and thus is directly appealable to the Appellate Division of the Superior Court.

Respectfully submitted,

Paul C. Garbarini
Chairperson

Resolution Adopting Decision -- C03-99

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

Whereas, the Commission has found no probable cause to credit the allegations that Mr. Scott violated the School Ethics Act and

Whereas, the Commission has reviewed the proposed decision of its staff; and

Whereas, the Commission agrees with the proposed decision;

Now Therefore Be It Resolved that the Commission hereby adopts the proposed decision referenced as its decision in this matter and directs its staff to notify all parties to this action of the Commission's decision herein.

Paul C. Garbarini, Chairperson

I hereby certify that the Resolution was duly adopted by the School Ethics Commission at its public meeting on June 27, 2000.

Lisa James-Beavers
Executive Director