

BONNIE CANDY PHILLIPS	:	BEFORE THE
	:	SCHOOL ETHICS COMMISSION
v.	:	
	:	Docket No. C19-03
SCOTT STRECKENBEIN and	:	
MEMBERS OF THE EDGEWATER	:	
PARK BOARD OF EDUCATION	:	DECISION
<i>BURLINGTON COUNTY</i>	:	
	:	

PROCEDURAL HISTORY

This matter arises from a complaint filed on April 16, 2003, alleging that Edgewater Park Superintendent Scott Streckenbein, and the members of the Edgewater Park Board of Education violated N.J.S.A. 18A:12-24 of the School Ethics Act (“Act”), in creating and approving an administrative position, Coordinator of Educational Technology, for the Superintendent’s wife, Jane Streckenbein.

In their joint answer filed on May 28, 2003, Respondents generally deny that they violated any provision of the Act and that the Superintendent recused himself from the matter concerning his spouse. Additionally, Respondents set forth affirmative defenses. First, they allege that the complaint was filed beyond the time limitations established in regulation at N.J.A.C. 6A:28-1.8 and is thus, barred from review. Respondents also state that the pleadings fail to state a violation within the School Ethics Act.

On June 5, 2003, the Commission sent Complainant a notice that because Respondents raised the affirmative defense of untimeliness regarding the filing of the present complaint, Complainant would have an opportunity to respond to that issue alone prior to its consideration of the matter.

On June 10, 2003, Complainant filed her response to the issue of untimeliness, stating that although the Superintendent’s actions regarding his spouse took place before and on December 17, 2001, she did not discover this situation until October 2002. She then continued by stating that the conflict is continuous because Jane Streckenbein works on a daily basis as a school administrator who is ultimately responsible to her husband, the Superintendent.

At its public meeting on June 24, 2003, the Commission dismissed the complaint because it was filed outside the one-year statute of limitations set forth at N.J.A.C. 6A:28-1.8(a). The Commission, therefore, will not consider the merits of this matter.

ANALYSIS

Respondents assert that the complaint is time-barred pursuant to N.J.A.C. 6A:28-1.8(a), which states:

Anyone may file a complaint with the School Ethics Commission alleging a violation of the School Ethics Act, N.J.S.A. 18A:12-21 et seq., within one year of the alleged violation.

In the present matter, Complainant filed this complaint beyond a year from the Board's action to create and fill the position entitled "Coordinator of Educational Technology" with Jane Streckenbein, spouse of the Superintendent. Complainant, in responding to the timeliness issue, set forth that although the vote appointing Ms. Streckenbein took place on December 17, 2001, Complainant did not discover that this took place until October 2002. Complainant filed her complaint in April 2003, for reasons that are not addressed in her response. The Commission is mindful that the time limitations set forth in the regulations must be enforced if it is to operate in a fair and consistent manner. Therefore, pursuant to N.J.A.C. 6A:28-1.8(a), the Commission must find that the complaint is time-barred.

The Commission does not find the violation alleged in the complaint to be ongoing. The alleged violation took place on December 17, 2001 or before that, if the Superintendent was involved in making the recommendation to the Board for the creation of his wife's position, a fact which he denies. The complaint did not allege that the Superintendent has acted in any way since that time to violate the Act.

DECISION

Based on the foregoing, the Commission has determined to dismiss this complaint. However, the Commission does note that the situation created by the employment of the Superintendent's spouse does require the Superintendent to be mindful of the Commission's rulings where one has a spouse employed in the same school district in order to avoid future complaints under the Act. Further, for future reference, the Commission interprets the Act to prohibit a Superintendent from making recommendations as to his spouse's promotion, tenure or other employment matter if he seeks to avoid a violation of the Act.

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 – C19-03

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

Whereas, the Commission finds that the complaint is time-barred pursuant to N.J.A.C. 6A:28-1.8(a); and

Whereas, the Commission has reviewed the proposed decision of its staff dismissing the complaint; 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 this Resolution
was duly adopted by the School
Ethics Commission at its public meeting
on June 24, 2003.

Lisa James-Beavers
Executive Director