



Patricia Hamilton. The Commission tabled the matter. At its public meeting of March 25, 2003 the Commission voted to find no probable cause and dismissed the complaint. The Commission adopted this decision at its next meeting on May 1, 2003.

## **FACTS**

The Commission was able to discern the following facts on the basis of the pleadings, documents submitted, testimony and its investigation.

Joseph Hazeldine has served on the Keansburg Board of Education since 1996 and at all times relevant to this complaint served as the Board's president. Mr. Hazeldine's wife is an administrator in the Borough at the Port Monmouth Road School. Karen Goode is a resident of the Borough.

Mr. Hazeldine testified that the school gymnasium is open to citizens who annually complete a Use of School Facility form. He noted that the gymnasium weight room in particular is utilized by individuals and organizations in the community, including the Keansburg Municipal Police Department. Mr. Hazeldine admitted that he uses the school gymnasium while students are present and that he occasionally enters into conversations with other individuals who are also using the gymnasium, including students.

Mr. Hazeldine admitted that the evening of the Borough's Council meeting he specifically engaged in a conversation with complainant's son wherein he discussed his belief that the Mayor and the Council acted inappropriately in a matter regarding the police chief.

Mr. Hazeldine admitted that on April 4, 2002, shortly after the death of Board member Violet Kohler and on the day of her wake, he had a discussion with the business administrator regarding running an ad in the Asbury Park Press announcing a Board vacancy and required that all resumes for the position be submitted within 24 hours. The Board ultimately decided that it would table the filling of the vacancy until after the Board's April 2002 elections.

In her affidavit, Annette Jacome, member of the Board, set forth that on the night of the Board elections many of the students had rallied in groups for the candidates and were on opposite street corner. Ms. Jacome set forth that Mr. Hazeldine was standing with one group of students who were using profanity and shouting toward the students who supported opposing parties. Ms. Jacome also set forth that she asked Mr. Hazeldine why he was letting the students curse and in response he made the shape of an 'L' with his hand on his forehead and commented "Mrs. Jacome what are you saying, I can't hear you."

Mr. Hazeldine abstained from voting on contracts with the administrators' union.

## **ANALYSIS**

First, complainant alleges that Mr. Hazeldine discussed politics and made derogatory comments regarding the Borough's Mayor and Council, while using the school gymnasium in violation of N.J.S.A. 18A:12-24(b), which provides:

No school official shall attempt to use his official position to secure unwarranted privileges, advantages or employment for himself, members of his immediate family or others.

The Commission notes Mr. Hazeldine's admission that he does occasionally engage in conversation with students while he is using the school gymnasium. However, the Commission can discern no privilege, advantage or employment that Mr. Hazeldine could obtain from commenting about the Borough's Mayor and Council to students. Therefore, the Commission finds no probable cause to credit the allegation that Mr. Hazeldine violated N.J.S.A. 18A:12-24(b).

Second, complainant alleges that Mr. Hazeldine served as the campaign manager for certain candidates for the Board and publicly mocked students who were campaigning for other candidates in violation of N.J.S.A. 18A:12-24(f), which prohibits a school official from using or allowing to be used his office for the purpose of securing financial gain for himself. The Commission can find no financial benefit to be gained by Mr. Hazeldine serving as the campaign manager for candidates running for the Board. There would have to be some evidence of a financial arrangement of payment for his services. Therefore, the Commission finds that there is no probable cause to credit the allegation that Mr. Hazeldine violated N.J.S.A. 18A:12-24(f).

Third, complainant urges the Commission to find that Mr. Hazeldine violated the Code of Ethics, N.J.S.A. 18A:12-24.1(b), when he approached her minor son and made disparaging comments and used profane language regarding the Mayor and a Councilwoman. N.J.S.A. 18A:12-24.1(b) provides:

I will make decisions in terms of the educational welfare of children and will seek to develop and maintain public schools that meet the individual needs of all children regardless of their availability, race, creed, sex, or social standing.

The Commission notes that under the School Ethics Act, N.J.S.A. 18A:12-24.1(b), the complainant has the burden of proving that the respondent's conduct is in violation of the Code of Ethics. Mr. Hazeldine admits that he did have a conversation with complainant's son regarding the Mayor and a Councilwoman. However, the Commission is without information to show that the remarks made by Mr. Hazeldine constitute a failure to make decisions in terms of the educational welfare of the children or a failure to develop or maintain the schools. Therefore, the Commission finds that there is no probable cause to credit the allegation that Mr. Hazeldine violated N.J.S.A. 18A:12-24.1(b).

Fourth, complainant alleges that Mr. Hazeldine violated N.J.S.A. 18A:12-24(c) when he voted on matters that could affect his wife when she is an administrator in the Borough. N.J.S.A. 18A:12-24(c) provides:

No school official shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial involvement that might reasonably be

expected to impair his objectivity or independence of judgment. No school official shall act in his official capacity in any matter where he or a member of his immediate family has a personal involvement that is or creates some benefit to the school official or member of his immediate family.

Mr. Hazeldine testified that he abstained from voting on all matters that could have affected his wife. The Commission has no minutes of any meeting where he voted on a matter concerning his wife. Therefore, the Commission finds that there is insufficient information to demonstrate that Mr. Hazeldine voted on a matter where he had a direct or indirect financial involvement that might reasonably be expected to impair his objectivity or independence of judgment or has a personal involvement that is or creates some benefit to the school official or member of his immediate family. The Commission finds that there is no probable cause to credit the allegation that Mr. Hazeldine violated N.J.S.A. 18A:12-24(c).

Fifth, complainant urges the Commission to find that Mr. Hazeldine violated N.J.S.A. 18A:12-22(a) when he allegedly told the business administrator to place an ad to fill the unexpired term of deceased Board member Violet Kohler on the day of her wake. N.J.S.A. 18A:12-22(a) provides:

In our representative form of government it is essential that the conduct of members of local boards of education and local school administrators hold the respect and confidence of the people. These board members and administrators must avoid conduct which is in violation of the public trust or which creates a justifiable impression among the public that such trust is being violated.

Mr. Hazeldine testified that he directed the business administrator to do whatever he had done in the past to fill a board vacancy and that the business administrator placed the ad. The Commission finds that Mr. Hazeldine's conduct does not appear to rise to the level of a violation.

## **DECISION**

For the foregoing reasons, the Commission finds no probable cause to credit the allegation that Mr. Hazeldine violated the School Ethics Act and 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 – C41-02

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

**Whereas**, at its meeting of March 25, 2003, the Commission found no probable cause to credit the allegations that Mr. Hazeldine violated the School Ethics Act, N.J.S.A. 18A:12-21 et seq., including the Code of Ethics, N.J.S.A. 18A:12-24.1, and therefore dismissed the charges against him; and

**Whereas**, the Commission requested that its staff prepare a decision consistent with the aforementioned conclusion; and

**Whereas**, the Commission has reviewed the decision and agrees with the 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 May 1, 2003.

---

Lisa James-Beavers  
Executive Director