
VIOLET AND MCRISTCH CHAPPELL

V.

**THEODORE BRYANT,
PLEASANTVILLE BOARD OF EDUCATION
ATLANTIC COUNTY**

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**BEFORE THE SCHOOL
ETHICS COMMISSION**

Docket No.: C45-02

DECISION

PROCEDURAL HISTORY

This matter arises from a complaint alleging that Pleasantville Board of Education (Board) member, Theodore Bryant, violated the School Ethics Act (Act), N.J.S.A. 18A:12-21 et seq. when he asked complainant, Violet Chappell, why she requested a job description for the Community Engagement Coordinator for the District. Second, complainants allege that Mr. Bryant violated the Act by serving as chair of the Board's Community Engagement and Involvement Committee (CEIC) when his domestic partner, Ernestine Smith, who is the district's Community Engagement Coordinator, sits on the Committee. Third, complainants allege that Mr. Bryant violated the Act when he failed to disclose on his Personal/Relative and Financial Disclosure Statement that he lives with Ms. Smith, as alleged. Specifically, complainants allege that Mr. Bryant violated N.J.S.A. 18A:12-24(c), although N.J.S.A. 18A:12-25 applies to the filing of disclosure statements.

In his answer, Mr. Bryant asserts that the conversation he had with Mr. and Mrs. Chappell occurred while he was in route to the restroom and thus, he was not acting in his capacity as a school official. Mr. Bryant admits that he does currently reside at the same residence as Ms. Smith, but asserts that Ms. Smith is not his spouse or his dependent child and therefore is not a member of his immediate family. Mr. Bryant denies that he violated any provision of the Act.

The Commission invited the parties to attend the Commission's meeting on February 25, 2003, to present witnesses and testimony to aid in the Commission's investigation, but did not require them to appear. Complainants appeared *pro se*. Respondent did not appear. The Commission also heard testimony from complainants' witnesses Sonya Torean and David Roundtree.

During its public meeting of February 25, 2003, the Commission voted to find no probable cause. The Commission directed its staff to prepare a decision for adoption at the next meeting. The Commission adopted this decision at its meeting on March 25, 2003.

FACTS

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

Theodore Bryant is a member of the Pleasantville Board of Education (Board) and has served as the chairperson of the Board's CEIC since 2001. The superintendent of schools assigned Ms. Ernestine Smith to the CEIC. The CEIC has no operational budget and Mr. Bryant has no responsibility for supervising or evaluating any of the district employees, as chairperson. The purpose of the CEIC is to enhance community and parental involvement in the school district.

Prior to the Board's October 8, 2002 public meeting, Mrs. Chappell requested the job description for the position of Community Engagement Coordinator and was told by the superintendent's secretary that it would take four to five days to obtain the information. At the Board's meeting later that day, Mr. Chappell questioned the Board regarding the length of time to obtain the job description. While the Board meeting was still in session, Ms. Smith asked to Mr. Chappell if she could speak to him in the hallway. There, she confronted the Chappells as to why they asked for her job description. She was escorted from the hallway by security due to the volume of her voice. While the Chappells were still in the hallway, Mr. Bryant excused himself from the Board meeting saying that he was going to the restroom. In the hallway, he told Mr. and Mrs. Chappell that Ms. Smith had the right to know why they wanted the job description. Mr. Bryant approached Ms. Chappell again at the end of the meeting and again said that Ms. Smith had the right to know why someone was requesting her job description.

ANALYSIS

Complainants urge the Commission to find that Mr. Bryant violated N.J.S.A. 18A:12-24(c), which 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.

First, complainants set forth that Mr. Bryant violated N.J.S.A. 18A:12-24(c) by questioning Mr. and Mrs. Chappell. The Commission notes Ms. Torean's testimony that she was present during the Board meeting and that during the meeting Mr. Bryant excused himself to go to the restroom. The Commission finds that Mr. Bryant was not acting in his official capacity as a Board member when he questioned Mr. and Mrs. Chappell, since the exchange took place outside of the Board meeting. Therefore, the Commission finds no probable cause to credit the

allegation that Mr. Bryant's encounter with Mr. and Mrs. Chappell was in violation of N.J.S.A. 18A:12-24(c).

Next, complainants set forth that the residence under which Mr. Bryant and Ms. Smith are registered to vote is the same, thereby implying that the two share finances from a cohabitation arrangement. Based on this arrangement, complainants allege that it is a violation of N.J.S.A. 18A:12-24(c) for Mr. Bryant to chair the CEIC, on which Ms. Smith sits. The Commission finds that Ms. Smith is not a member of Mr. Bryant's immediate family pursuant to N.J.S.A. 18A:12-23, as she is not his spouse or independent child, although they may currently share the same residence. Therefore, the first question before the Commission under N.J.S.A. 18A:12-24(c) is whether Mr. Bryant has a direct or indirect financial involvement associated with his chairing a committee on which Ms. Smith sits. The Commission notes that the CEIC has no operational budget and functions to enhance community and parental involvement in the school district. Thus, the nature of the CEIC does not lend itself to any financial involvement that would impair Mr. Bryant's objectivity by chairing this committee. Therefore, the Commission is without sufficient information to find that Mr. Bryant has a financial involvement that might reasonably be expected to impair his objectivity by chairing the CEIC.

The second question is whether Mr. Bryant has a personal involvement that creates some benefit to him, since Ms. Smith sits on the CEIC, which he chairs. The Commission notes that as chairperson, Mr. Bryant has no duty to supervise or evaluate any of the district employees, including Ms. Smith. Although Ms. Smith may share a residence with Mr. Bryant, the Commission can discern no benefit to be achieved by Mr. Bryant from his chairing the committee and therefore finds no personal involvement under N.J.S.A. 18A:12-24(c).

For the foregoing reasons, the Commission concludes that there is no probable cause to credit the allegation that Mr. Bryant violated N.J.S.A. 18A:12-24(c).

Complainant also alleges that Mr. Bryant violated the Act when he did not disclose on his Personal/Relative and Financial Disclosure Statement that Ms. Smith lives with him. The relevant provision of the Act is N.J.S.A. 18A:12-25(c), which provides in relevant part:

A school official who fails to file a statement or who files a statement containing information which the school official knows to be false shall be subject to reprimand, censure, suspension or removal...

The Commission can find no false information in Mr. Bryant's 2001 disclosure statements. The Commission notes that the Personal/Relative and Financial Disclosure forms only require that school officials disclose information concerning persons related to them or related to them by marriage pursuant to N.J.S.A. 18A:12-25(a). Since Ms. Smith is not related to Mr. Bryant, the Commission finds no probable cause to credit the allegation that Mr. Bryant violated N.J.S.A. 18A:12-25(c).

DECISION

For the foregoing reasons, the Commission finds no probable cause that Mr. Bryant violated N.J.S.A. 18A:12-24(c) or N.J.S.A. 18A:12-25(c) of 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 – C45-02

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

Whereas, at its meeting of February 25, 2003, the Commission found no probable cause to credit the allegations that Mr. Bryant violated the School Ethics Act, N.J.S.A. 18A:12-21 et seq. 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 March 25, 2003.

Lisa James-Beavers
Executive Director