
ELONDA CURRIE, THERESA
KELLY, LILLIAN E. WATERS,
STEPHEN BONNANI, STEVEN
MOORE & SHAY STEELE

v.

ROCHELLE SALWAY
ATLANTIC CITY
BOARD OF EDUCATION
ATLANTIC COUNTY

BEFORE THE SCHOOL
ETHICS COMMISSION

Docket No. C30-06

DECISION

SHEILA A. THOMAS,

v.

ROCHELLE SALWAY
ATLANTIC CITY
BOARD OF EDUCATION
ATLANTIC COUNTY

BEFORE THE SCHOOL
ETHICS COMMISSION

Docket No. C34-06

DECISION

DANIEL CAMPBELL

v.

ROCHELLE SALWAY
ATLANTIC CITY
BOARD OF EDUCATION
ATLANTIC COUNTY

BEFORE THE SCHOOL
ETHICS COMMISSION

Docket No. C35-06

DECISION

RA SHUN STEWART

v.

ROCHELLE SALWAY
ATLANTIC CITY
BOARD OF EDUCATION
ATLANTIC COUNTY

BEFORE THE SCHOOL
ETHICS COMMISSION

Docket No. C36-06

DECISION

LANNIE ALMOND, ELONDA CURRIE, :
EDNA HALL, PIERRE :
HOLLINGSWORTH, STEVEN :
MOORE, LINDA G. STEELE, :
SHEILA A. THOMAS, LILLIAN E. :
WATERS & STEVEN L. YOUNG :

v. :

ROCHELLE SALWAY :
ATLANTIC CITY :
BOARD OF EDUCATION :
ATLANTIC COUNTY :

**BEFORE THE SCHOOL
ETHICS COMMISSION**

Docket No. C37-06

DECISION

LANNIE ALMOND, JOHN DOLLARD, :
EDNA HALL, LINDA G. :
STEELE, LILLIAN E. :
WATERS & STEVEN L. YOUNG :

v. :

ROCHELLE SALWAY :
ATLANTIC CITY :
BOARD OF EDUCATION :
ATLANTIC COUNTY :

**BEFORE THE SCHOOL
ETHICS COMMISSION**

Docket No. C39-06

DECISION

PATRICIA TWEEDLE :

v. :

ROCHELLE SALWAY :
ATLANTIC CITY :
BOARD OF EDUCATION :
ATLANTIC COUNTY :

**BEFORE THE SCHOOL
ETHICS COMMISSION**

Docket No. C46-06

**DECISION ON
MOTION TO DISMISS**

PROCEDURAL HISTORY

This matter arises from complaints filed in 2006 by multiple complainants alleging that Stephanie Davies-Kahn, Scott Evans and Rochelle Salway, members of the Atlantic City Board of Education (Board) violated the School Ethics Act (Act), N.J.S.A.

18A:12-21 et seq. The complainants specifically allege that respondents violated N.J.S.A. 18A:12-24.1(b), (d), (e), (f), (h) and (i) of the Code of Ethics for School Board Members. Through their attorneys, Jeffrey O. Casazza, Esquire and Chris Meikle, Esquire, the respondents denied the allegations, filed a motion to dismiss and asked the Commission to impose sanctions against the complainants pursuant to N.J.S.A. 18A:12-29(e).

Complaints C30-06, C34-06, C37-06, C39-06 and C46-06 were consolidated for consideration of the motion to dismiss. At its January 23, 2006 meeting, the Commission voted to grant the respondents' motion to dismiss all of the allegations against Mr. Evans and Ms. Davies-Khan and to dismiss the allegations that Ms. Salway violated N.J.S.A. 18A:12-24.1(b), (d), (e), (h) and (i). However, the Commission voted to deny the respondents' motion to dismiss the complainants' allegation that Ms. Salway violated N.J.S.A. 18A:12-24.1(f).

Complaints C35-06 and C36-06 were consolidated for consideration of the motion to dismiss. At its July 24, 2007 meeting, the Commission voted to grant the respondents' motion to dismiss all of the allegations against Mr. Evans and Ms. Davies-Khan and to dismiss the allegations that Ms. Salway violated N.J.S.A. 18A:12-24.1(b), (d), (e), (h) and (i). However, the Commission voted to deny the respondents' motion to dismiss the complainants' allegation that Ms. Salway violated N.J.S.A. 18A:12-24.1(f). The Commission also found that the complaints were not frivolous and denied the respondents' request for sanctions against the complainants.

Ms. Salway, through her attorneys, relied upon a March 26, 2007 affidavit filed with the motion to dismiss as her answer to the allegation that she violated N.J.S.A. 18A:12-24.1(f) of the Code of Ethics for School Board Members. The Commission consolidated C30-06, C34-06, C35-06, C36-06, C37-06, C39-06 and C46-06 and invited all of the parties to attend its April 1, 2008 meeting for a hearing to determine whether Ms. Salway violated N.J.S.A. 18A:12-24.1(f). None of the parties attended the meeting. During the public portion of the meeting, the Commission voted to dismiss the complaint, finding that the complainants did not meet their burden to prove that Ms. Salway violated N.J.S.A. 18A:12-24.1(f) of the Code of Ethics for School Board Members. The Commission also found that the complaints were not frivolous and denied the respondents' request for sanctions against the complainants.

THE PLEADINGS

By way of background, it is undisputed that Ms. Salway was at all times relevant to these complaints a member the Board, which has 12 members with seven members making a quorum.

The complainants allege that, at the June 27, 2006 Board meeting, Ms. Salway, was in the Board room up at the dais prior to the roll call. At that time, Atlantic City Council President Craig Callaway told Ms. Salway to leave the room. In response, Ms. Salway left the room before the roll call leaving only six members of the Board present.

After the roll call was taken, there was not a quorum and the meeting was cancelled for lack of a quorum. (Consolidated complaints paragraph 2) The complainants also allege that Ms. Salway was quoted in a June 28, 2006, Press of Atlantic City article as saying, "...the nature of the divided board means that the group had to wait until all board members were present to keep from tipping the balance of the votes." (*Id.* paragraph 2) The complainants assert that the quote in the newspaper and Ms. Salway's conduct in leaving the dais upon the direction of the Atlantic City Council President proves that Ms. Salway surrendered her independent judgment to special or partisan political groups.

In her answer, Ms. Salway asserts that the June 27, 2006 meeting did not start on time and she went outside to smoke a cigarette, which is something she normally does when Board meetings do not start on time. (Affidavit of Respondent, paragraphs 3 and 4) She also asserts that when she returned to the room, she learned that the meeting had been cancelled because a quorum was not present. (*Id.* paragraph 5) She avers that the complainants were not present at the meeting and she did not surrender her independent judgment to special interest or partisan political groups. (*Id.* at paragraphs 6 and 7)

FINDINGS OF FACT

The Commission found the following facts based on the pleadings and documents on the record.

1. Ms. Salway was a Board member at all times relevant to these complaints.
2. On June 27, 2006, the Board scheduled a meeting and there were approximately 100 people in attendance.
3. Prior to the roll call, a quorum, including Ms. Salway, was present for the meeting.
4. At some point prior to the roll call, Ms. Salway left and she was not present for the roll call.
5. After the roll call, the June 27, 2006 Board meeting was cancelled due to lack of a quorum.
6. Ms. Salway was quoted in a June 28 2006, Press of Atlantic City article as saying, "...the nature of the divided board means that the group had to wait until all board members were present to keep from tipping the balance of the votes."

ANALYSIS

The complainants assert that Ms. Salway's conduct at the June 27, 2006 Board meeting violated N.J.S.A. 18A:12-24.1(f) of the Code of Ethics for School Board Members. Pursuant to N.J.A.C. 6A:28-6.9, it was the complainant's burden to prove these alleged violations. Thus, the complainants must demonstrate that Ms. Salway

violated her duty not to surrender her independent judgment to special interest or partisan political groups or to use the schools for personal gain or for the gain of friends.

To prove a violation of N.J.S.A. 18A:12-24.1(f), the complainants assert that Ms. Salway surrendered her independent judgment to special interest or partisan political groups when she left the Board's meeting room after the Atlantic City Council President asked her to leave. However, there is nothing on the record to show that Ms. Salway or the Atlantic City Council President were members of any special interest or partisan political group. There is no evidence connecting Ms. Salway with the Atlantic City Council President through any special interest or partisan political groups. Moreover, the record is devoid of evidence to show that Ms. Salway left the meeting room for the sole reason that the Atlantic City Council President asked her to leave. Ms. Salway avers that she left the room to smoke a cigarette as she usually does when meetings start late. There is nothing on the record to show that this is not true. The fact that Ms. Salway left the meeting room does not prove a violation of N.J.S.A. 18A:12-24.1(f).

The complainants also assert that the quote in the June 28, 2006, Press of Atlantic City article from Ms. Salway saying that, "...the nature of the divided board means that the group had to wait until all board members were present to keep from tipping the balance of the votes" shows that she surrendered her independent judgment to special interest or partisan political groups. Again, the complainants failed to provide evidence to show that a special interest or partisan political group was connected to Ms. Salway's statement.

Based on the foregoing, the Commission finds that the complainant has failed to establish that the respondent violated N.J.S.A. 18A:12-24.1(f).

REQUEST FOR SANCTIONS

At its April 1, 2008 meeting, the Commission considered the respondent's request that the Commission find that the complaints were frivolous and impose sanctions pursuant to N.J.S.A. 18A:12-29(e). The Commission can find no evidence which might show that the complainants filed the complaints in bad faith solely for the purpose of harassment, delay or malicious injury. The Commission also has no information to suggest that the complainants should have known that the complaints were without any reasonable basis in law or equity or that the complaints could not be supported by a good faith argument for an extension, modification or reversal of existing law. For the foregoing reasons, the Commission finds that the complaints are not frivolous and denies the respondents' request for sanctions against the complainant.

DECISION

Based on the documentary evidence, the Commission finds that the complainant has failed to prove factually that Rochelle Salway violated N.J.S.A. 18A:12-24.1(f) of the Code of Ethics for School Board Members. Consequently, the complaint is dismissed.

This decision is a final decision of an administrative agency. Therefore, it is appealable only to the Superior Court--Appellate Division. See, New Jersey Court Rule 2:2-3(a).

Paul C. Garbarini
Chairperson

**Resolution Adopting Decision – C30-06, C34-06, C35-06, C36-06,
C37-06, C39-06 and C46-06**

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

Whereas, at its meeting of April 1, 2008, the Commission found that the complainants had not established that Rochelle Salway violated the School Ethics Act, N.J.S.A. 18A:12-21 *et seq.* and therefore dismissed the charges against her; and

Whereas, the Commission directed its staff to 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 April 22, 2008.

Joanne Boyle, Executive Director