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**VILMA REYES, SILVIO ACOSTA,  
AND ANTOINETTE VECCHIO**

**v.**

**MATTHEW CHENG  
WEST NEW YORK BOARD OF EDUCATION,  
HUDSON COUNTY**

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**BEFORE THE SCHOOL  
ETHICS COMMISSION**

**OAL Dkt. No. EEC 09926-14  
SEC Docket No. C11-14**

**FINAL DECISION**

## **PROCEDURAL HISTORY**

This matter arises from a Complaint filed on March 24, 2014 by Vilma Reyes, Silvio Acosta and Antoinette Vecchio, alleging that Matthew Cheng, a member of the West New York Board of Education, violated the School Ethics Act (Act), N.J.S.A. 18A:12-21 et seq. Specifically, the Complaint alleged that the Respondent violated N.J.S.A. 18A:12-24.1(e) of the Code of Ethics for School Board Members (Code). By letter dated April 4, 2014, the School Ethics Commission (Commission) notified the Respondent that charges against him were filed with the Commission and advised that he had 20 days to answer the Complaint. On April 21, 2014, the Respondent filed his Answer.

By letter dated May 2, 2014, the Commission notified the Complainants and Respondent that this matter was scheduled for discussion before the Commission on May 27, 2014, in accordance with N.J.A.C. 6A:28-10.8. Therein, the parties were specifically advised that the Commission would take one of several actions: decide to retain the Complaint for a hearing by the Commission at a later date; decide to refer the matter to the Office of Administrative Law for a hearing; table the matter to request additional information or legal advice; or dismiss the Complaint where the allegations in the Complaint, on their face, were insufficient, even if true, to warrant review by the Commission as possible violations of the Act.

At its meetings on May 27, 2014 and June 24, 2014 to review the matter, the Commission voted to transmit the Complaint to the Office of Administrative Law (OAL) for a plenary hearing as a contested case, pursuant to N.J.S.A. 52:14B-1-15, N.J.S.A. 52:14F-1-13.

This matter was transmitted to the OAL on July 28, 2014. Complainants Reyes and Vecchio withdrew their claims on January 5, 2015. A hearing was conducted at the OAL on May 28, 2015, at which time the remaining Complainant, Silvio Acosta, and the Respondent reached a Settlement Agreement, with the intent to settle and resolve all issues. The Administrative Law Judge (ALJ) concluded that the Agreement met the requirements of N.J.A.C. 1:1-19.1, closed the record on May 28, 2015, and issued her Initial Decision on the same day. The matter was returned to the Commission for review on May 28, 2015. Pursuant to N.J.S.A. 52:14B-10(c) and N.J.A.C. 1:1-18.8 and for good cause shown, the Commission was granted an extension of time in which to issue its final decision in this matter.

The Initial Decision of the ALJ, approving the Agreement, was reviewed by the Commission at its meeting on June 30, 2015. The Commission determined to accept the proposed settlement.

## **ANALYSIS**

The parties to the Agreement fully set forth the terms of the settlement and consider it a complete release of all claims arising out of the facts of this controversy. The Respondent states that he mistakenly sent a letter to the editor on February 17, 2014 by e-mail without including the disclaimer that his comments were his opinion alone and were not the opinions of the Board of Education. The Respondent also acknowledges that on February 20, 2014 he wrote to the editor and requested to insert the disclaimer and further agrees to send the same request to the editor of another publication. By signature of both parties, the Agreement resolved the matter between them.

## **DECISION**

Upon review and for the reasons set forth above, the Commission adopts the Initial Decision of the ALJ accepting the Settlement Agreement, signed by the parties in this matter. Moreover, the Commission approves the parties' settlement and adopts the Initial Decision as the final decision in this matter. The matter is hereby dismissed, subject to compliance with the terms of the settlement.

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Robert W. Bender  
Chairperson  
School Ethics Commission

Mailing Date: July 29, 2015

## Resolution Adopting Decision – C11-14

**Whereas**, pursuant to N.J.A.C. 6A:28-10.8(a), the Commission voted to transmit this matter to the Office of Administrative Law (OAL) for hearing; and

**Whereas**, while at the OAL, the parties to this matter executed a Settlement Agreement setting forth the terms and conditions of a settlement; and

**Whereas**, the Administrative Law Judge concluded that the Agreement met the requirements of N.J.A.C. 1:1-19.1; and

**Whereas**, at its meeting on June 30, 2015, the Commission determined to accept the proposed settlement; and

**Whereas**, the Commission finds that the within decision accurately memorializes its adoption of the Initial Decision accepting the Agreement;

**Now Therefore Be It Resolved**, that the Commission hereby adopts the within decision and directs it staff to notify all parties to this action of the decision.

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Robert W. Bender, Chairperson  
School Ethics Commission

I hereby certify that this Resolution was duly adopted by the School Ethics Commission at its public meeting on July 28, 2015.

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Joanne M. Restivo  
Acting Executive Director  
School Ethics Commission