

Before the School Ethics Commission
OAL Docket No.: EEC-11503-17
SEC Docket No.: C43-17
Final Decision

Robert G. Walker,
Complainant

v.

Tacia Raftopoulos-Johnson,
Montague Board of Education, Sussex County,
Respondent

I. Procedural History

This matter arises from a Complaint that was filed on April 3, 2017, by Robert G. Walker (Complainant), alleging that Tacia Raftopoulos-Johnson (Respondent), a then member and President of the Montague Board of Education, violated the School Ethics Act (Act), *N.J.S.A.* 18A:12-21 *et seq.* By correspondence dated April 5, 2017, and May 4, 2017, Complainant was notified that his Complaint was deficient and required amendment before the School Ethics Commission (Commission) could accept his filing. On May 12, 2017, Complainant cured all defects and filed an amended Complaint (Complaint) that was deemed compliant with the requirements detailed in *N.J.A.C.* 6A:38-6.7. The Complaint alleges that Respondent violated *N.J.S.A.* 18A:12-24.1(a), *N.J.S.A.* 18A:12-24.1(d), and *N.J.S.A.* 18A:12-24.1(e) of the Code of Ethics for School Board Members (Code) in Count 4.

On May 15, 2017, the Complaint was served on Respondent, via regular and certified mail, notifying her that charges were filed against her with the Commission, and advising that she had twenty (20) days to respond to the Complaint. On July 10, 2017, and after receiving a brief extension, Respondent filed an Answer to Complaint (Answer).

The parties were notified by correspondence dated July 17, 2017, that this matter would be placed on the Commission's agenda for its meeting on July 25, 2017. At its meeting on July 25, 2017, the Commission considered the parties' filings, and voted to transmit the matter to the Office of Administrative Law (OAL) for a plenary hearing on the allegations set forth in the Complaint.

After the matter was transmitted to the OAL, the parties agreed to amicably resolve the matter, and submitted an executed "Settlement Agreement" to Andrew M. Baron, Administrative Law Judge (ALJ). ALJ Baron reviewed the submission and found that (1) the parties have

voluntarily agreed to the settlement as evidenced by their signatures and/or the signatures of their representatives, and (2) the settlement fully disposes of all issues in controversy and is consistent with law. ALJ Baron concluded that the agreement met the requirements of *N.J.A.C.* 1:1-19.1, and should be approved. ALJ Baron further ordered that the parties comply with the settlement terms, and that the proceedings be concluded.

The Initial Decision was filed with the Commission on January 18, 2019; therefore, the forty-five (45) day statutory period for the Commission to issue its Final Decision was March 4, 2019. Prior to March 4, 2019, the Commission requested a forty-five (45) day extension of time to issue its decision so as to allow the Commission, which only meets monthly, the opportunity to receive and review the full record, including the parties' executed "Settlement Agreement." 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 until April 18, 2019.

At its meeting on February 26, 2019, the Commission considered ALJ Baron's Initial Decision and, at its meeting on March 26, 2019, the Commission voted to adopt ALJ Baron's Initial Decision as its Final Decision, including the parties' "Settlement Agreement," but not to take a position on the enforceability of the terms and conditions of the parties' "Settlement Agreement."

II. Analysis

In their "Settlement Agreement," the parties set forth the terms of their settlement and, by mutual concessions, agreed to "entirely, finally and definitively settle and end all past, present and future disputes between them, existing at present, or existing between them in the future based on facts that neither [Complainant] nor [Respondent] are employed or members of the [Board]..." The parties further agreed that the "Settlement Agreement" terminated the ethics complaint filed by Complainant against Respondent, and "was withdrawn by mutual consent of the parties."

III. Decision

Upon review, and for the reasons set forth above, the Commission adopts ALJ Baron's Initial Decision as its Final Decision, including the parties' fully executed "Settlement Agreement," but does not take a position on the enforceability of the terms and conditions of the parties' "Settlement Agreement." Consequently, this matter is hereby dismissed.

Robert W. Bender
Chairperson

Mailing Date: March 27, 2019

**Resolution Adopting Decision
In Connection With C43-17**

Whereas, at its meeting on July 25, 2017, the School Ethics Commission (Commission) voted to transmit C43-17 to the Office of Administrative Law (OAL) for a plenary hearing on the allegations set forth in the Complaint; and

Whereas, while at the OAL, the parties submitted an executed “Settlement Agreement” to Andrew M. Baron, Administrative Law Judge (ALJ), for review; and

Whereas, ALJ Baron reviewed the parties’ executed “Settlement Agreement,” and found that (1) the parties have voluntarily agreed to the settlement as evidenced by their signatures and/or the signatures of their representatives, and (2) the settlement fully disposes of all issues in controversy and is consistent with law; and

Whereas, ALJ Baron concluded that the agreement met the requirements of *N.J.A.C.* 1:1-19.1, and should be approved; and

Whereas, at its meeting on February 26, 2019, the Commission considered ALJ Baron’s Initial Decision; and

Whereas, at its meeting on March 26, 2019, the Commission voted to adopt ALJ Baron’s Initial Decision as its Final Decision, including the parties’ executed “Settlement Agreement,” but not to take a position on the enforceability of the terms and conditions of the parties’ “Settlement Agreement”; and

Now Therefore Be It Resolved, the Commission hereby adopts the within decision as its Final Decision, and directs its staff to notify all parties to this action of its decision herein.

Robert W. Bender, Chairperson

I hereby certify that this Resolution was duly adopted by the School Ethics Commission at its public meeting on March 26, 2019.

Kathryn A. Whalen, Director
School Ethics Commission