

***Before the School Ethics Commission
OAL Docket No.: EEC-10213-19
SEC Docket No.: C09-19
Final Decision***

**James J. Lynch,
Complainant**

v.

**Michael Skowronski,
East Greenwich Township Board of Education, Gloucester County,
Respondent**

I. Procedural History

The above-captioned matter arises from a deficient Complaint that was initially filed with the School Ethics Commission (Commission) on February 7, 2019, by James J. Lynch (Complainant), the Superintendent of the East Greenwich Township School District (District), alleging that Michael Skowronski (Respondent), a member of the East Greenwich Township Board of Education (Board), violated the School Ethics Act (Act), *N.J.S.A. 18A:12-21 et seq.* On February 20, 2019, Complainant cured all defects and filed an Amended Complaint (Complaint) alleging violations of *N.J.S.A. 18A:12-24.1(a)* of the Code of Ethics for School Board Members (Code) in Counts 1–3, and a violation of *N.J.S.A. 18A:12-24.1(g)* of the Code in Count 3.

At a special meeting on June 19, 2019, and after reviewing the Motion to Dismiss in Lieu of Answer (Motion to Dismiss) filed by Respondent as well as the response thereto filed by Complainant, the Commission voted to grant the Motion to Dismiss as to the alleged violations of *N.J.S.A. 18A:12-24.1(a)* in Counts 1–3; to deny the Motion to Dismiss as to the alleged violation of *N.J.S.A. 18A:12-24.1(g)* in Count 3; to direct Respondent to file an Answer to Complaint (Answer) to the remaining allegation; and to transmit the matter to the Office of Administrative Law (OAL) following receipt of the Answer. On July 8, 2019, Respondent filed an Answer as directed, and on July 16, 2019, the above-captioned matter was transmitted to the OAL for a plenary hearing.

At the OAL, the matter was assigned to the Honorable David M. Fritch, Administrative Law Judge (ALJ Fritch). On November 20, 2019, the matter was heard as a contested case pursuant to *N.J.S.A. 54:14B-1 et seq.*, and *N.J.S.A. 52:14F-1 et seq. Initial Decision at 2.* Following the hearing, and at the request of the parties, the record remained open to allow for the submission of written post-testimonial submissions. *Id.* Upon receipt of all submissions, the record closed on January 22, 2020. *Id.*

On February 25, 2020, ALJ Fritch issued an Initial Decision detailing his findings of fact, and legal analysis. Based on his findings of fact and legal analysis, ALJ Fritch concluded that Petitioner failed to prove, by a preponderance of the competent and credible evidence, that

Respondent's email violated *N.J.S.A.* 18A:12-24.1(g). *Id.* at 15-16. Based on this legal conclusion, ALJ Fritch ordered that the above-captioned matter be dismissed.

The Commission acknowledged receipt of ALJ Fritch's Initial Decision on February 25, 2020; therefore, the forty-five (45) day statutory period for the Commission to issue a Final Decision was April 10, 2020. Prior to April 10, 2020, 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' Exceptions (if any). 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 May 25, 2020.

On March 16, 2020, Complainant filed Exceptions to the Initial Decision. On March 20, 2020, Respondent filed a Reply to Complainant's Exceptions.

At its meeting on April 21, 2020, the Commission considered and discussed the full record in this matter, including ALJ Fritch's Initial Decision, Complainant's Exceptions, and Respondent's Reply to Complainant's Exceptions. Thereafter, and at its meeting on May 19, 2020, and for the reasons more fully detailed below, the Commission voted to adopt ALJ Fritch's findings of fact, but to reject ALJ Fritch's legal conclusion that Respondent failed to meet his burden to prove a violation of *N.J.S.A.* 18A:12-24.1(g). Based on its finding of a violation, the Commission recommended a penalty of reprimand.

II. Initial Decision

As set forth in the Initial Decision, and based on the documentary and testimonial evidence offered by the parties, ALJ Fritch found twenty (20) operative facts to be undisputed. Those most operative include the following:

- 1) Complainant is currently employed as the Superintendent of the District, and was the Superintendent of the EGSD in January 2019. *Id.* at 3.
- 2) Respondent is a member of the Board, and has been a member of the Board since January 2, 2019. *Id.*
- 3) On January 14, 2019, there was an incident at a United Parcel Service (UPS) facility in Logan Township, New Jersey, involving an individual with a handgun who had held two hostages in the building in a standoff with law enforcement. The suspect in that incident was shot by police after leaving the UPS facility. *Id.*
- 4) As a result of the incident on January 14, 2019, several local schools were put on "shelter in place" that day as a precaution. *Id.*
- 5) Because the District's schools were far enough away from the incident, Complainant, upon the advice of local law enforcement, did not close the District schools or place the schools into a shelter-in-place status. *Id.*
- 6) On January 15, 2019, members of the Board received a letter (via email) from Lisa Christopher (Christopher). Christopher is a parent of students enrolled in the District, and is also employed as a teacher in the District. *Id.*

- 7) Christopher's letter stated, in relevant part, that after the incident occurred, she called the school where her children were in attendance and was told, after asking, that the school was not doing anything in response to the incident; Christopher expressed her concern with the lack of response, and the school's staff told her (Christopher) that they would let Complainant know; shortly thereafter, Complainant went to the school where Christopher worked and called her out of her classroom to meet with him in the office; in their meeting, Complainant "expressed that he was offended that Christopher would question his authority" and told her that "he doesn't question them about their jobs just like they don't question him about his job"; Christopher's letter also indicated that, although she was not the only parent who complained, she felt she was singled out as she was personally visited by Complainant. *Id.* at 3-4.
- 8) On January 16, 2019, Lynn McGravey (McGravey), Board President, sent an email to Christopher which stated, in pertinent part, "... thank you for your email. Please know that the Board will collectively review/discuss your email and appreciates and understands the seriousness of your concerns" *Id.* at 4.
- 9) At its meeting on January 16, 2019, the Board met and discussed Christopher's communication in executive session. *Id.* at 5.
 - a) Respondent testified that, on the date of the meeting, he stated in public session that he wished to address the issues raised by Christopher's letter, but was told that Complainant was handling that issue. Respondent stated in the public session that it was not appropriate for Complainant to handle a complaint about himself and moved to have the issue addressed in executive session. *Id.*
 - b) The public minutes from the meeting indicate that the Board met and "discussed an employee's communication concerning the District's response to the incident at the UPS in Logan Township." *Id.*
 - c) McGravey testified that, as part of the Board's discussion, it was agreed that she (McGravey) should contact Christopher to update her on the Board's actions regarding her letter. *Id.*
- 10) On January 19, 2019, McGravey emailed Christopher and informed her, in relevant part:

After receiving your letter, the Board discussed the points and questions you raised during our executive session held on January 16, 201[9], including, but not limited too [sic], the actual decision making process, communication, safety protocols and the use of the expertise of the [East Greenwich Police Department (EGPD)] to assist in making both immediate decisions regarding an incident and short and long term school safety plans and measures. While it is always easier for us to review, analyze and sometimes second guess a course of action after the fact, the Board concurs that the safety of the students was not in jeopardy on Monday and reliance on the expertise of the EGPD was properly placed. Please know that the Board recognizes and is committed to ensuring the safety of both students and staff is of utmost importance and has empowered the district

leadership team to make decisions regarding school safety that protect everyone without causing undue panic.

Id.

- 11) On January 19, 2019, Christopher responded to McGravey's email and expressed concern that "the board thinks it's acceptable for the superintendent to not only berate a parent for expressing a concern but also to tell that parent they shouldn't question his authority and for the superintendent to intimidate them at work." *Id.* at 6. Christopher's email ended by saying "[c]hanges aren't made by keeping silent and sweeping things under the carpet." *Id.*
- 12) On January 22, 2019, McGravey replied to Christopher and thanked her for the email. *Id.* When McGravey replied to Christopher, she copied the entire Board. *Id.*
- 13) On January 22, 2019, Respondent replied to McGravey's email, which included every member of the Board as well as Christopher. Respondent's email stated, in pertinent part:

... in regards to Ms. Christopher's letters . . . Since we received this second communication, I feel compelled to suggest we revisit this, or "re-handle" this, if not only via email as a group. . . . But I do not feel we really addressed this (and the very specific concerns outlined) adequately. I don't think having [Complainant] handle a complaint about [Complainant] is how we really want to handle this . . . But the concerns in the communications are serious, and specific. I believe the 4 main points are (harassment, safety, communication, and fear of retaliation), but her communication . . . includes the following:

First letter:

- Was called out of her classroom
- Singled out and was called to the office
- Children dismissed without officers present
- No officer at entrance of building
- [Complainant] doesn't question them about their jobs
- No community member, parent, or employee should be made to feel wrong for questioning the safety
- Email should have been sent informing parents & staff we were aware

Second letter:

- Communication as a whole seems to be an underlying problem in our district
- Why couldn't an email still go out to alleviate any concerns
- Board thinks its acceptable for the superintendent to not only berate a parent for expressing a concern but to also tell that parent they shouldn't question his authority and for the superintendent to intimidate them at work
- I was under the impression that as a parent and a tax payer I have a right to ask questions
- I was very uncomfortable writing the first letter
- Fear of retaliation for herself, children, and family
- Putting my faith in the [Board]

Employers are nervous when faced with safety, discrimination, and harassment complaints, and so should we. Such complaints lead to workplace tension, government investigations, and costly legal battles. If the complaint is mishandled, even if unintentionally, we may unwittingly put ourselves and our stakeholders at risk.

If we take the complaint seriously however, we can reduce the likelihood of a lawsuit and even improve employee/parent/guardian relations in the process. I would suggest either "ricing" those we need to talk to, not in a "you're in trouble" sort of way, but rather in a due-diligence sort of way. Alternatively, we can look at it as an opportunity to review or discuss best practices in-house. Not in an accusatory manner, but as an exercise in how we must treat these situations, our staff, and to mitigate risk.

We answered Ms. Christopher's original message saying we discussed it as a board. But I don't know that it would have even happened had I not called the ES, and that both worries and saddens me . . . I feel we have a fiduciary responsibility to address these specific concerns as a group, including [Complainant]. Ms. Christopher is correct, changes aren't made by keeping silent and sweeping things under the carpet. . . .

Id. at 6-8.

- 14) McGravey testified that "the best practice suggestions from NOLO" attached to Respondent's email were documents from a publicly available legal website. *Id.* at 8.

- 15) Respondent testified that he replied to McGravey's email by hitting "reply all," and in doing so, he inadvertently copied Christopher on the email which he only intended to go to his fellow Board members. *Id.*

In the "Legal Discussion" section of his Initial Decision, ALJ Fritch also noted the following: Respondent testified, credibly, that the inclusion of a non-Board member (Christopher) on his January 22, 2019, email was an inadvertent mistake; negative, and even allegedly defamatory comments by a Board member do not meet the threshold for a violation of *N.J.S.A.* 18A:12-24.1(g) unless the information is otherwise confidential or untrue; it is undisputed that the Board's discussion of Christopher's letter was conducted in executive session on January 16, 2019; Respondent initiated the executive session on January 16, 2019, in order to discuss Christopher's letters; the fact that Christopher's communications were discussed in executive session, by itself, is not confidential information within the purview of *N.J.S.A.* 18A:12-24.1(g); the Board President testified that she sent an email to Christopher, at the direction of the Board, to update her (Christopher) on the Board's actions in response to her letters; it is clear that Christopher knew of her own complaints to the Board and knew that those complaints were discussed by the Board in executive session on January 16, 2019; the portions of Respondent's January 22, 2019, email which summarize Christopher's letters and their contents was not information previously unknown to Christopher (as the author of those letters) or to the other members of the Board, and was not confidential; and Respondent's January 22, 2019, email contains no details regarding the deliberations or discussions which were conducted during executive session and would otherwise be considered confidential. *Id.* at 11-14.

As to Complainant's contention that Respondent's email improperly disclosed five (5) pieces of information "derived from closed session," ALJ Fritch found that the "first three of these alleged 'disclosures' merely recite the information contained in the Christopher letter." *Id.* at 14. In this regard, Christopher's January 15, 2019, letter to the Board complained about Complainant, and further detailed that after Christopher expressed concern with the handling of the shelter-in-place incident, Complainant went to Christopher's place of work, called her into the office, and told her (Christopher) that he was "highly offended" that she would question his authority. *Id.* Christopher's follow-up letter expressed her concerns with Complainant berating a parent and intimidating an employee at work. *Id.* at 14-15. According to ALJ Fritch, "... it is clear that Christopher knew that she wrote the letters in question, was familiar with their content, and knew that she had submitted them to the [Board] independent of any information communicated by [Respondent's] email." *Id.* at 15. As a result, Christopher's letters, and their content were not, as argued by Complainant, "derived from closed session of the [Board] and were not confidential or otherwise not previously known to any of the recipients of [Respondent's] email from January 22, 2019." *Id.*

Regarding the final two alleged "disclosures" in Respondent's email, ALJ Fritch noted that those statements, on their face, are an expression of Respondent's opinion regarding the proper way to handle Christopher's complaints, and do not make any reference to discussions or deliberations that were conducted by the Board in executive session. *Id.* Consequently, ALJ Fritch concluded that Complainant has failed to meet his burden to prove, by a preponderance of the competent and credible evidence, that Respondent's actions revealed or disclosed information that was confidential within the meaning of *N.J.S.A.* 18A:12-24.1(g). *Id.*

Even if the information was confidential, Complainant needed to prove that the disclosure needlessly injured another individual or the schools. *Id.* According to ALJ Fritch, the only alleged injury that resulted from Respondent’s email was that it critiqued Complainant in a negative regard based on the criticisms in Christopher’s letters. *Id.* ALJ Fritch found that Complainant failed to demonstrate how Respondent’s summary of Christopher’s complaints about Complainant (which were contained in the letters written by Christopher) caused any needless injury to Complainant, especially since the recipients of the email had already seen the letters and were aware of their contents. *Id.* at 16. Therefore, ALJ Fritch concluded that Complainant failed to present any proof that the disclosure of the information contained in Respondent’s email needlessly injured another person or the schools. *Id.*

Based upon the legal conclusions set forth above, ALJ Fritch concluded that Complainant failed to meet his burden to prove, by a preponderance of the competent and credible evidence, that Respondent’s actions violated *N.J.S.A.* 18A:12-24.1(g) and, therefore, ordered the dismissal of the above-captioned matter.

III. Exceptions

A. Complainant’s Exceptions

Complainant argues that Respondent’s January 22, 2019, email disclosed confidential information, namely: (1) that there was a complaint about Complainant; (2) that he (Complainant) was accused of berating a parent; (3) that he (Complainant) was accused of having intimidated someone at work; (4) that at least one Board member felt that the Board was faced with a discrimination complaint based on his (Complainant’s) actions; and (5) that at least one Board member felt that the Board was faced with a harassment complaint based on his (Complainant’s) actions. Complainant maintains that all of the information in Respondent’s email was “derived” from executive session and, even if it was not (**which it was**), and even if the Board had not discussed the “complaining email from the citizen” until Respondent’s email, Respondent “*still*” would have been discussing “personnel allegations and his [Respondent’s] thoughts related to [Complainant’s] employment” based on conversations from executive session.

Complainant further argues that the claimed inadvertency of this disclosure is irrelevant, and that ALJ Fritch “conflated two issues - whether the confidential information derived from closed session, which it unquestionably did, and whether ... the employee criticized, was needlessly injured, which [he] unquestionably was.” Therefore, Complainant believes that ALJ Fritch “got it wrong” and the Commission should reject ALJ Fritch’s decision.

B. Respondent’s Reply to Complainant’s Exceptions

In his reply to Complainant’s Exceptions, Respondent argues that Petitioner’s “[e]xceptions are nothing more than a repeat of the arguments contained in [Petitioner’s] post-hearing submission ... With the exception of the last paragraph ... the two submissions are identical.” “Regardless, both submissions fail to address the fatal flaws in [Complainant’s] claims which were correctly rejected by the ALJ.”

Respondent agrees with the ALJ's findings, specifically: Respondent's email did not "disclose or reveal any confidential information ..."; the email contained a summary of "non confidential letters" (letters) that were provided by a member of the public regarding Complainant and, therefore, was not confidential or privileged; the recipients of the email were already aware of the information contained in the letters; and the Board "had already waived the confidentiality of the executive session by previously disclosing to the member of the public that the [l]etters and their topics were discussed during an executive or closed session"; and the "critiques" in Respondent's email did not "needlessly injure" Complainant because they merely referenced information and accusations contained in the letters.

Respondent notes that the only "new arguments raised by" Complainant concern the inadvertency of the disclosure. However, Respondent maintains that the ALJ correctly found that Respondent's mistake "has no impact on the current analysis." The other "new argument" raised by Complainant was that the "ALJ conflated two issues, whether the information was confidential and whether [Complainant] was needlessly injured." Respondent asserts that the "ALJ did not conflate these issues and correctly held that no violation occurred because the information contained in the email ... was not confidential and did not needlessly injure" Complainant. Respondent argues that Complainant did not "meet his burden" to prove that Respondent violated *N.J.S.A. 18A:12-24.1(g)*, and reaffirms that he did not reveal confidential information. Therefore, Respondent maintains that the Commission should adopt the ALJ's decision.

IV. Analysis

Respondent is alleged to have violated *N.J.S.A. 18A:12-24.1(g)*. This provision of the Code states, "I will hold confidential all matters pertaining to the schools which, if disclosed, would needlessly injure individuals or the schools. In all other matters, I will provide accurate information" As the remaining allegation only implicates the Code, Complainant bears the burden of proving the alleged violation of *N.J.S.A. 18A:12-24.1(g)* in accordance with the standard enumerated in *N.J.A.C. 6A:28-6.4(a)(7)*, *N.J.S.A. 18A:12-29(b)*. More specifically, "factual evidence of a violation of the confidentiality provision of *N.J.S.A. 18A:12-24.1(g)* shall include evidence that ... [R]espondent took action to make public, reveal or disclose information that was not public under any laws, regulations or court orders of this State, or information that was otherwise confidential in accordance with board policies ..."

With the above in mind, and following a careful, thorough, and independent review of the complete record, including the documentary and testimonial evidence presented, the Commission adopts ALJ Fritch's findings of fact, but rejects ALJ Fritch's legal conclusion that Complainant failed to meet his burden to prove, by a preponderance of the competent and credible evidence, that Respondent violated *N.J.S.A. 18A:12-24.1(g)*.

As an initial matter, the Commission does not agree that the information disclosed by Respondent to Christopher was not confidential. When McGravey, following the Board's discussion in Executive Session, sent a follow-up email to Christopher expressing its support for the decision made by Complainant, Christopher responded and expressed concern with the Board's position, as well as the manner in which the Board was responding to and addressing her complaint. Although the "complaint" was ongoing, the January 22, 2019, email contained "new"

information and had never been discussed by the Board, in Executive Session or otherwise. In addition, by bifurcating the main points communicated by Complainant (first letter vs. second letter), Respondent himself acknowledged that there were at least some issues/concerns in the January 22, 2019, email that were new and different from those initially expressed in the January 15, 2019, communication. By subsequently offering his opinion on the substance of *both* communications submitted by Christopher, including how the Board was handling or should handle the issue, and the potential legal ramifications for failing to do so, Respondent unquestionably disclosed confidential information. The message initially communicated to Christopher by McGravey was that the Board was supportive of Complainant's decision-making, and the information in Respondent's email indicated that at least one member of the Board may have felt otherwise. The opinions of individual Board members are part and parcel of the Board's overall deliberative process, and the fact that they did not necessarily occur in Executive Session does not mean they are not confidential. The information shared by Respondent could have caused Christopher to believe that the Board might change its mind.

In addition, and although ALJ Fritch found that Complainant did not provide sufficient competent and credible evidence to support a finding that the disclosure "needlessly injured" him, the Commission finds that Complainant was not required by *N.J.A.C.* 6A:28-6.4(a)(7) to identify or prove a specific level of injury. The disclosure of the confidential information at issue here, in and of itself, needlessly injured Complainant. As the District Superintendent, any and all deliberative personnel discussions about the manner in which he handled or responded to a specific complaint, especially from a parent (who is also a staff member), with anyone other than the Board unquestionably caused him injury.

V. Decision

For the reasons more fully detailed above, the Commission determines to **adopt** ALJ Fritch's findings of fact, but to **reject** the legal conclusion that Complainant failed to prove, by a preponderance of the competent and credible evidence, that Respondent violated *N.J.S.A.* 18A:12-24.1(g).

VI. Penalty

Having found a violation of *N.J.S.A.* 18A:12-24.1(g), the Commission must now turn to the issue of penalty. In the Initial Decision, ALJ Fritch found that Respondent replied to McGravey's email by hitting "reply all," and in doing so, he inadvertently copied Christopher on the email, which he only intended to go to his fellow Board members. *Id.* at 8. Respondent reiterated the inadvertency of his disclosure in his reply to Complainant's Exceptions.

Although the Commission accepts, as true, that Respondent inadvertently copied Christopher on his email, this inadvertency is of no consequence. All members of a board of education, including Respondent, must always be mindful of who is receiving their emails. The inclusion of any member of the public on the same email as the Board (as an entity) has the potential to violate, among other things, the Open Public Meetings Act, to waive confidentiality of the Board's business, and, as in this case, to result in the disclosure of confidential information.

In a recent case, *Fleres v. Zhong* (West Windsor-Plainsboro Board of Education, Docket No. C17-18, May 2, 2019), the Commission recommended a censure for a Board member who violated *N.J.S.A.* 18A:12-24.1(g) when he intentionally forwarded a message to members of his immediate family about an incident involving a student that resulted in discipline (and which was subsequently shared by a member of his immediate family with “countless others”). Because there is no indication, in the record, that Christopher did anything with the information that she received (e.g., share it with others, use it as a basis to initiate a lawsuit against the District or Complainant, etc.), or that there was any adverse impact on Complainant’s employment, the Commission recommends a penalty of **reprimand**.

Pursuant to *N.J.S.A.* 18A:12-29(c), this decision shall be forwarded to the Commissioner for review of the Commission’s recommended sanctions. Parties may either: 1) file exceptions to the recommended sanction; 2) file an appeal of the Commission’s findings of violations of the Act; or 3) file both exceptions to the recommended sanction and an appeal of the Commission’s findings of violations of the Act.

Parties taking exception to the recommended sanctions of the Commission but *not disputing* the Commission’s findings of violations may file, within **thirteen (13) days** from the date the Commission’s decision is forwarded to the Commissioner, written exceptions regarding the recommended sanctions to the Commissioner. The forwarding date shall be the mailing date to the parties, as indicated below. Such exceptions must be forwarded to: Commissioner of Education, c/o Bureau of Controversies and Disputes, P.O. Box 500, Trenton, New Jersey 08625, marked “Attention: Comments on Ethics Commission Sanction.” A copy of any comments filed must be sent to the Commission and all other parties.

Parties seeking to appeal the Commission’s findings of violations *must* file an appeal pursuant to the standards set forth at *N.J.A.C.* 6A:4, *et seq.* within **thirty (30) days** of the filing date of the decision from which the appeal is taken. The filing date shall be three (3) days after the mailing date to the parties, as indicated below. In such cases, the Commissioner’s review of the Commission’s recommended sanctions will be deferred and incorporated into the Commissioner’s review of the findings of violations on appeal. Where a notice of appeal has been filed on or before the due date for exceptions to the Commission’s recommended sanction (thirteen (13) days from the date the decision is mailed by the Commission), exceptions need not be filed by that date, but may be incorporated into the appellant’s brief on appeal.

Robert W. Bender, Chairperson
School Ethics Commission

Mailing Date: May 19, 2020

**Resolution Adopting Decision
in Connection with C09-19**

Whereas, at a special meeting on June 19, 2019, the School Ethics Commission (Commission) voted to grant Respondent's Motion to Dismiss in Lieu of Answer (Motion to Dismiss) as to the alleged violations of *N.J.S.A.* 18A:12-24.1(a) in Counts 1-3; deny the Motion to Dismiss as to the alleged violation of *N.J.S.A.* 18A:12-24.1(g) in Count 3; and to direct Respondent to file an Answer to Complaint (Answer) to the remaining allegation; and

Whereas, on July 8, 2019, Respondent filed an Answer as directed; and

Whereas, on July 16, 2019, the remaining allegation in the above-captioned matter was transmitted to the Office of Administrative Law (OAL); and

Whereas, on February 25, 2020, and following a hearing on November 20, 2019, the Honorable David M. Fritch, Administrative Law Judge (ALJ Fritch), issued an Initial Decision; and

Whereas, on March 16, 2020, Complainant filed Exceptions to the Initial Decision, and on March 20, 2020, Respondent filed his response to Complainant's Exceptions; and

Whereas, at its meeting on April 21, 2020, the Commission considered the full record in this matter and discussed adopting ALJ Fritch's findings of fact; rejecting ALJ Fritch's legal conclusion that Complainant failed to satisfy his burden to prove, by a preponderance of the competent and credible evidence, that Respondent violated *N.J.S.A.* 18A:12-24.1(g); and recommending a penalty of reprimand; and

Whereas, at its meeting on May 19, 2020, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on April 21, 2020; and

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

Robert W. Bender, Chairperson

I certify that this Resolution was duly adopted by the School Ethics Commission at its public meeting on May 19, 2020.

Kathryn A. Whalen, Director
School Ethics Commission