

***Before the School Ethics Commission
OAL Docket No.: EEC-02398-19
SEC Docket No.: C72-18
Final Decision (On Remand)***

**Rayba Watson,
Complainant**

v.

**Joel Chapman,
Hillside Board of Education, Union County,
Respondent**

I. Procedural History

This matter arises from a Complaint that was filed on November 21, 2018, by Rayba Watson (Complainant), a former member of the Hillside Board of Education (Board), alleging that Joel Chapman (Respondent), a current member of the Board, violated the School Ethics Act (Act), *N.J.S.A.* 18A:12-21 *et seq.* On December 3, 2018, and after curing the deficiencies in her initial Complaint, Complainant 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:12-23.1, *N.J.S.A.* 18A:12-24.1(b), *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(f), and *N.J.S.A.* 18A:12-24.1(i) in Count 1; violated *N.J.S.A.* 18A:12-23.1, *N.J.S.A.* 18A:12-24.1(f), and *N.J.S.A.* 18A:12-24.1(i) in Count 2; and violated *N.J.S.A.* 18A:12-23.1, *N.J.S.A.* 18A:12-24.1(b), *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(f), *N.J.S.A.* 18A:12-24.1(g), and *N.J.S.A.* 18A:12-24.1(i) in Count 3.

At its meeting on January 22, 2019, and after Respondent filed an Answer to Complaint (Answer), which included an allegation of frivolous filing, the School Ethics Commission (Commission) voted to transmit the above-referenced matter to the Office of Administrative Law (OAL) for a plenary hearing where Complainant would carry the burden to prove the alleged violations of the Code of Ethics for School Board Members (Code) as set forth in the Complaint. Also at its meeting on January 22, 2019, and as memorialized in correspondence dated January 23, 2019, to the parties, the Commission voted to reserve its determination on the allegation of frivolous filing, and indicated it would further review Respondent's assertion once an Initial Decision was issued.

At the OAL, Respondent filed a Motion for Summary Decision, and Complainant filed a response. Neither party requested oral argument, and the record closed. Thereafter, and in an Initial Decision dated July 3, 2019, the Honorable Jude-Anthony Tiscornia, Administrative Law Judge (ALJ Tiscornia) detailed his findings of fact and legal analysis. *Initial Decision* at 1-7 (July 3, 2019). More specifically, and based on his findings of facts and legal analysis, ALJ Tiscornia granted Respondent's Motion for Summary Decision because Complainant had not proven, by a preponderance of the competent and credible evidence, that Respondent violated

N.J.S.A. 18A:12-23.1, *N.J.S.A.* 18A:12-24.1(b), *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(f), and *N.J.S.A.* 18A:12-24.1(i) as alleged in Count 1; violated *N.J.S.A.* 18A:12-23.1, *N.J.S.A.* 18A:12-24.1(f), and *N.J.S.A.* 18A:12-24.1(i) as asserted in Count 2; and/or violated *N.J.S.A.* 18A:12-23.1, *N.J.S.A.* 18A:12-24.1(b), *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(f), *N.J.S.A.* 18A:12-24.1(g), and *N.J.S.A.* 18A:12-24.1(i) as argued in Count 3. *Id.* Having concluded that Complainant failed to meet her burden of proof, ALJ Tiscornia dismissed the matter. *Id.* at 6.

At its meeting on September 24, 2019, the Commission adopted a decision remanding the matter to the OAL for further action and development of the record. In particular, although Complainant alleges that Respondent violated *N.J.S.A.* 18A:12-23.1, *N.J.S.A.* 18A:12-24.1(f), and *N.J.S.A.* 18A:12-24.1(i) in Count 2, the Initial Decision concluded that there was insufficient evidence to establish a violation of *N.J.S.A.* 18A:12-23.1, *N.J.S.A.* 18A:12-24.1(b), *N.J.S.A.* 18A:12-24.1(c), and *N.J.S.A.* 18A:12-24.1(f). Although Complainant alleged violations of *N.J.S.A.* 18A:12-23.1 and *N.J.S.A.* 18A:12-24.1(f) in Count 2, she did not allege violations of *N.J.S.A.* 18A:12-24.1(b) or *N.J.S.A.* 18A:12-24.1(c). In addition, the Initial Decision did not address whether, with the standard for summary decision and *N.J.A.C.* 6A:28-6.4(a) in mind, Respondent's actions may have violated *N.J.S.A.* 18A:12-24.1(i) as alleged in Count 2 of the Complaint.

Furthermore, although Complainant asserts that Respondent violated *N.J.S.A.* 18A:12-23.1, *N.J.S.A.* 18A:12-24.1(b), *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(f), *N.J.S.A.* 18A:12-24.1(g), and *N.J.S.A.* 18A:12-24.1(i) in Count 3, the Initial Decision only concluded that there was insufficient evidence to establish a violation of *N.J.S.A.* 18A:12-23.1 and *N.J.S.A.* 18A:12-24.1(i). Although Complainant alleged violations of these statutes, the Initial Decision did not address whether, with the standard for summary decision and *N.J.A.C.* 6A:28-6.4(a) in mind, Respondent's actions may have violated *N.J.S.A.* 18A:12-24.1(b), *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(f), and/or *N.J.S.A.* 18A:12-24.1(g) as asserted in Count 3 of the Complaint.

In its remand decision, the Commission also urged ALJ Tiscornia to review the full contents of the electioneering materials because it appears that there are direct and specific references to the "School Superintendent" and "Leadership."

On April 16, 2020, ALJ Tiscornia issued an Initial Decision (On Remand), and the Commission acknowledged receipt of same; therefore, the forty-five (45) day statutory period for the Commission to issue a Final Decision was June 1, 2020.¹ Prior to June 1, 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 July 16, 2020.

¹ Forty-five (45) days after April 16, 2020, is, technically, Sunday, May 31, 2020.

At its meeting on May 19, 2020, the Commission considered the full record in this matter. Thereafter, and at its meeting on June 23, 2020, the Commission voted to adopt the findings of fact from the Initial Decision (July 3, 2019) and the Initial Decision (On Remand), and to adopt the legal conclusions that Respondent did not violate *N.J.S.A. 18A:12-23.1*, *N.J.S.A. 18A:12-24.1(b)*, *N.J.S.A. 18A:12-24.1(c)*, *N.J.S.A. 18A:12-24.1(f)*, and/or *N.J.S.A. 18A:12-24.1(i)* as alleged in Count 1; did not violate *N.J.S.A. 18A:12-23.1*, *N.J.S.A. 18A:12-24.1(f)*, and/or *N.J.S.A. 18A:12-24.1(i)* as asserted in in Count 2; and did not violate *N.J.S.A. 18A:12-23.1*, *N.J.S.A. 18A:12-24.1(b)*, *N.J.S.A. 18A:12-24.1(c)*, *N.J.S.A. 18A:12-24.1(f)*, *N.J.S.A. 18A:12-24.1(g)*, and/or *N.J.S.A. 18A:12-24.1(i)* as contended in Count 3. The Commission also rejected the legal conclusion that Complainant failed to satisfy her burden of proof as to the alleged violations of *N.J.S.A. 18A:12-24.1(b)* and *N.J.S.A. 18A:12-24.1(c)* in Count 2 solely because Complainant did not allege violations of those subsections of the Code in her Complaint. Finally, and because its determination was previously reserved, the Commission also voted to find that the Complaint is not frivolous, and to deny Respondent’s request for sanctions.

II. Initial Decision (July 3, 2019)

In his Initial Decision (July 3, 2019), ALJ Tiscornia noted that the following facts were undisputed: Complainant is a former Board member; Respondent is a current Board member; during a general meeting of the Board on September 20, 2018, Respondent made a motion to transfer Mrs. Lawler, a former high school secretary and president of the Hillside Education Association (HEA), from the elementary school back to her secretarial position at the high school; after the motion was made, it was withdrawn by Respondent under the advice of Board counsel; during Respondent’s re-election campaign, he was publicly endorsed by the HEA on or about September 21, 2018 (the day after his motion was withdrawn); while running for a seat on the Board in 2018, Respondent allowed for his image to be printed on electioneering materials. *Initial Decision at 2-3 (July 3, 2019).*

In the Legal Discussion section of his Initial Decision (July 3, 2019), ALJ Tiscornia noted that, in Counts 1-3, Complainant alleges a violation of *N.J.S.A. 18A:12-23.1*. *Initial Decision at 3.* After citing the substance of this provision, ALJ Tiscornia concluded that, “it is unclear how [Respondent] could have violated” this provision because he is neither an administrator, nor a charter school trustee, and “none of the alleged bad actions related to any charter school.” *Id.* Therefore, ALJ Tiscornia concluded that *N.J.S.A. 18A:12-23.1* is not applicable to this matter, and any reference made in the Complaint to this statute is “irrelevant and need not be addressed by this tribunal.” *Id.*

Regarding Count 1, and Complainant’s assertion that Respondent’s motion to transfer the HEA President from one position to another was politically motivated, ALJ Tiscornia indicated that Complainant “fails to articulate how the withdrawn motion had any impact on or could have impacted the educational welfare of the children.” *Id.* at 4. Therefore, ALJ Tiscornia found that the withdrawn motion had no impact on the educational welfare of the children within the Hillside School District (District). *Id.* Furthermore, even if Complainant could prove that Respondent’s motion was politically motivated and beyond the scope of his duties as a Board member, the motion was withdrawn by Respondent after conferring with Board counsel. *Id.* Therefore, ALJ Tiscornia found that “the motion had no effect on the policy, procedure, personnel, or any aspect of the Board or the [D]istrict,” and concluded that such a withdrawn

motion could not be a violation of *N.J.S.A.* 18A:12-24.1(b), *N.J.S.A.* 18A:12-24.1(c), or *N.J.S.A.* 18A:12-24.1(f). *Id.*

As for Count 2, and the allegation that the endorsement from the HEA was brought forth in response to Respondent's motion to transfer the HEA President, ALJ Tiscornia found that even if Complainant could prove that Respondent's motion was politically motivated and resulted in the endorsement from the HEA, "it is an undisputed fact that the motion was withdrawn by [Respondent] after conferring with Board counsel." *Id.* at 5. Therefore, ALJ Tiscornia found that the withdrawn motion had no effect on the policy, procedure, personnel, or any aspect of the Board or the District, and concluded that such a withdrawn motion could not be a violation of *N.J.S.A.* 18A:12-24.1(b), *N.J.S.A.* 18A:12-24.1(c), or *N.J.S.A.* 18A:12-24.1(f). *Id.*

Regarding Count 3, and the assertion that Respondent's participation in the production and distribution of the electioneering materials defamed (and undermined) the Superintendent, ALJ Tiscornia noted that Complainant failed to articulate how Respondent's appearance on the subject materials undermines the Superintendent. *Id.* at 5. In addition, and after "a cursory review" of the subject electioneering materials, ALJ Tiscornia found that they do not reference the Superintendent by name, and the office of the Superintendent is not referenced "anywhere." *Id.* Therefore, ALJ Tiscornia concluded that the electioneering materials "could not possibly" undermine the Superintendent, and Respondent's participation in the creation and distribution of these materials does not suggest he failed to support and protect school personnel. *Id.* Therefore, ALJ Tiscornia concluded that Respondent's actions did not violate *N.J.S.A.* 18A:12-24.1(i). *Id.*

Ultimately, ALJ Tiscornia stated, "[Complainant] cites a number of statute provisions in her complaint, but fails to demonstrate how any of the [R]espondent's actions violate these provisions." *Id.* at 6. Consequently, ALJ Tiscornia granted Respondent's motion for summary decision, and dismissed the matter. *Id.*

III. Initial Decision (On Remand)

On remand, a hearing was held on March 10, 2020, at which "the parties agreed and stipulated on the record that the only factual issue at bar on remand is whether the electioneering materials referenced in Count 3 of Petitioner's original complaint do, in fact, reference the office of the school superintendent." *Initial Decision* at 2 (On Remand). ALJ Tiscornia noted, "the scope of the testimony was, thus, limited to this issue." Other than this discrete issue, ALJ Tiscornia "incorporate[d] by reference [his] fact findings as set forth in [his] July 3, 2019, [I]nitial decision." *Id.*

Regarding the electioneering materials: the material consists of one flyer, with information printed on both sides (P-1 and P-2); P-1 states "leadership is the problem"; Complainant testified that, "under the school ethics code, if you are a sitting board member, you shall not defame or speak against leadership"; Complainant explained that when the flyer refers to "leadership," the author is referring to the superintendent; Complainant agreed that the word "superintendent" "does not actually appear in *this portion* of P-1" (emphasis added); Complainant "affirmed that above the text 'leadership is the problem'" there is a "graphic showing a series of years (2014-2018) as they relate to school tax increases"; Complainant "testified that there were multiple superintendents in Hillside" between 2014-2018; Complainant

affirmed that P-2 indicated the flyer was “paid for by The Children First Team,” and although the flyer does not “indicate that Joel Chapman paid for the flyer, she could ‘pull records’ to show ‘who paid for what’”; Complainant did not have “the records” with her at the hearing; Complainant explained that she “interprets ‘leadership’ to mean the school superintendent, the business administrator, and the leaders of the district who work in the central office, and not the Board members”; Complainant noted that “the office of the superintendent is further referenced in the middle of P-1,” which reads, “Why did we hire a school superintendent who has never been a classroom teacher or principal?”; and Complainant affirmed that the office of the superintendent is only mentioned on P-1, and is not mentioned on P-2. *Id.* at 2-3.

According to testimony offered by Anthony Salters, the Municipal Chairman for the Democratic Party of Hillside, his role is to “support[] various candidates for elected positions, such as school board”; Mr. Salters testified that he supported the Children First Team and he prepared the flyers; he stated “he does not need the consent of the candidates ... to prepare materials in support of their candidacy”; and he produced and distributed the flyers without Respondent’s consent. *Id.* at 3.

Based on the testimony of Complainant and Mr. Salters, as well as the documentary evidence, ALJ Tiscornia issued the following findings of fact: the document identified as P-1 contains the word “superintendent” on its face and in the following context: “Why did we hire a school superintendent who has never been a classroom teacher or principal?” According to ALJ Tiscornia, “[n]o evidence was offered to show this question to be factually inaccurate.” ALJ Tiscornia also found that the phrase, “money is not the problem ... leadership is the problem” is found in the lower portion of P-1, and does not “specifically reference the office of the superintendent. *Id.* at 3-4. Finally, ALJ Tiscornia found that Mr. Salters supported the Children First Team, and that he prepared the flyer. *Id.* at 4.

Regarding the alleged violation of *N.J.S.A.* 18A:12-24.1(i) in Count 2 relating to Respondent’s withdrawn motion to move a District employee (and HEA member) from one position to another, ALJ Tiscornia concluded that Complainant “fails to articulate” how Respondent violated *N.J.S.A.* 18A:12-24.1(i). *Id.* at 4. ALJ Tiscornia continues, “even if [Complainant] could prove’ that [Respondent’s] motion ... was politically motivated and resulted in an endorsement by the HEA,” Respondent undisputedly withdrew the motion after consulting with Board counsel. *Id.* Therefore, the withdrawn motion had no effect on the policy, procedure, personnel, or any aspect of the Board or the District, and could not constitute a violation of *N.J.S.A.* 18A:12-24.1(i). *Id.* at 4-5.

As for the alleged violations of *N.J.S.A.* 18A:12-24.1(b), *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(f), and *N.J.S.A.* 18A:12-24.1(g) in Count 3, which alleges that Respondent “allowed for his image to appear on electioneering materials during his campaign while running for a Board position,” ALJ Tiscornia concluded, contrary to Complainant’s assertions, that “the electioneering materials in question here defame no one.” *Id.* at 5. In addition, while the electioneering materials assert that Respondent and his colleagues are “the better choice in an upcoming election, such a position is commonplace in electioneering materials and falls short of any conceivable ethics violation.” *Id.* For these reasons, and regardless of who produced and distributed the electioneering materials, ALJ Tiscornia found that the conduct does not violate

N.J.S.A. 18A:12-24.1(b), *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(f), and/or *N.J.S.A.* 18A:12-24.1(g). *Id.*

Accordingly, ALJ Tiscornia ordered the *dismissal* of the Complaint. *Id.*

IV. Exceptions

Neither Complainant nor Respondent filed Exceptions to ALJ Tiscornia's Initial Decision (On Remand).

V. Analysis

Complainant bears the burden of factually proving the alleged violations of the Code in accordance with the standards enumerated in *N.J.A.C.* 6A:28-6.4(a). *N.J.S.A.* 18A:12-29(b). Upon a thorough, careful, and independent review of the record, the Commission finds that the record supports the findings of fact in ALJ Tiscornia's Initial Decision (July 3, 2019) and Initial Decision (On Remand); supports ALJ Tiscornia's legal conclusions that there is insufficient credible evidence to support violations of *N.J.S.A.* 18A:12-23.1, *N.J.S.A.* 18A:12-24.1(b), *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(f), and *N.J.S.A.* 18A:12-24.1(i) in Count 1; there is insufficient credible evidence to support violations of *N.J.S.A.* 18A:12-23.1, *N.J.S.A.* 18A:12-24.1(f), and *N.J.S.A.* 18A:12-24.1(i) in Count 2; and there is insufficient credible evidence to support violations of *N.J.S.A.* 18A:12-23.1, *N.J.S.A.* 18A:12-24.1(b), *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(f), *N.J.S.A.* 18A:12-24.1(g), and *N.J.S.A.* 18A:12-24.1(i) in Count 3. *See* Initial Decision (July 3, 2019) and Initial Decision (On Remand). To the extent that ALJ Tiscornia determined that Complainant failed to satisfy her burden of proof as to the alleged violations of *N.J.S.A.* 18A:12-24.1(b) and *N.J.S.A.* 18A:12-24.1(c) in Count 2, the Commission rejects those legal conclusions solely because Complainant did not allege violations of those subsections of the Code in her Complaint.

With the above in mind, the Commission finds that the record supports ALJ Tiscornia's decision to dismiss the Complaint.

VI. Request for Sanctions

At its meeting on May 19, 2020, the Commission considered Respondent's request that the Commission find the Complaint frivolous, and impose sanctions pursuant to *N.J.S.A.* 18A:12-29(e). Despite Respondent's argument, the Commission cannot find evidence that might show that Complainant filed the Complaint in bad faith or solely for the purpose of harassment, delay, or malicious injury. The Commission also does not have information to suggest that Complainant knew or should have known that the Complaint was without any reasonable basis in law or equity, or that it could not be supported by a good faith argument for an extension, modification or reversal of existing law. *N.J.A.C.* 6A:28-1.2. Therefore, at its meeting on June 23, 2020, the Commission voted to find the Complaint not frivolous, and to deny the request for sanctions.

VII. Decision

After review, the Commission adopts ALJ Tiscornia's Initial Decision (July 3, 2019), and Initial Decision (On Remand) dismissing the Complaint based on Complainant's failure to satisfy her burden to prove that Respondent violated *N.J.S.A.* 18A:12-23.1, *N.J.S.A.* 18A:12-24.1(b), *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(f), and *N.J.S.A.* 18A:12-24.1(i) in Count 1; *N.J.S.A.* 18A:12-23.1, *N.J.S.A.* 18A:12-24.1(f), and *N.J.S.A.* 18A:12-24.1(i) in Count 2; and *N.J.S.A.* 18A:12-23.1, *N.J.S.A.* 18A:12-24.1(b), *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(f), *N.J.S.A.* 18A:12-24.1(g), and *N.J.S.A.* 18A:12-24.1(i) in Count 3. Notwithstanding its adoption, the Commission rejects the legal conclusion that Complainant failed to satisfy her burden of proof as to the alleged violations of *N.J.S.A.* 18A:12-24.1(b) and *N.J.S.A.* 18A:12-24.1(c) in Count 2 solely because Complainant did not allege violations of those subsections of the Code in her Complaint. Finally, the Commission finds that the Complaint is not frivolous, and denies Respondent's request for sanctions.

Therefore, this is a final agency decision and is appealable only to the Superior Court-Appellate Division. *See, N.J.A.C.* 6A:28-10.11 and *New Jersey Court Rule* 2:2-3(a).

Robert W. Bender, Chairperson
School Ethics Commission

Mailing Date: June 23, 2020

**Resolution Adopting Decision
in Connection with C72-18**

Whereas, by correspondence dated January 23, 2019, the School Ethics Commission (Commission) transmitted the above-referenced matter to the Office of Administrative Law (OAL) for a hearing; and

Whereas, at the OAL, Respondent filed a Motion for Summary Decision and Complainant filed a response; and

Whereas, the Honorable Jude-Anthony Tiscornia, Administrative Law Judge (ALJ Tiscornia) issued an Initial Decision dated July 3, 2019; and

Whereas, in his Initial Decision (July 3, 2019), ALJ Tiscornia granted Respondent's Motion for Summary Decision, finding that Complainant failed to demonstrate how Respondent violated *N.J.S.A.* 18A:12-23.1, *N.J.S.A.* 18A:12-24.1(b), *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(f), and *N.J.S.A.* 18A:12-24.1(i) in Count 1; violated *N.J.S.A.* 18A:12-23.1, *N.J.S.A.* 18A:12-24.1(f), and *N.J.S.A.* 18A:12-24.1(i) in Count 2; and violated *N.J.S.A.* 18A:12-23.1, *N.J.S.A.* 18A:12-24.1(b), *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(f), *N.J.S.A.* 18A:12-24.1(g), and *N.J.S.A.* 18A:12-24.1(i) in Count 3; and

Whereas, at its meeting on September 24, 2019, the Commission adopted a decision remanding the matter to the OAL for further action and development of the record; and

Whereas, following a hearing at the OAL, ALJ Tiscornia issued an Initial Decision (On Remand) dated April 16, 2020; and

Whereas, in his Initial Decision (On Remand), ALJ Tiscornia issued additional findings of fact, concluded that Respondent did not violate *N.J.S.A.* 18A:12-24.1(i) as alleged in Count 2, concluded that Respondent did not violate *N.J.S.A.* 18A:12-24.1(b), *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(f), and *N.J.S.A.* 18A:12-24.1(g) as asserted in Count 3, and ordered the dismissal of the Complaint; and

Whereas, neither Complainant nor Respondent filed Exceptions to the Initial Decision (On Remand); and

Whereas, at its meeting on May 19, 2020, the Commission reviewed and discussed the record, including ALJ Tiscornia's Initial Decision (On Remand); and

Whereas, at its meeting on May 19, 2020, the Commission discussed adopting the findings of fact from the Initial Decision (July 3, 2019) and Initial Decision (On Remand), and adopting the legal conclusions that Respondent did not violate *N.J.S.A.* 18A:12-23.1, *N.J.S.A.* 18A:12-24.1(b), *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(f), or *N.J.S.A.* 18A:12-24.1(i) in Count 1; *N.J.S.A.* 18A:12-23.1, *N.J.S.A.* 18A:12-24.1(f), or *N.J.S.A.* 18A:12-24.1(i) in Count 2; and did not violate *N.J.S.A.* 18A:12-23.1, *N.J.S.A.* 18A:12-24.1(b), *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(f), *N.J.S.A.* 18A:12-24.1(g), or *N.J.S.A.* 18A:12-24.1(i) in Count 3; and

Whereas, at its meeting on May 19, 2020, the Commission discussed rejecting the legal conclusion that Respondent did not violate *N.J.S.A.* 18A:12-24.1(b) or *N.J.S.A.* 18A:12-24.1(c) in Count 2 solely because Complainant did not allege violations of those subsections of the Code in her Complaint; and

Whereas, at its meeting on May 19, 2020, the Commission discussed finding the Complaint not frivolous and denying the request for sanctions; and

Whereas, at its meeting on June 23, 2020, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on May 19, 2020; and

Now Therefore Be It Resolved, the Commission hereby adopts the within decision.

Robert W. Bender, Chairperson

I certify that this Resolution was duly adopted by the School Ethics Commission at its public meeting on June 23, 2020.

Kathryn A. Whalen, Director
School Ethics Commission