

Before the School Ethics Commission
OAL Docket No.: EEC-03400-21 (On Remand)
SEC Docket Nos.: C19-15 and C20-15 (Consolidated)
Final Decision

In the Matter of Donna Puryear,
Neptune Township Board of Education, Monmouth County,
Respondent

I. Procedural History

The above-captioned consolidated matter arises from two separate but related Complaints. In the matter docketed as **C19-15**, Lorri Legere (Complainant Legere) alleged that Donna Puryear (Respondent), a member of the Neptune Township Board of Education (NTBOE, NTSB, or Board), violated multiple provisions of the Code of Ethics for School Board Members (Code). More specifically, Complainant Legere alleged that Respondent violated *N.J.S.A.* 18A:12-24.1(a) and *N.J.S.A.* 18A:12-24.1(e) in Count 1, violated *N.J.S.A.* 18A:12-24.1(g) and *N.J.S.A.* 18A:12-24.1(h) in Count 2, and violated *N.J.S.A.* 18A:12-24.1(e) and *N.J.S.A.* 18A:12-24.1(f) in Count 3. By correspondence dated October 28, 2015, the School Ethics Commission (Commission), advised the parties that the alleged violation of *N.J.S.A.* 18A:12-24.1(a) was dismissed, and that the remaining allegations in the Complaint would be transmitted to the Office of Administrative Law (OAL) for a de novo plenary hearing.

In the matter docketed as **C20-15**, Laura Granelli (Complainant Granelli) also alleged that Respondent violated multiple provisions of the Code. As to this Complaint, Complainant Granelli alleged that Respondent violated *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(e), and *N.J.S.A.* 18A:12-24.1(f) in Count 1, and violated *N.J.S.A.* 18A:12-24.1(e) in Count 2. Also, by correspondence dated October 28, 2015, the Commission, advised the parties that the allegations in the Complaint would be transmitted to the OAL for a de novo plenary hearing.

At the OAL, the above-captioned matters were consolidated with several other related matters by order dated February 2, 2017. *Initial Decision (On Remand)* at 2. On July 1, 2019, the Honorable Patricia M. Kerins, Administrative Law Judge (ALJ Kerins), entered an order granting partial summary judgment, which resulted in the dismissal of “a number of pending matters and claims.” *Id.* Thereafter, the remaining matters “were heard via Zoom video telephone conference on August 19, 2020,” before the Honorable David M. Fritch, Administrative Law Judge (ALJ Fritch). *Id.* Following the submission of written closing submissions by all parties, the record closed on October 28, 2020. *Id.*

On November 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 Complainants Legere and Granelli had proven, by a preponderance of the competent and

credible evidence, that Respondent violated *N.J.S.A. 18A:12-24.1(g)* and *N.J.S.A. 18A:12-24.1(i)*,¹ and recommended a penalty of reprimand.

The Commission acknowledged receipt of ALJ Fritch's *Initial Decision* on November 25, 2020; therefore, the forty-five (45) day statutory period for the Commission to issue a Final Decision was January 11, 2021.² Prior to January 11, 2021, 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 February 25, 2021.

On November 30, 2020, Respondent filed Exceptions to the *Initial Decision*. However, Complainants did not file a reply to Respondent's Exceptions, or otherwise submit their own Exceptions. Accordingly, the matter was docketed for review by the Commission at its meeting on January 26, 2021.

At its meeting on January 26, 2021, the Commission considered and discussed the full record in this matter, including ALJ Fritch's *Initial Decision* and Respondent's Exceptions. Thereafter, and at its meeting on February 23, 2021, the Commission voted to remand the above-captioned matter to the OAL for further action and development of the record. In its remand order, the Commission sought further articulation on the "legal basis upon which the alleged violation of *N.J.S.A. 18A:12-24.1(g)* remains viable." *Initial Decision (On Remand)* at 2 (citations omitted).

On September 16, 2021, ALJ Fritch issued an *Initial Decision (On Remand)*. The Commission acknowledged receipt of ALJ Fritch's *Initial Decision (On Remand)* on the date it was issued (September 16, 2021); therefore, the forty-five (45) day statutory period for the Commission to issue a Final Decision was November 1, 2021.³ Prior to November 1, 2021, 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. 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 December 16, 2021.

On September 24, 2021, Respondent filed Exceptions to the *Initial Decision (On Remand)*. However, Complainants did not file a reply to Respondent's Exceptions, or otherwise submit their own Exceptions. Accordingly, the matter was docketed for review by the Commission at its meeting on November 16, 2021.

¹ The Complaint initially cited a violation of *N.J.S.A. 18A:12-24(h)*, but was later corrected to accurately reflect what was intended, namely a violation of *N.J.S.A. 18A:12-24.1(i)*. *Initial Decision (On Remand)* at 7.

² Forty-five (45) days after November 25, 2020, is, technically, Saturday, January 9, 2021.

³ Forty-five (45) days after September 16, 2021, is technically, Sunday, October 31, 2021.

Consequently, at its meeting on November 16, 2021, the Commission considered the full record in the above-captioned matter. Thereafter, at its meeting on December 14, 2021, the Commission voted to adopt ALJ Fritch’s findings of fact; to adopt the legal conclusion that Respondent violated *N.J.S.A. 18A:12-24.1(g)* and *N.J.S.A. 18A:12-24.1(i)*; and to adopt the recommended penalty of reprimand.

II. Initial Decision (On Remand)

In his *Initial Decision (On Remand)*, ALJ Fritch incorporated the facts of this matter as fully recited in his November 25, 2020 *Initial Decision*. In his November 25, 2020 *Initial Decision*, ALJ Fritch found the following facts to be undisputed:

- (1) During the time period at issue, Respondent was a member of the NTBOE.
- (2) In April 2015, there was an election held for seats on the NTBOE. One of the slates of competing candidates was known as the “Steam Team.”
- (3) Complainant Granelli was a member of the NTBOE and was seeking re-election as a STEAM Team candidate in the April 2015 election.
- (4) Complainant Legere was a substitute teacher employed by the NTBOE, and was a candidate for election to a seat on the NTBOE in April 2015, and was part of the Steam Team slate of candidates.
- (5) Complainant Granelli and Complainant Legere co-authored a letter that was published in “The Coaster,” a local newspaper. This letter promoted the Steam Team candidates and warned “[if] the Steam Team does not win on April 21st; there will be three Neptune Board members who work for the Asbury Park school system” and warns against “the influence of failed Asbury ideas or leadership in Neptune decision making.”
- (6) Respondent, in addition to her duties on the NTBOE, was also employed by the Asbury Park School District. One other then-current member of the NTBOE, Chanta Jackson, was also employed by the Asbury Park School District and was running for re-election to the NTBOE in April 2015. Another candidate, Mr. Wells, was employed by Asbury Park School District and seeking election to a seat on the NTBOE. Both Wells and Jackson were competing with the Steam Team slate of candidates on the “Moving Forward” ticket.
- (7) Respondent’s friend, Tassie York, was not directly associated with a candidate’s campaign in the 2015 NTBOE election. Ms. York authored a post on her Facebook page which stated, in pertinent part:

“Parents, parents, parents ... Please read this article written by Laura Granelli ... Well folk (sic) Ms. Granelli works for the Wall school district, and her running mate doesn’t have a job. She was put out of the High School for misconduct ... also, she points out that Asbury system is failing, well, so is Neptune, and she’s been on the board for quite some time ...
- (8) Respondent “shared” Ms. York’s post on her personal Facebook page with the additions message “please share.”

- (9) Complainant Legere was employed during this time as a substitute teacher with the NTBOE. It is factually disputed that Complainant Legere never worked at the high school in Neptune Township and was never “put out of the high school for misconduct.” Complainant Legere’s substitute teaching contract with NTBOE was renewed after this incident and she continued working as a substitute teacher for NTBOE for another year or two.
- (10) Respondent testified that the issue of people who were employed by Asbury Park school system influencing the NTBOE was a “big issue” in the campaign. She further testified that she read and shared Ms. York’s post because she disliked Complainants’ article in “The Coaster.”
- (11) Respondent testified that, at the time she shared the post, she was not “really” aware that Ms. York’s post also contained references to Complainant Granelli’s running mate not having a job and being removed from the high school. She had no actual knowledge of whether Complainant Legere was removed from a job at the high school.
- (12) Although Respondent serves on the Board where Complainant Legere was employed as a substitute teacher, Respondent “avoids personnel issues” because she has family members who are employed in the District and, therefore, she avoids “any activities involving personnel issues on the NTBOE.” However, Respondent does vote on the substitute list for NTBOE.
- (13) Complainant Legere testified that Respondent’s post called her “character into question” and questioned her professional position with NTBOE. Complainant Legere was upset and hurt by seeing Respondent’s post, but was even more concerned how the post would “unfold” due to her status as an employee of the NTBOE and Respondent’s status as a member of the Board.
- (14) Complainant Legere’s main concern with Respondent’s post was that it “attacked” her character for first not having a job, characterizing her as a liar, and then for saying that she was “thrown out of [her] job for misconduct.”
- (15) Complainant Legere testified that there was a teacher who was removed from the high school around this period. As a result, there were “rumors going around” in the community about a teacher being removed from the high school, and she was concerned that this posting would make people believe that she was that teacher.

Initial Decision at 3-7.

In addition to the undisputed facts set forth above, and after a review of the testimonial and documentary evidence, ALJ Fritch found “that the text in [Ms.] York’s Facebook post, which was shared by [Respondent], clearly alleged that Complainant Legere, a substitute teacher employed by the NTBOE, was unemployed as a result of unspecified misconduct resulting in her being ‘put out’ of the Neptune Township High School.” *Id.* at 9. Because the “falsity of these allegations against [Complainant] Legere are factually uncontested,” ALJ Fritch further found that the “allegations contained in [Ms.] York’s Facebook post and shared by [Respondent] that Complainant Legere was unemployed as a result of unspecified misconduct at the Neptune Township High School were untrue.” *Id.* at 9-10.

With the facts set forth above in mind, and based on his review of the competent and credible evidence as well as the standard for establishing a violation of *N.J.S.A.* 18A:12-24.1(i), ALJ Fritch stated, Respondent “publicly posted incorrect and damaging information via her Facebook page regarding an [NTBOE] employee, suggesting that an active substitute teacher in the [D]istrict where Respondent was ... a [B]oard member was dismissed from her teaching job for unspecified ‘misconduct’ at a high school.” *Id.* at 11. Although Respondent denies knowing whether the allegations were true, her “sharing of that post certainly [can] give ... an impression of additional credibility given that the post was being disseminated by a current member of the [NTBOE].” *Id.* In addition, the posting by Respondent “falsely alleged that [Complainant] Legere, a substitute teacher in the [D]istrict, was guilty of unspecified misconduct requiring her to be removed from her teaching position.” *Id.* Further, Complainant Legere had to continue in her role as a substitute teacher in the District while this false allegation, which was publicly distributed by a current member of the Board, was being disseminated. *Id.* at 11-12. Consequently, ALJ Fritch concludes that Respondent’s “posting of the false allegations contained in this post were clearly not supportive of [Complainant] Legere as an employee of [the NTBOE], and Complainants have proven by a preponderance of the competent and credible evidence that this conduct” violates *N.J.S.A.* 18A:12-24.1(i). *Id.* at 12.

Having found that Respondent’s Facebook post contained inaccurate information about Complainant Legere, an employee of the NTBOE, ALJ Fritch noted that Respondent’s post may also implicate the provisions of *N.J.S.A.* 18A:12-24.1(g). *Id.* As to this allegation, ALJ Fritch reiterated that “the inaccuracy of the information posted by Respondent is not disputed,” and the remaining question is whether Respondent’s posting of this misinformation can be attributed to reasonable mistake or personal opinion, or not attributable to developing circumstances.” *Id.* at 12-13. Because Respondent was “actively engaged in attempting to sway votes in the upcoming school board election[] and trying to solicit support for her chosen candidates, and because she did so by disseminating false allegations that [Complainant] Legere was unemployed due to her committing some form of misconduct,” the act in question, namely the posting of information, “was not an impromptu comment shared in casual conversation or a mistake made in haste.” *Id.* at 13. Instead, Respondent took Ms. York’s “written post, which she had both the time and the opportunity to read thoroughly and consider, and she reposted it on her own Facebook page.” *Id.* According to ALJ Fritch, Respondent should have taken greater care than she did in posting false information directly regarding the employment of an NTBOE employee on her social media account.” *Id.* at 13-14. Therefore, ALJ Fritch concluded that Complainants have proven, by a preponderance of the competent and credible evidence, that Respondent’s actions violated *N.J.S.A.* 18A:12-24.1(g). *Id.* at 14.

Having found violations of *N.J.S.A.* 18A:12-24.1(i) and *N.J.S.A.* 18A:12-24.1(g), ALJ Fritch discussed the appropriate penalty. According to ALJ Fritch, because Respondent, as a then sitting NTBOE member, should have taken greater care than to publicly post on social media inaccurate information relating to the employment of an NTBOE employee (Complainant Legere), because Respondent does not contest the inaccuracy of the information that she disseminated regarding Complainant Legere, and because she expressed no remorse or acceptance of responsibility for her actions, a penalty of **reprimand** is appropriate.

At its meeting on January 26, 2021, the Commission discussed remanding the matter to the OAL for further action and development of the record. More specifically, the Commission “sought further articulation on the ‘legal basis upon which the alleged violation of N.J.S.A. 18A:12-24.1(g) remains viable.’” *Initial Decision (On Remand)* at 4 (citations omitted).

In the “Legal Discussion” section of his *Initial Decision (On Remand)*, ALJ Fritch notes that although Respondents’ “briefing on the remanded matter attempts to revisit other matters previously raised and adjudicated in these proceedings, . . . those matters will not be revisited in this decision given the limited scope of the remand order.” *Id.* at 4. ALJ Fritch notes that the order issued by ALJ Kerins (July 1, 2019) “granted partial summary decision which dismissed many of complainants’ original complaints.” *Id.* The allegations that “survived” the summary decision were those in Count 2 of the Complaint, namely *N.J.S.A. 18A:12-24.1(g)* and *N.J.S.A. 18A:12-24.1(i)*. ALJ Fritch contends although Respondent argues that the only issue before ALJ Kerins was whether Respondent violated *N.J.S.A. 18A:12-24.1(i)*, “a plain reading of both the [C]omplaint and Judge Kerins’ prior order indicate otherwise.” *Id.* at 6. ALJ Fritch further contends Respondent “clearly” states, “in the onset of the [C]omplaint, the allegation that [] Respondent is ‘in violation of the [Code] 18A:12-24.1, letter g.’” *Id.* According to ALJ Fritch, Complainant then “cites directly to the language of *N.J.S.A. 18A:12-24.1(i)*” stating that Respondent’s alleged conduct does not “support and protect school personnel in the proper performance of their duties,” and indicates that Respondent further violated *N.J.S.A. 18A:12-24.1(i)*. *Id.* ALJ Fritch asserts that Complainant also “detail[ed]” the “alleged injury from [] Respondent’s conduct by utilizing the statutory language of *N.J.S.A. 18A:12-24.1(g)*” by stating Respondent shared false information regarding Complainant’s professional record that “needlessly injur[ed] her and her family.” *Id.* ALJ Fritch further asserts that in Count 2 of the Complaint, Complainant also asserted that Respondent violated “*N.J.S.A. 18A:12-24.1, letter h*”; however, Complainant cited the language from *N.J.S.A. 18A:12-24.1(i)*. *Id.*

With the above in mind, in her order granting partial summary decision, ALJ Kerins dismissed the allegation that Respondent violated *N.J.S.A. 18A:12-24.1(h)* and only allegations of *N.J.S.A. 18A:12-24.1(g)* and *N.J.S.A. 18A:12-24.1(i)* remained; however, ALJ Kerins neglected to address the violation of *N.J.S.A. 18A:12-24.1(g)* in her order. According to ALJ Fritch, because the allegation in the Complaint “was presented in the original Complaint and not dismissed or otherwise addressed in ALJ Kerins’ order,” the “charge alleging that [] [R]espondent violated *N.J.S.A. 18A:12-24.1(g)* remained viable when the remaining charges in the [C]omplaint were heard at a hearing on August 19, 2021.” *Id.* at 8. Therefore, ALJ Fritch notes that the “reasoning to support a finding that [] [C]omplainant had met her burden to show that [] [R]espondent’s undisputed conduct violated both *N.J.S.A. 18A:12-24.1(g)* and (i) was detailed in this tribunal’s November 25, 2020, *Initial Decision* and that reasoning and subsequent conclusion and recommended penalty are incorporated herein by reference.”

III. Exceptions

Petitioner neither filed exceptions to the *Initial Decision (On Remand)* nor a response to Complainant’s Exceptions to the *Initial Decision (On Remand)* as detailed below.

Respondent's Exceptions

In her exceptions, Respondent argues that, even if it is true that Respondent's post referred to Complainant Legere, the post was factually inaccurate, and although Respondent should have taken greater care before posting this information, such evidence does not support a violation of *N.J.S.A. 18A:12-24.1(i)*. Respondent argues that School Ethics Commission decisions regarding violations of *N.J.S.A. 18A:12-24.1(i)* "typically involve deliberate, personalized attacks against district employees," and no such facts are present here, as Respondent did not attack Complainant Legere "at all." Respondent claims, "she merely shared" someone else's post regarding the "Steam Team's allegation of unwarranted Asbury Park influence in Neptune" with her "Facebook friends," and when Complainants asked Respondent to remove the post, she "promptly" did so. Furthermore, Respondent argues that the ALJ "suggested that it was still incumbent on [Respondent] to conduct some sort of investigation" to establish whether the information was true before she re-posted it. Although Respondent disagrees with the ALJ's finding, assuming that Respondent should have verified the accuracy of the post, "the worst that can be said is that she was careless," and this does not support a finding that Respondent's actions were a "deliberate attempt to spread false information."

Respondent notes that Complainant Legere testified that she was upset by Respondent's post; however, she did not provide any evidence that the post affected "the proper performance of" her duties, "negatively impacted her reputation, or undermined her ability to function as a district employee." To support that assertion, Respondent notes that Complainant Legere testified that "her building administration was highly supportive, she was subsequently reappointed to her position, and she continued to serve as a substitute." Even assuming Complainant Legere could have proven that Respondent's post had a negative impact on her employment, "there is no reason to believe [that] readers may not have seen the post on [Ms.] York's Facebook page first." Furthermore, although Complainant Legere testified that her children were upset, "there is no evidence in the record why" they felt this way, and their distress could have been attributed to "their mother's association with an accused racist."

Regarding the violation of *N.J.S.A. 18A:12-24.1(g)*, Respondent argues, "Following Judge Kerins' summary decision, the only issue before the ALJ was whether [Respondent] violated *N.J.S.A. 18A:12-24.1(i)*." Respondent further argues that ALJ Fritch's explanation in support of an alleged violation of *N.J.S.A. 18A:12-24.1(g)* "is insufficient to expose [R]espondent to an adverse finding under that subsection." Respondent argues that ALJ Fritch's decision "concedes there was nothing in the earlier summary decision explicitly identifying subsection (g) as a viable claim requiring a hearing." Respondent further argues that ALJ Fritch's remand decision "pieces together various excerpts from the summary decision ostensibly confirming that a subsection (g) claim remained in the case and the parties should have known it." Respondent "respectfully disagrees" and notes, "Due process requires that litigants be given a fair notice of the issue being litigated." Respondent further notes if ALJ Kerins felt that a violation of *N.J.S.A. 18A:12-24.1(g)* was viable she would have said so in her summary decision. Respondent asserts it "is fundamentally unfair and a violation of" her due process to "retroactively recast the issue after the case had been tried."

Respondent argues that if the Commission agrees with ALJ Fritch and finds a violation of *N.J.S.A.* 18A:12-24.1(i), “it would be grossly unfair to impose any discipline in this case.” Respondent argues, “It is well established ... that a finding of unethical conduct should be preceded by fair notice of the ground rules so that those affected can conform their conduct accordingly.” Therefore, Respondent maintains that the Commission should reject ALJ Fritch’s “finding of guilt.”

With the above in mind, Respondent requests that the Commission reject the ALJ’s finding of guilt and dismiss the complaint.

IV. Analysis

Upon a careful, thorough, and independent review of the record, the Commission **adopts** ALJ Fritch’s findings of fact, and **adopts** the legal conclusion that Respondent violated *N.J.S.A.* 18A:12-24.1(g) and *N.J.S.A.* 18A:12-24.1(i).

Pursuant to *N.J.S.A.* 18A:12-24.1(i), Board members shall “support and protect school personnel in proper performance of their duties.” Factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(i) shall include evidence that Respondent took deliberate action which resulted in undermining, opposing, compromising or harming school personnel in the proper performance of their duties. *N.J.A.C.* 6A:28-6.4. In the instant matter, Respondent shared a post on her personal Facebook page that casted Complainant Legere, who served as a substitute teacher by the NTBOE at that time, in a negative light. Namely, the post alleged that Complainant Legere, a substitute teacher employed by the NTBOE, was removed from her position as a result of unspecified misconduct. The false allegations in Respondent’s post were not supportive of Legere as an employee of NTBOE. For the above reasons, the Commission agrees that Complainant met her evidentiary burden to demonstrate that Respondent violated *N.J.S.A.* 18A:12-24.1(i).

Furthermore, ALJ Fritch appropriately concluded that Respondent violated *N.J.S.A.* 18A:12-24.1(g). Pursuant to *N.J.S.A.* 18A:12-24.1(g), Board members shall “hold confidential all matters pertaining to the schools which, if disclosed, would needlessly injure individuals or the schools” and “[i]n all other matters, [Board members] will provide accurate information” Factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(g) “shall include evidence that the respondent(s) took deliberate action which resulted in undermining, opposing, compromising or harming school personnel in the proper performance of their duties.” *N.J.A.C.* 6A:28-6.4. In the present matter, Respondent shared a post that contained inaccurate information about Complainant Legere and by doing so, lent credence to that post because of Respondent’s position as a member of the NTBOE. Despite Respondent’s argument that she was not aware of the full content in the shared post, the Commission agrees with ALJ Fritch’s assessment that Respondent should have taken greater care to review the information that she reposted, which contained false information.

The Commission further concurs with ALJ Fritch’s “articulation on the ‘legal basis upon which the alleged violation of *N.J.S.A.* 18A:12-24.1(g) remains viable.’” In his *Initial Decision (On Remand)*, ALJ Fritch explains that Complainant clearly states, “in the onset of the

[C]omplaint, the allegation that [R]espondent is ‘in violation of the [Code] 18A:12-24.1, letter g.’” *Initial Decision (On Remand)* at 6. Further, the “count continues by detailing the alleged injury from [R]espondent’s conduct by utilizing the statutory language of N.J.S.A. 18A:12-24.1(g) in stating that the [R]espondent’s sharing of false information regarding her professional record ‘needlessly injur[ed]’ her and her family.” *Id.* (citations omitted). Moreover, the Commission agrees with ALJ Fritch’s assessment of Judge Kerins’ order, which did not dismiss nor otherwise address the allegation under N.J.S.A. 18A:12-24.1(g). Therefore, based on the above, the Commission is satisfied with ALJ Fritch’s rationale that the charge remained viable when the remaining charges in the complaint were heard the August 19, 2020 hearing.

V. Decision

For all of the aforementioned reasons, the Commission adopts ALJ Fritch’s findings of fact and the legal conclusion that Respondent violated N.J.S.A. 18A:12-24.1(g) and N.J.S.A. 18A:12-24.1(i).

VI. Penalty

The Commission agrees with ALJ Fritch and adopts the recommended penalty of reprimand for the violations of N.J.S.A. 18A:12-24.1(g) and N.J.S.A. 18A:12-24.1(i).⁴

Pursuant to N.J.S.A. 18A:12-29(c), this decision shall be forwarded to the Commissioner of Education for review of the Commission’s recommended penalty. The parties may either: 1) file exceptions to the recommended sanction; 2) file an appeal of the Commission’s finding of a violation; or 3) file both exceptions to the recommended sanction together with an appeal of the finding of a violation.

Parties taking exception to the recommended sanction of the Commission but *not disputing* the Commission’s finding of a violation may file, **within thirteen (13) days** from the date the Commission’s decision is forwarded to the Commissioner, written exceptions regarding the recommended penalty 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 Office of Controversies and Disputes, P.O. Box 500, Trenton, New Jersey 08625, marked “Attention: Comments on Ethics Commission Sanction,” as well as to (ControversiesDisputesFilings@doe.nj.gov). A copy must also be sent to the Commission (school.ethics@doe.nj.gov) and all other parties.

Parties seeking to appeal the Commission’s finding of violation *must* file an appeal pursuant to the standards set forth at N.J.A.C. 6A:4:1 *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 date of mailing to the parties, as shown below. In such cases, the Commissioner’s review of

⁴ The Commission avers that even if the alleged violation of N.J.S.A. 18A:12-24.1(g) did not remain viable, the recommended penalty in the within decision would remain unchanged based on Respondent’s violation of N.J.S.A. 18A:12-24.1(i).

the Commission's recommended sanction will be deferred and incorporated into the Commissioner's review of the finding of violation 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 briefs on appeal.

Robert W. Bender, Chairperson

Mailing Date: December 14, 2021

***Resolution Adopting Decision
in Connection with C19-15 and C20-15 (Consolidated)***

Whereas, at its meeting on September 22, 2015, the School Ethics Commission (Commission) voted to transmit the remaining allegations in the matter docketed as C19-15, and the allegations in the matter docketed as C20-15, to the Office of Administrative Law (OAL) for a plenary hearing; and

Whereas, at the OAL, the matters docketed as C19-15 and C20-15 were consolidated along with other matters; and

Whereas, following consolidation, and after a decision on Motion for Summary Decision, the Honorable David M. Fritch, Administrative Law Judge (ALJ Fritch) issued an *Initial Decision* dated November 25, 2020, regarding the remaining allegations; and

Whereas, in his Initial Decision, ALJ Fritch found that Respondent violated *N.J.S.A.* 18A:12-24.1(g) and *N.J.S.A.* 18A:12-24.1(i), and recommended that Respondent receive a penalty of reprimand; and

Whereas, at its meeting on January 26, 2021, the Commission reviewed and discussed the record, including ALJ Fritch's Initial Decision and Respondent's Exceptions; and

Whereas, at its meeting on February 23, 2021, the Commission reviewed and voted to remand the above-captioned matter to the OAL for further action and development of the record; and

Whereas, following transmittal, ALJ Fritch issued an *Initial Decision (On Remand)* dated September 16, 2021; and

Whereas, ALJ Fritch found that Respondent violated *N.J.S.A.* 18A:12-24.1(g) and *N.J.S.A.* 18A:12-24.1(i) and recommended that Respondent be reprimanded; and

Whereas, at its meeting on November 16, 2021, the Commission reviewed the record in this matter, and discussed adopting ALJ Fritch's findings of fact; adopting the legal conclusion that Respondent violated *N.J.S.A.* 18A:12-24.1(g) and *N.J.S.A.* 18A:12-24.1(i); and adopting the recommended penalty of reprimand; and

Whereas, at its meeting on December 14, 2021, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on November 16, 2021; and

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

Robert W. Bender, Chairperson

I hereby certify that this Resolution was duly adopted by the School Ethics Commission at a meeting on December 14, 2021.

Salma T. Chand, Executive Director
School Ethics Commission