

***Before the School Ethics Commission***  
***Docket No.: C78-20***  
***Final Decision***  
***Summary Disposition***

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**Mervin Rose,**  
***Complainant***

v.

**Ronnie McDowell,**  
**Township of Union Board of Education, Union County,**  
***Respondent***

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**I. Procedural History**

This matter arises from a Complaint that was filed on November 23, 2020, by Mervin Rose (Complainant), alleging that Ronnie McDowell (Respondent), a member of the Township of Union Board of Education (Board), violated the School Ethics Act (Act), *N.J.S.A.* 18A:12-21 *et seq.* More specifically, the Complaint avers that Respondent violated *N.J.S.A.* 18A:12-24(c).

On November 23, 2020, the Complaint was served on Respondent, via electronic mail, notifying him that charges were filed against him with the School Ethics Commission (Commission), and advising that he had twenty (20) days to file a responsive pleading.<sup>1</sup> On December 10, 2020, Respondent filed a Motion to Dismiss in Lieu of Answer (Motion to Dismiss), and Complainant filed a response to the Motion to Dismiss on December 14, 2020.

At its meeting on March 23, 2021, the Commission adopted a decision denying Respondent's Motion to Dismiss in its entirety. Based on its decision, the Commission directed Respondent to file an Answer to Complaint (Answer) and, on April 12, 2021, Respondent filed an Answer as directed.

Thereafter, and at its meeting on May 25, 2021, the Commission voted to find probable cause for the alleged violation of *N.J.S.A.* 18A:12-24(c), and to decide the above-captioned matter by summary decision pursuant to *N.J.A.C.* 6A:28-10.7(c)(1). The Commission also directed Respondent to file, within twenty (20) days, a statement setting forth the reasons he should not be found in violation of the Act. *N.J.A.C.* 6A:28-10.7(c)(1). Respondent was advised that if he disputes any of the facts determined by the Commission to be both material and undisputed, he should set forth the facts with which he disagrees, and why they are material to the case. Finally, Respondent was advised that following expiration of the time period for

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<sup>1</sup> Due to the ongoing Coronavirus (COVID-19) pandemic, service of process was effectuated by the Commission through electronic transmission only.

submission of his statement, the Commission may make a determination of a violation on a summary basis.

Despite the directive in the Commission's May 25, 2021, *Probable Cause Notice and Notice of Summary Decision*, as well as follow-up/reminder correspondence dated June 16, 2021, and July 1, 2021, Respondent failed to submit a written statement to the Commission for consideration.<sup>2, 3</sup>

Consequently, at its meeting on July 27, 2021, the Commission reviewed the record in this matter and, at its special meeting on August 30, 2021, the Commission voted to **find** that Respondent violated *N.J.S.A.* 18A:12-24(c), and to recommend a penalty of **reprimand** for Respondent's violation of the Act.

## II. Summary of the Record

Respondent has served as a member of the Board "since January 3, 2019," and served a previous term "from 2015 to 2017." *Complaint* at ¶ 1-2, page 1. Respondent has filed Personal/Relative and Financial Disclosure Statements (Disclosure Statements) with the Commission for each year he has served as a member of the Board. *Complaint* at ¶ 3, page 1. In response to Question #2 on the "Financial Disclosure Statements" section of his Disclosure Statements,<sup>4</sup> Respondent has consistently disclosed "First Baptist Church of Vauxhall" as a "source." *Complaint* at ¶ 4, page 1; Exhibit A. Complainant submits that the basis for Respondent's disclosure of "First Baptist Church of Vauxhall" as a "source" is because he (Respondent) is "a well-known deacon at [First Baptist Church of Vauxhall (First Baptist)] and thereby serves as an ordained minister and subordinate officer of that church." *Complaint* at page 3. Despite his relationship to First Baptist Church of Vauxhall, at the Board's meeting on September 15, 2020, Respondent "moved and then voted to approve a request" from First Baptist Church of Vauxhall to use the Township of Union School District's (District) facilities. *Complaint* at ¶6, page 1.

Because Respondent is a "well-known deacon at First Baptist [Church of Vauxhall]," and annually receives "fees/honorariums or gifts/reimbursements or prepaid expenses having an aggregate amount exceeding \$250[.00]," Complainant argues that Respondent violated *N.J.S.A.* 18A:12-24(c) when he moved and then voted to approve its (First Baptist Church of Vauxhall's) request to use the District's facilities. According to Complainant, "[t]here exists a relationship

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<sup>2</sup> At the Commission's meeting on July 27, 2021, Respondent appeared by telephone and offered public comments in defense of his alleged violation of the Act. More detailed information regarding the substance of Respondent's public comments can be found in the [public minutes](#) from the Commission's meeting on July 27, 2021.

<sup>3</sup> The Commission notes that, despite the offering of public comments at its meeting on July 27, 2021, the Commission's review of this matter on summary disposition was limited to the written record.

<sup>4</sup> Question #2 states, "List the name and address of each source of **fees/honorariums or gifts/reimbursements or prepaid expenses** having an aggregate amount exceeding \$250 from any single source, excluding relatives, received by you or an immediate family member. Be sure to list any reimbursement received from the district or charter school for such things as **conference attendance, tuition/dues reimbursement, personal appearances, speeches, or writing.**"

that directly affects the Respondent, creating a direct financial involvement that might reasonably be expected to impair ... Respondent's objectivity by a reasonable member of the public."

In his Motion to Dismiss, Respondent admitted that the following from the Complaint are "true statements."

- "1. [Respondent] is a ... member of the ... Board ... since January 3, 2019."
- "2. Respondent also served on the Board from 2015 to 2017 and was [P]resident of the Board in 2017."
- "3. Respondent filed and certified [Disclosure Statements] in 2014, 2015, 2016, 2017, 2019, and 2020 with the Commission."
- "5. Respondent is a deacon at First Baptist [Church of Vauxhall]."

*Motion to Dismiss* at page 1.

However, Respondent denies that, as a Deacon at First Baptist Church of Vauxhall, he receives any financial remuneration whatsoever. *Motion to Dismiss* at page 1-2. Instead, it is because of his volunteer work/service as an "unpaid Treasurer/bookkeeper and van driver" that First Baptist Church of Vauxhall gives Respondent "a once-a-year honorarium/gift of \$2,000.[00]." *Motion to Dismiss* at page 2. Respondent denies that the once-a-year honorarium creates a direct or indirect financial involvement between he and First Baptist Church of Vauxhall; maintains the honorarium is a token of appreciation; denies that his receipt of such a "small" honorarium/gift could reasonably be expected to impair his objectivity or independence of judgment; and denies that First Baptist Church of Vauxhall is a "business organization." *Motion to Dismiss* at page 2.

Although Respondent admitted that "it may have been more prudent ... to err on the side of caution and not make the motion or vote" to approve the First Baptist Church of Vauxhall's request to use the District's facilities, Respondent maintains that his Board action did not violate *N.J.S.A.* 18A:12-24(c). *Motion to Dismiss* at page 3.

In his response to the Motion to Dismiss, Complainant reaffirmed the factual assertions in his Complaint, as well as the alleged violation of *N.J.S.A.* 18A:12-24(c). *See generally, Response to the Motion to Dismiss*. Complainant also advised the Commission that, in a voicemail message to him from Respondent, he (Respondent) purportedly acknowledged the legitimacy of the Complaint because he stated to Complainant, "I do see your point." *Response to the Motion to Dismiss* at page 2; Exhibit D.

In his Answer, which was submitted following the Commission's denial of his Motion to Dismiss, Respondent stated, "The error [he] made was not allowing for another Board member to make the motion" to approve the request to use the District's facilities. *Answer* at page 1. Regardless of whether he made the motion, Respondent notes, "In any case the motion would have been made and approved, which was indicated by its unanimous approval." *Answer* at page 1-2. It is Respondent's belief that Complainant filed the within matter "to create fodder for a

negative ad campaign in the upcoming 2021 Board of Education election, in which ... Respondent [is] running.” *Answer* at page 2. Respondent concluded by stating, “I am an honest and forthright person who has faithfully served his family, his community, and his school district in the hope of making each better. I am certainly not doing this for money!” *Answer* at page 2.

### III. Findings of Fact

Based on its thorough and independent review of the record, the Commission **finds** the following facts to be **undisputed**:

1. Respondent is a member of the Board, and his most recent term of service began on January 3, 2019. *Complaint* at ¶ 1, page 1; *Motion to Dismiss* at page 1.
2. As a member of a public board of education in the State of New Jersey, Respondent is a school official within the meaning of the Act. *N.J.S.A.* 18A:12-23.
3. As a school official, Respondent is required to complete and submit Disclosure Statements to the Commission on an annual basis. *N.J.S.A.* 18A:12-25 and *N.J.S.A.* 18A:12-26.
4. In each of his filings with the Commission, Respondent disclosed that he received “**fees/honorariums or gifts/reimbursements or prepaid expenses** having an aggregate amount exceeding \$250.[00]” from First Baptist Church of Vauxhall. *Complaint* at ¶ 4, page 1; Exhibit A.
5. Respondent receives an annual honorarium from First Baptist Church of Vauxhall in the amount of \$2,000.00. *Motion to Dismiss* at page 2.
6. Respondent receives an annual honorarium from First Baptist Church of Vauxhall in connection with volunteer services he provides as “unpaid Treasurer/bookkeeper and van driver.” *Motion to Dismiss* at page 2.
7. Respondent is also a Deacon at First Baptist Church of Vauxhall, but does not receive any financial remuneration for this work. *Motion to Dismiss* at page 1-2.
8. At the Board’s meeting on September 15, 2020, Respondent “moved and then voted to approve a request” from First Baptist Church of Vauxhall to use the District’s facilities. *Complaint* at ¶6, page 1; *Motion to Dismiss* at page 3.

### IV. Analysis and Conclusions of Law

The facts in this matter are simple, and straightforward: Respondent is a Board member; his Disclosure Statements, including his most recent filing, consistently indicate that he receives an honorarium from First Baptist Church of Vauxhall of at least \$250.00; Respondent actually receives an annual honorarium of \$2,000.00 from First Baptist Church of Vauxhall in connection with volunteer services he performs; and at a Board meeting on September 15, 2020, Respondent

moved *and then* voted to approve First Baptist Church of Vauxhall's request to use the District's facilities. All of these facts are undisputed.

The only issue is whether Respondent's Board action, namely moving *and then* voting to approve the use of facilities request submitted by First Baptist Church of Vauxhall to the Board, violated *N.J.S.A.* 18A:12-24(c). Respondent denies that his receipt of an annual honorarium from First Baptist Church of Vauxhall creates the necessary "direct or indirect financial involvement," and further denies that his receipt of such a "small" honorarium could reasonably be expected to impair his objectivity or independence of judgment. Respondent also maintains that his "only error" was making the motion to approve the facilities use request because, thereafter, it was unanimously approved by the Board.

*N.J.S.A.* 18A:12-24(c) states, in relevant part:

No school official shall act in his official capacity in any matter where he ... has a direct or indirect financial involvement that might reasonably be expected to impair his objectivity or independence of judgment. No school official shall act in his official capacity in any matter where he ... has a personal involvement that is or creates some benefit to the school official ... .

Also of relevance to the Commission's analysis is the legislative findings and declarations relative to the adoption of the Act, to wit:

...

- a. In our representative form of government it is essential that the conduct of members of local boards of education ... hold the respect and confidence of the people. These board members ... must avoid conduct which is in violation of their public trust or which creates a justifiable impression among the public that such trust is being violated.

... ..

With the above in mind, the Commission finds that because Respondent regularly receives an honorarium of \$2,000.00 from First Baptist Church of Vauxhall, he unequivocally has a direct or indirect financial involvement with any and all matters related to First Baptist Church of Vauxhall. It is certainly reasonable for any member of the public to believe that Respondent's objectivity or independence of judgment would be impaired when reviewing any matter(s) or request(s) from an entity that regularly pays him thousands of dollars. Although Respondent may quantify \$2,000.00 as "small," the Commission finds this amount of money to be significant. The fact that the Act requires school officials to disclose any source that provides fees or honorariums greater than \$250.00 only underscores the significant nature of a \$2,000.00 annual honorarium.

In addition, the Commission disagrees that Respondent's only "error" was making a motion to approve the request to use the District's facilities. Not only was it inappropriate, and violative of *N.J.S.A.* 18A:12-24(c) for Respondent to have made the motion, it was also inappropriate, and similarly violative of *N.J.S.A.* 18A:12-24(c), for Respondent to have approved the request to use the District's facilities. When a school official, such as Respondent, has a

direct or indirect financial involvement in an entity, the *only* course of action is to refrain from involvement in any and all discussions and votes concerning that entity, regardless of the subject matter. Failure to do so will, as here, result in a finding of a violation of the Act.

Accordingly, and based on a complete and thorough review of the record, the Commission **finds**, based on the undisputed evidence as set forth herein, that Respondent violated *N.J.S.A.* 18A:12-24(c) when he moved and then voted to approve the request of First Baptist Church of Vauxhall to use the District's facilities.

## V. Recommended Penalty

Having found that Respondent violated *N.J.S.A.* 18A:12-24(c), the Commission is authorized to recommend to the Commissioner of Education (Commissioner) an appropriate penalty, which may range from reprimand to removal. *N.J.S.A.* 18A:12-29(c).

In its review, the Commission finds that **reprimand** is the most appropriate penalty. In reaching this determination, the Commission does not believe that Respondent acted deliberately or intentionally, but rather under a false belief that his conduct was appropriate. The Commission also appreciated that Respondent, at least in part, acknowledged that his conduct was not the most prudent. Although Respondent ascribes a nefarious intent to the filing of the within matter, and submits that it was filed to create fodder in connection with Respondent's bid for re-election, such beliefs are irrelevant, especially when, as here, a violation is substantiated.

To be clear, the Commission's finding of a violation and a recommended penalty of reprimand is *not* a determination that Respondent is somehow unfit or unqualified to serve as a Board member. Instead, it is a reminder that he, like all other school officials, must be mindful of how their Board action can implicate, and potentially, violate the Act. *No one* is beyond reproach, and *everyone* is entitled to make a mistake.

## VI. Decision

For the reasons set forth above, the Commission recommends that the Commissioner of Education impose a penalty of **reprimand** for the violation of *N.J.S.A.* 18A:12-24(c).

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 Bureau 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](mailto:ControversiesDisputesFilings@doe.nj.gov)). A copy must also be sent to the Commission ([school.ethics@doe.nj.gov](mailto: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 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.

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Robert W. Bender, Chairperson

Mailing Date: August 30, 2021

***Resolution Adopting Decision  
in Connection with C78-20***

***Whereas***, at its meeting on July 27, 2021, the School Ethics Commission (Commission) considered the entirety of the record in this matter; and

***Whereas***, at its meeting on July 27, 2021, the Commission discussed finding a violation of *N.J.S.A.* 18A:12-24(c); and

***Whereas***, at its meeting on July 27, 2021, the Commission discussed recommending a penalty of reprimand for the violation of *N.J.S.A.* 18A:12-24(c); and

***Whereas***, at its special meeting on August 30, 2021, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on July 27, 2021; and

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

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Robert W. Bender, Chairperson

I hereby certify that the Resolution was duly adopted by the School Ethics Commission at a special meeting on August 30, 2021.

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Kathryn A. Whalen, Director  
School Ethics Commission