

Before the School Ethics Commission
Docket No.: C12-22
Probable Cause Notice

Roderick Knox,
Complainant

v.

Karin Farkas,
Pleasantville Board of Education, Atlantic County,
Respondent

I. Procedural History

The above-captioned matter arises from a Complaint that was filed on January 27, 2022, by Roderick Knox (Complainant), alleging that Karin Farkas (Respondent), an administrator employed by the Pleasantville Board of Education (Board), violated the School Ethics Act (Act), *N.J.S.A.* 18A:12-21 *et seq.* By correspondence dated January 31, 2022, Complainant was notified that the Complaint was deficient, and required amendment before the School Ethics Commission (Commission) could accept his filing. On January 31, 2022, Complainant cured all defects and filed an Amended Complaint (Complaint) that was deemed compliant with the requirements detailed in *N.J.A.C.* 6A:28-6.3. The Complaint avers that Respondent violated *N.J.S.A.* 18A:12-24(b) (Count 1) and *N.J.S.A.* 18A:12-24(d) (Count 2).

On February 2, 2022, the Complaint was served on Respondent via electronic mail, notifying her that charges were filed against her with the Commission, and advising that she had twenty (20) days to file a responsive pleading.¹ On February 25, 2022, Respondent filed a Motion to Dismiss in Lieu of Answer (Motion to Dismiss), and Complainant filed a response to the Motion to Dismiss on March 2, 2022.

At its meeting on April 26, 2022, the Commission adopted a decision granting the Motion to Dismiss as to the alleged violation of *N.J.S.A.* 18A:12-24(d) (Count 2), but denying the Motion to Dismiss as to the alleged violation of *N.J.S.A.* 18A:12-24(b) (Count 1). Based on its

¹ As a result of the ongoing Coronavirus (COVID-19) pandemic, and the implementation of electronic filing, service of process was effectuated by the Commission through electronic transmission only.

decision, the Commission also directed Respondent to file an Answer to Complaint (Answer) as to the remaining allegations, which she did on May 16, 2022.²

Thereafter, the parties were notified by correspondence dated June 20, 2022, that the above-captioned matter would be discussed by the Commission at its meeting on June 28, 2022, in order to make a determination regarding probable cause. At its meeting on June 28, 2022, the Commission considered the parties' filings and, at its meeting on July 26, 2022, the Commission voted to find that probable cause did not exist for the alleged violation of *N.J.S.A.* 18A:12-24(b) in Count 1 and, therefore, to dismiss the above-captioned matter.

II. Summary of the Pleadings

A. *Remaining Allegations in the Complaint*

In Count 1, Complainant asserts Respondent allowed two Board members, Jerome Page (Mr. Page or Board member Page) and Sharnell Morgan (Ms. Morgan or Board member Morgan), to “influence her to take on responsibilities” as the Superintendent of the Pleasantville School District (District), when these Board members “illegally and unethically placed the [S]uperintendent on leave, because she wouldn’t allow them to run the [D]istrict.” According to Complainant, Respondent received “a call” from Board member Morgan, “advising [Respondent] of their plot to put her in as [A]cting [S]uperintendent, and for Respondent to show up for the meeting.” At the Board meeting on or about October 20, 2021, Board members Page and Morgan “orchestrated a vote to place Respondent in position as [A]cting [S]uperintendent,” even though the District “had an [A]ssistant [S]uperintendent who was next in line for those responsibilities.” Per Complainant, this is “unethical and in doing so, Respondent secured unwarranted privileges and employment for herself in becoming the [A]cting [S]uperintendent”; placed “undue stress on the organizational structure of the [D]istrict, and has caused embarrassment to the [A]ssistant [S]uperintendent.” Based on her actions, and the benefits received, Complainant argues Respondent violated *N.J.S.A.* 18A:12-24(b).

B. *Answer to Remaining Allegations in the Complaint*

In her Answer, Respondent argues that Complainant’s allegations are “not supported by any evidence upon which to support a finding of probable cause” that Respondent had “any communications or influence with Mr. Page and Ms. Morgan regarding Board votes on the Acting Superintendent position or administering the District.” Respondent asserts Complainant “fabricates a wholly fictitious relationship, that does not exist in any way,” between Respondent and/or Mr. Page, Ms. Morgan and Mr. Pressley. Respondent further argues that Complainant “misquotes [Respondent’s] certifications and asserts that the former interim superintendent did not have the authority to invite [Respondent] to the meeting.” On the contrary, Respondent notes she was not “invited” to the meeting, but rather it was “recommended” that Respondent attend “in view of the state of unrest regarding the [D]istrict administration.” Moreover, Board

² On May 16, 2022, Complainant submitted an electronic (email) response to Respondent’s Answer. As this filing is not permitted by the Commission’s regulations, it was not considered by the Commission at its meetings on June 28, 2022, and/or July 26, 2022.

meetings are open to the public and, therefore, an “invitation or authority” is not required to attend a meeting. Respondent contends that subsequent to another administrator not receiving the required votes as Acting Superintendent, Respondent was voted to serve in the position (by 7 affirmative votes) and, consequently, Mr. Page’s and Ms. Sharnell’s votes were “unnecessary.” Respondent reaffirms that Complainant offered “disjointed and wholly unsubstantiated allegations” which do not evidence that Respondent’s appointment as Acting Superintendent “was in any way the result of a plan effectuated by Board members [Morgan] and [Page].”

Respondent also pled seven (7) “Affirmative Defenses,” namely that Respondent’s actions, even if true, do not “rise to the level of a violation” of *N.J.S.A.* 18A:12-24(b); Complainant’s claims are barred in whole or in part by the doctrine of laches, unclean hands, waiver and estoppel; the claims were filed for an improper purpose, to harass, and to needlessly increase the cost of litigation; the claims are frivolous; and the claims lack probable cause. Respondent also reserved the right to amend her Affirmative Defenses, and requested that the Commission dismiss the Complaint with prejudice, find that Respondent complied with the Act, and “award such other and further relief as the Commission deems just and appropriate.”

C. Public Comments Offered at the Commission’s Meeting on June 28, 2022

At the Commission’s meeting on June 28, 2022, members of the public appeared by telephone and offered public comment regarding the above-captioned matter. More detailed information regarding the substance of those public comments can be found in the [minutes](#) from the Commission’s meeting on June 28, 2022.

III. Analysis

This matter is before the Commission for a determination of probable cause pursuant to *N.J.A.C.* 6A:28-10.7, processing of Complaints alleging solely prohibited acts. A finding of probable cause is not an adjudication on the merits but, rather, an initial review whereupon the Commission makes a preliminary determination as to whether the matter should proceed to an adjudication on the merits, or whether further review is not warranted.

In order to determine whether probable cause exists, the Commission must determine whether there is a reasonable ground of suspicion supported by facts and circumstances strong enough in themselves to warrant a reasonable person to believe that the Act, and *N.J.S.A.* 18A:12-24(b) specifically, was violated. *N.J.A.C.* 6A:28-10.7. The Commission notes that, despite the offering of public comment at its meeting on June 28, 2022, the Commission’s review of this matter was limited solely to the parties’ written submissions.

1. Alleged Prohibited Act

In the remaining Count of the Complaint (Count 1), Complainant argues that Respondent violated *N.J.S.A.* 18A:12-24(b), and this provision provides:

b. No school official shall use or attempt to use his official position to secure unwarranted privileges, advantages or employment for himself, members of his immediate family or others;

For the Commission to credit a violation of *N.J.S.A. 18A:12-24(b)*, it must find evidence that Respondent used or attempted to use her official position to secure an unwarranted privilege, advantage or employment for herself, members of her immediate family, or “others.”

Following its review, the Commission finds that Complainant has not articulated a reasonable ground of suspicion supported by facts and circumstances strong enough in themselves to warrant a reasonable person to believe that *N.J.S.A. 18A:12-24(b)* was violated as asserted in Count 1. Although the claims in Count 1 were sufficient to withstand dismissal after Respondent filed a Motion to Dismiss, when the totality of the facts and circumstances in the record are fully considered, it is clear that, other than proclaiming that Respondent “allowed” Mr. Page and Ms. Morgan to influence her after Ms. Morgan called Respondent to advise her of their (Mr. Page and Ms. Morgan) plan to appoint Respondent to the position of Acting Superintendent, Complainant has not provided any other facts or corroborating information or evidence that could possibly substantiate his claims.³ While the Commission is sensitive to the strife and discord that appears to be plaguing the operations of the District and most importantly, the well-being of students, accusations of unethical behavior and malfeasance must be supported by sufficient facts and circumstances and cannot be prosecuted based on speculation.

Accordingly, and pursuant to *N.J.A.C. 6A:28-10.7(d)*, the Commission dismisses the purported violation of *N.J.S.A. 18A:12-24(b)* in Count 1 for failure to provide sufficient facts to support a finding of probable cause.

IV. Decision

Pursuant to *N.J.S.A. 18A:12-29(b)*, the Commission hereby notifies Complainant and Respondent that it does not find probable cause for the alleged violation of *N.J.S.A. 18A:12-24(b)* in Count 1. Having found that probable cause does not exist for the only remaining allegation in the Complaint, the Commission is constrained, based on the record before it, to dismiss the above-captioned matter.

This decision is a final decision of an administrative agency and, therefore, it is appealable only to the Superior Court, Appellate Division. See, *New Jersey Court Rule 2:2-3(a)*.

Robert W. Bender, Chairperson

Mailing Date: July 26, 2022

³ In ruling on a Motion to Dismiss, the Commission is required, pursuant to *N.J.A.C. 6A:28-8.3*, to “review the facts in the light most favorable to Complainant and determine whether the allegation(s), if true, could establish a violation of the Act”; therefore, the standard is deferential to Complainant.

***Resolution Adopting Decision
in Connection with C12-22***

Whereas, at its meeting on June 28, 2022, the School Ethics Commission (Commission) considered the remaining allegations in the Complaint and the Answer to Complaint (Answer) submitted by the parties in connection with this matter; and

Whereas, at its meeting on June 28, 2022, the Commission discussed finding that probable cause did not exist for the alleged violation of *N.J.S.A.* 18A:12-24(b) and, consequently, dismissing the above-captioned matter; and

Whereas, at its meeting on July 26, 2022, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on June 28, 2022; 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.

Robert W. Bender, Chairperson

I hereby certify that the Resolution was duly adopted by the School Ethics Commission at its public meeting on July 26, 2022.

Kathryn A. Whalen, Esq.
Director, School Ethics Commission