

***Before the School Ethics Commission***  
***Docket No.: C45-21***  
***Decision on Motion to Dismiss***

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**April M. Maxwell-Henley,**  
***Complainant***

v.

**Laurie T. Gibson-Parker,**  
**Willingboro Board of Education, Burlington County,**  
***Respondent***

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**I. Procedural History**

This matter arises from a Complaint that was initially filed on September 16, 2021, by April M. Maxwell-Henley (Complainant), alleging that Laurie T. Gibson-Parker (Respondent) violated the School Ethics Act (Act), *N.J.S.A. 18A:12-21 et seq.* Complainant was advised by the School Ethics Commission (Commission) that the initial Complaint was deficient, and that Complainant had ten (10) days to cure the deficiencies. As a result, Complainant filed an amended Complaint with the Commission on September 28, 2021. The Complaint avers that Respondent violated *N.J.S.A. 18A:12-24(b)* and *N.J.S.A. 18A:12-24(c)* of the Act, *N.J.S.A. 18A:12-21 et seq.*

On October 4, 2021, the Complaint was served on Respondent, by electronic mail, notifying Respondent that charges were filed with the Commission, and advising that Respondent had twenty (20) days to file a responsive pleading.<sup>1</sup> On October 28, 2021, Respondent filed a Motion to Dismiss in Lieu of Answer (Motion to Dismiss). On November 25, 2021, Complainant filed a response to the Motion to Dismiss.

On January 18, 2022, the parties were subsequently notified that this matter would be placed on the Commission's agenda for its meeting on January 25, 2022, to decide Respondent's Motions to Dismiss. At its meeting on January 25, 2022, the Commission considered the filings in this matter, and, at a special meeting on February 25, 2022, the Commission voted to grant the Motion to Dismiss in its entirety because Complainant failed to plead sufficient, credible facts to support a finding that Respondent violated *N.J.S.A. 18A:12-24(b)* and *N.J.S.A. 18A:12-24(c)*.

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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.

## II. Summary of the Pleadings

### A. *The Complaint*

Complainant asserts that the Willingboro School District (District) employs Respondent's ex-spouse and Respondent is also a member of "an educational union." Complainant cites public *Advisory Opinion A15-16* (A15-16), *Advisory Opinion A15-13* (A15-13) and *Advisory Opinion A24-17* (A24-17) and notes Respondent is "prohibited from participating in any and all issues relating to the superintendent including the search, vote to appoint, and evaluation of the superintendent," as well as "any aspect of negotiations until the memorandum of agreement, ..."

With the above in mind, Complainant asserts that on July 27, 2021, March 8, 2021 and September 13, 2021, Respondent voted "on Agenda items that included her ex-spouse" in violation of *N.J.S.A. 18A:12-24(b)* and *N.J.S.A. 18A:12-24(c)*.

### B. *Motion to Dismiss*

Following receipt of the Complaint, Respondent filed a *Motion to Dismiss*, and argues she and her spouse have been divorced since 2017, "with limited interactions." Respondent maintains she has disclosed her financial "dealings" and any money that she receives as part of "a court order divorce decree settled prior to" her election to the Board, and such monies are not related to her ex-spouse's salary from the Board/District. Respondent further maintains, "at the time of [their] divorce," Respondent's and her ex-spouse's salaries "were comparable with the intent of [her] salary surpassing his" and, therefore, "no financial gain or impact [m]onies were awarded" to Respondent from their divorce settlement agreement based on the length of their marriage and Respondent's ex-spouse's military pension, which Respondent notes, she is "entitled to" receive. Respondent asserts she would be entitled to her ex-spouse's military pension regardless of his employment by the Board. Respondent further asserts she does not receive a "financial gain, privilege[] or advantage[]" in her role as a Board member due to her ex-spouse's employment nor does it "impair [her] objectivity or independence of judgment." Respondent contends Board counsel has not advised her that she could not participate in the matters related to her ex-spouse and most, "if not all, votes have been in block and not individual decisions." Furthermore, Respondent notes all personnel actions were "voted on based on the recommendation of the [S]uperintendent" and her "actions as a Board member" did not "create any type of benefit" for her or "any member of [her] immediate family."

Respondent asserts, as it relates to her "elected positions and involvement within [the] Cherry Hill Education Association, Camden County Council of Education Associations, New Jersey Education Association and National Education Associations," she has "not participated with Willingboro negotiations" nor has she participated in the Superintendent search as a precautionary measure due to her membership in these associations.

**C. *Response to Motion to Dismiss***

In her *response* to the Motion to Dismiss, Complainant acknowledges receipt of the Motion to Dismiss and requests the Commission to “render a ruling.”

**III. Analysis**

**A. *Standard for Motion to Dismiss***

In determining whether to grant a Motion to Dismiss, the Commission shall review the facts in the light most favorable to the non-moving party (Complainant), and determine whether the allegation(s), if true, could establish a violation of the Act. Unless the parties are otherwise notified, a Motion to Dismiss and any response is reviewed by the Commission on a summary basis. *N.J.A.C. 6A:28-8.1 et seq.* Thus, the question before the Commission is whether Complainant has alleged sufficient facts which, if true, could support a finding that Respondent violated *N.J.S.A. 18A:12-24(b)* and/or *N.J.S.A. 18A:12-24(c)*.

**B. *Allegations of Prohibited Acts***

In the Complaint, Complainant alleges that Respondent violated *N.J.S.A. 18A:12-24(b)* and/or *N.J.S.A. 18A:12-24(c)*. These provisions of the Act provide:

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;

c. No school official shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, 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 or a member of his immediate family has a personal involvement that is or creates some benefit to the school official or member of his immediate family;

***Alleged Violation of N.J.S.A. 18A:12-24(b)***

In order to credit the alleged violation of *N.J.S.A. 18A:12-24(b)*, the Commission 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.”

Based on its review of the Complaint, the Commission finds that even if the facts as alleged are proven true by sufficient credible evidence, they would not support a finding that Respondent violated *N.J.S.A. 18A:12-24(b)*. As an initial matter, the Commission acknowledges that divorce does not remove all possible conflicts under the Act. The extent of the conflict depends on the terms of the divorce and any extant linkages between the Board member and the

ex-spouse, such as alimony, child support, etc. To that end, Complainant has not demonstrated sufficient linkage between Respondent and her ex-spouse, namely any financial benefits that Respondent receives as a result of her divorce settlement agreement. Therefore, Complainant has failed to plead enough facts to demonstrate that Respondent used or attempted to use her official position to extend to her ex-spouse any unwarranted privilege or advantage. As such, the Commission finds that the alleged violation of *N.J.S.A. 18A:12-24(b)* should be dismissed.

***Alleged Violation of N.J.S.A. 18A:12-24(c)***

In order to credit the alleged violation of *N.J.S.A. 18A:12-24(c)*, the Commission must find evidence that Respondent acted in her official capacity in a matter where she, or a member of her immediate family, had a direct or indirect financial involvement that might reasonably be expected to impair her objectivity, or in a matter where she had a personal involvement that created some benefit to her, a member of her immediate family, or to “others.”

After review of the Complaint, the Commission finds that even if the facts as alleged are proven true by sufficient credible evidence, they would not support a finding that Respondent violated *N.J.S.A. 18A:12-24(c)*. Again, as noted above, Complainant has not demonstrated a sufficient direct or indirect financial linkage between Respondent and her ex-spouse which might reasonably be expected to impair her objectivity or independence of judgment. Therefore, the Commission finds that the alleged violation of *N.J.S.A. 18A:12-24(c)* should be dismissed.

**IV. Decision**

Based on the foregoing, and in reviewing the facts in the light most favorable to the non-moving party (Complainant), the Commission voted to ***grant*** the Motion to Dismiss in its entirety because Complainant failed to plead sufficient, credible facts to support a finding that Respondent violated *N.J.S.A. 18A:12-24(b)* and/or *N.J.S.A. 18A:12-24(c)*.

Pursuant to *N.J.S.A. 18A:12-29(b)*, the Commission hereby notifies Complainant and Respondent that, for the reasons set forth above, this matter is dismissed. 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)*.

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Robert W. Bender, Chairperson

Mailing Date: February 25, 2022

***Resolution Adopting Decision  
in Connection with C45-21***

***Whereas***, at its meeting on January 25, 2022, the School Ethics Commission (Commission) considered the Complaint, the Motion to Dismiss in Lieu of Answer (Motion to Dismiss), and the response to the Motion to Dismiss submitted in connection with the above-referenced matter; and

***Whereas***, at its meeting on January 25, 2022, the Commission discussed granting the Motion to Dismiss in its entirety for failure to plead sufficient, credible facts to support the allegations that Respondent violated *N.J.S.A. 18A:12-24(b)* and/or *N.J.S.A. 18A:12-24(c)*; and

***Whereas***, at a special meeting on February 25, 2022, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on January 25, 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.

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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 February 25, 2022.

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Kathryn A. Whalen, Esq.,  
Director, School Ethics Commission  
(For Submission Only)