

***Before the School Ethics Commission***  
***Docket No.: C70-21***  
***Decision on Motion to Dismiss***

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**Louis H. Waibel,**  
***Complainant***

v.

**Karen D’Amico,**  
**Kinnelon Board of Education, Morris County,**  
***Respondent***

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**I. Procedural History**

The above-captioned matter arises from a Complaint that was filed on November 2, 2021, by Louis H. Waibel (Complainant) alleging that Karen D’Amico (Respondent), a member of the Kinnelon 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:12-24.1(d) (Count 1), *N.J.S.A.* 18A:12-24.1(e) (Count 1, Count 3, and Count 7), *N.J.S.A.* 18A:12-24.1(f) (Count 3), *N.J.S.A.* 18A:12-24.1(g) (Counts 1–2 and Counts 4–6), and *N.J.S.A.* 18A:12-24.1(j) (Count 3) of the Code of Ethics for School Board Members (Code).

On November 10, 2021, the Complaint was served on Respondent via electronic mail, notifying her that charges were filed against her with the School Ethics Commission (Commission), and advising that she had twenty (20) days to file a responsive pleading.<sup>1</sup> On December 3, 2021, Respondent filed a Motion to Dismiss in Lieu of Answer (Motion to Dismiss), and also alleged that the Complaint is frivolous. As further discussed below, Complainant opted not to file a response to the Motion to Dismiss and allegation of frivolous filing.

The parties were notified by correspondence dated April 18, 2022, that this matter would be discussed by the Commission at its meeting on April 26, 2022, in order to make a determination regarding the Motion to Dismiss and allegation of frivolous filing. Following its discussion on April 26, 2022, the Commission adopted a decision at its meeting on May 24, 2022, finding that the allegations in Count 1 and Count 3 were untimely filed, and granting the Motion to Dismiss as to the remaining allegations in Count 2 and Counts 4–7 for failure to plead sufficient, credible facts to support a finding(s) that Respondent violated the stated provisions of the Code. The Commission also adopted a decision finding the Complaint not frivolous, and denying Respondent’s request for sanctions.

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<sup>1</sup> 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.

## II. Summary of the Pleadings

### A. *The Complaint*

In Count 1, Complainant states on January 29, 2021, and January 30, 2021, Respondent posted “inaccurate” information on a “Facebook public town forum for parents” that contained “false accusations” regarding the Superintendent. According to Complainant, Respondent’s post indicated that, at a recent Board meeting, “[t]he Superintendent acknowledged ... that she had made a verbal agreement with the [Kinnelon Education Association (KEA)] to get teachers to come back to school in September 2020,” and the “agreement ... provided for the teachers to have instructional Wednesdays as long as hybrid was being used. In exchange, the teachers agreed to come back and gave \$45,000 of their tuition reimbursement.” Per Complainant, Respondent then edited her original post and clarified, “EDIT: the tuition reimbursement is not money that would have gone to teachers taking classes. It does not impact Tier 2 funds ... .” Complainant maintains that the information provided by Respondent was inaccurate and had to be edited two times.

Based on the inaccurate information in her social media posts, Complainant alleges that Respondent violated *N.J.S.A.* 18A:12-24.1(d) because Respondent was “trying to administer the school” by “attempting to sway the public opinion on a public forum regarding a [Kinnelon School District (District)] decision”; *N.J.S.A.* 18A:12-24.1(e) because she is “personally trying to make decisions regarding the school instead of understanding her authority rests with” the Board; and *N.J.S.A.* 18A:12-24.1(g) because the “information in this post is inaccurate and required [Respondent] to provide several edits” and “editing on a social media post does not guarantee that inaccurate information was not circulated in town.”

In Count 2, Complainant states that on October 7, 2021, Respondent said “in a public forum on Facebook: Kinnelon had one bus driver quit and three others refused to take the vaccine or be tested weekly.” As such, Complainant contends Respondent violated *N.J.S.A.* 18A:12-24.1(g) because she “shared private health and personnel information about staff and/or contracted members of” the District.

In Count 3, Complainant states that during the week of January 28, 2021, Respondent posted information on a “[p]ublic forum on Facebook” for parents of students with disabilities (referred to as KPEC) stating, in part, “I have requested that an independent audit be conducted of the Special Services Department ... In addition, I’m seeking approval for an Ad Hoc Committee on Special Education, Bullying, and Inclusion.” Complainant asserts that by posting this information, Respondent violated *N.J.S.A.* 18A:12-24.1(e) because she is “publicly trying to administer the schools and does not understand that she does not act alone but her authority only exists with the full [B]oard”; *N.J.S.A.* 18A:12-24.1(j) because she is “clearly acting on real or perceived complaints without referring them to the” Superintendent; and *N.J.S.A.* 18A:12-24.1(f) because she has said “several times that her children have disabilities”; she has publicly stated that she “has previously litigated against” the Board; and has also sent the Board a “notice of intent to sue while serving” as a Board member. Per Complainant, these actions “clearly show[]” that Respondent “wants an audit of the special education department to further her own personal/children’s gain and the gain of a special interest group,” namely KPEC.

In Count 4, Complainant states that, at a Board meeting on June 24, 2021, Respondent “discussed the appointment of a Special Education Director[’s] appointment ... and discussed specific information regarding her resume in a public forum sharing confidential information.” Complainant submits Respondent violated *N.J.S.A. 18A:12-24.1(g)* because, although the employee was on the agenda, Respondent “violated confidentiality by identifying items in her resume that should not have been discussed,” and her (Respondent’s) statements “could have potentially harmed this employee’s ability to be hired in another school district by the way [Respondent] made her statements.”

In Count 5, Complainant states that, on October 17, 2021, Respondent “falsely stated,” in a social media post (Facebook), that the District is “out of money,” and did so “in order to promote a candidate for the Board ... .” Complainant alleges that Respondent violated *N.J.S.A. 18A:12-24.1(g)* because her statements were “false” as the District is not out of money, and saying so “causes unnecessary strife in the [D]istrict.”

In Count 6, Complainant states that, on October 1, 2021, and “on [a] public forum on Facebook,” Respondent discussed the details of a conversation she had with a parent of a student with disabilities who sued the District, namely, “the mother told me that they won in December 2019. The first installment was around [F]eb[ruary] 2020 and the other in [A]ugust 2020 because the school didn’t have the funds to make one payment.” As such, Complainant argues Respondent violated *N.J.S.A. 18A:12-24.1(g)* because she shared “personal identifying information about special education lawsuits” and, although lawsuits are “public knowledge,” she is specifically referring to information she learned from a parent, and that kind of information should not be shared publicly.

In Count 7, Complainant states that on October 22, 2021, Respondent “shared inaccurate information regarding the ... [D]istrict on a public Facebook forum,” and she represented the inaccuracies as fact and did not claim she was posting as a private citizen.” Her failure to include a disclaimer “may lead to citizens thinking she is speaking on the [B]oard as an informed member of the ... [D]istrict.” Based on her inaccurate statements, Complainant argues that Respondent violated *N.J.S.A. 18A:12-24.1(e)* because the post “should be considered private action as [Respondent] did not state ... that she was representing her personal opinion and not the opinion of the [B]oard,” and this kind of inaccurate information is “detrimental to the school community.”

### **B. *Motion to Dismiss and Allegation of Frivolous Filing***

Following receipt of the Complaint, Respondent filed a Motion to Dismiss and allegation of frivolous filing, and initially argues that Count 1 and Count 3 are untimely. According to Respondent, Complainant “was well-aware” of Respondent’s online posts from January 2021 (Count 1 and Count 3) because his (Complainant’s) spouse regularly emailed Respondent “in an attempt to silence her and restrict her transparency with the public.” As such, Complainant “cannot reasonably claim to have not been aware of [Respondent’s] public comments on social media that occurred in January 2021, given that his [spouse] was actively engaging with [Respondent] about those very statements at the time they were made.” Therefore, Complainant knew or should have known about the events that took place in Counts 1 and 3 “the date they occurred,” or “the date they were made public.” Furthermore, Complainant does not offer a

reason or justification for his failure to file the Complaint “anywhere close to any date that could be considered compliant with the” 180-day limitation period; as such, Counts 1 and 3 should be dismissed as untimely. Moreover, Respondent submits, “It is clear that Complainant included these issues in the Complaint for the sole purpose of further harassing [Respondent] in attempt to silence her,” and relaxation of the limitation period is “unwarranted, especially given the extreme delay between January 30, 2021,” and the date he filed the Complaint.

Regarding the alleged violations of *N.J.S.A. 18A:12-24.1(g)* in Count 2, Count 4, Count 5, and Count 6, those claims “must be dismissed because Complainant fails to allege any public disclosure of information by [Respondent] that was in any way confidential, private, or inaccurate.” Moreover, the actions described in these Counts “are entirely within the scope of the lawful exercise of a Board member’s rights to engage in free speech and expression in a public forum, as constitutionally protected under the First Amendment.”

In more specific response to Count 2, Respondent maintains she did not share any “confidential information.” More specifically, the information she shared about the bus drivers in Count 2 was publicly available information and, based on her understanding, the bus drivers are not even employed by the Board. In addition, and regarding the bus drivers who refused to be vaccinated, her post “contained no confidential or private information and did not identify or disclose any personal identifying information ... .”

Regarding the appointment of the Special Education Director (in Count 4), the statements attributed to Respondent by Complainant are not reflected in the Board’s minutes and, moreover, Respondent denies she shared any confidential information about the prospective employee at the meeting. Respondent also notes, “the only statements she could have made ... consisted solely of public information that was readily available to any member of the public on the Internet, via a simple Google search, thereby precluding any public disclosure of private or confidential information ... .”

As for Count 5, Respondent argues that her post (the District was “out of money”) “could not reasonably have been interpreted as stating that the District literally was bankrupt and had absolutely no funds available whatsoever.” Respondent asserts her “figurative, non-literal” post “described concerns regarding the serious budgetary issues currently facing the District and the need for fiscal responsibility in order to properly address those issues.” Further, Complainant “fails to identify any significant misinformation that [Respondent] publicly communicated, as opposed to an expression of her concern regarding the fiscal problems facing the Board.”

Regarding Count 6, Respondent claims the “lawsuit” that Respondent refers to is a public record and records related to the lawsuit are readily available to any member of the public pursuant to an Open Public Records Act request. Respondent further claims, “the mere fact that a parent involved in a lawsuit filed against the Board provides the same information to a Board member that is also publicly available in such records does not render the parent-provided information ‘confidential’ within the meaning of *N.J.S.A. 18A:12-24.1(g)*.” Respondent asserts Complainant has not demonstrated that Respondent “disseminated” any private or confidential information.

As for the alleged violation of *N.J.S.A.* 18A:12-24.1(e) in Count 7, Complainant failed to “identify what ‘personal promises’ [Respondent] allegedly made or ‘private action’ she allegedly took in publicly posting on Facebook regarding the quality of education provided in the District and the opinions and perceptions of the public and the news media regarding that issue.” Furthermore, to the extent Complainant argues this information is inaccurate and violates *N.J.S.A.* 18A:12-24.1(g), “that is a ‘de minimis’ inaccuracy.” Respondent further asserts Complainant has not provided any evidence to support that Respondent’s “inaccuracy was other than reasonable mistake or personal opinion . . .” nor has he provided any facts to support that Respondent’s “alleged disclosure of confidential, private, or inaccurate information,” was not protected free speech and expression as permitted by her First Amendment rights.

Finally, Respondent asserts the Complaint is frivolous because the Complaint was “clearly commenced in bad faith, solely for the purpose of harassing and/or causing malicious injury to [Respondent] by way of attempting to draw public attention to and increase the credibility and legitimacy (though unsuccessfully) of Complainant’s and his [spouse’s] ongoing criticism of her performance as a relatively new, recently elected Board member.” According to Respondent, Complainant has not provided any evidence to demonstrate that Respondent “made any personal promise or took any private action beyond the scope of her duties that, by its nature, had the potential to compromise the board.” Furthermore, Respondent notes Complainant “knew, or should have known that the Complaint lacked any reasonable basis in law or equity, and was not supportable by a good faith argument for an extension, modification or reversal of existing law.” Respondent maintains her posts, about issues relevant to the District, do not support violations of *N.J.S.A.* 18A:12-24.1(e) and/or *N.J.S.A.* 18A:12-24.1(g). Without factual evidence, Respondent asserts these “baseless allegations” are frivolous.”

### ***C. Response to Motion to Dismiss and Allegation of Frivolous Filing***

The Commission’s staff sent correspondence dated January 20, 2022, and February 9, 2022, to Complainant (electronically) indicating that, “[f]ailure to file a response may result in the Commission ruling on the Motion to Dismiss, without considering any written submission from you.” After a third letter was sent to Complainant via certified mail, he contacted the Commission’s staff and advised that he did not receive any previous correspondence because his e-mail address had changed. Complainant was then advised that he could either rely on his Complaint (and not submit additional filings), or contact Respondent and seek her consent for an extension to file a response to the Motion to Dismiss and allegation of frivolous filing. In the interest of not delaying the review and processing of this matter any further, and because he was advised that his Complaint would not be dismissed solely because he failed to file a response to the Motion to Dismiss and allegation of frivolous filing, Complainant voluntarily chose not to submit an additional pleading.

### III. Analysis

#### A. *Alleged Untimeliness*

In her Motion to Dismiss, Respondent argues that the allegations in Count 1 and Count 3 are **time barred** because Complainant “was well-aware” of the posts at the time they were made (January 2021) because, per Respondent, Complainant’s spouse “regularly” e-mailed Respondent (at that time) “in an attempt to silence her and restrict her transparency to the public.” As such, Respondent submits that Complainant “cannot reasonably claim to have not been aware of [Respondent’s] public comments on social media that occurred in January 2021, given that his [spouse] was actively engaging with [Respondent] about those very statements at the time they were made.” Because he did not file his Complaint until November 2, 2021, which is more than one hundred eighty (180) days after the posts were made, Respondent maintains that Count 1 and Count 3 should be dismissed.

As noted *supra*, Complainant did not file a response to the Motion to Dismiss or otherwise address the allegation of untimeliness (for Count 1 and Count 3).

The Commission’s regulations provide a one hundred eighty (180) day limitation period for filing a complaint. More specifically, *N.J.A.C. 6A:28-6.5(a)* provides, in relevant part:

- (a) Complaints shall be filed within 180 days of notice ***of the events which form the basis of the alleged violation(s)***. A complainant shall be deemed to be notified of events which form the basis of the alleged violation(s) ***when he or she knew of such events or when such events were made public so that one using reasonable diligence would know or should have known*** (emphasis added).

Construing the facts in the light most favorable to Complainant, the Commission will regard January 31, 2021, as the date that the at-issue posts were made (for both Count 1 and Count 3). With January 31, 2021, as the starting point for the one hundred eighty (180) day period of limitations for the allegations in Count 1 and Count 3, Complainant had until July 30, 2021, to file a Complaint with the Commission for Respondent’s January 2021 posts. Because the Complaint was not received by the Commission until November 2, 2021, the Commission finds that it was filed more than ninety (90) days ***after*** the period of limitations expired.

The Commission recognizes that limitation periods of this type serve to discourage dilatoriness and provide a measure of repose in the conduct of school affairs. *Kaprow v. Berkley Township Bd. of Educ.*, 131 N.J. 571, 587 (1993). Thus, “notice of the alleged violation” must be interpreted in a manner that anticipates the reasonable diligence of complainant(s). In addressing potential violations of the Act, the Commission must balance the public’s interest in knowing of potential violations against the important policy of repose and a respondent’s right to fairness. The time limitations set forth in the regulations must be enforced if the Commission is to operate in a fair and consistent manner. *Phillips v. Streckenbein et al., Edgewater Park Bd. of Educ., Burlington County*, C19-03 (June 24, 2003). Although the Commission recognizes that the regulatory time period may be relaxed, in its discretion, in any case where strict adherence may

be deemed inappropriate or unnecessary or may result in injustice, it finds no extraordinary circumstances in the within matter that would compel relaxation.

With the above in mind, the Commissions finds that the allegations detailed in Count 1 and Count 3 are **time barred** and dismissed.

**B. *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(s) 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 pled sufficient facts which, if true, could support a finding that Respondent violated *N.J.S.A. 18A:12-24.1(e)* (Count 7) and/or *N.J.S.A. 18A:12-24.1(g)* (Count 2 and Counts 4-6).

**C. *Alleged Code Violations***

Complainant submits that, based on the conduct more fully detailed above, Respondent violated *N.J.S.A. 18A:12-24.1(e)* (Count 7) and *N.J.S.A. 18A:12-24.1(g)* (Count 2 and Counts 4-6). These provisions of the Code provide:

- e. I will recognize that authority rests with the board of education and will make no personal promises nor take any private action that may compromise the board.
- g. I will hold confidential all matters pertaining to the schools which, if disclosed, would needlessly injure individuals or the schools. In all other matters, I will provide accurate information and, in concert with my fellow board members, interpret to the staff the aspirations of the community for its school.

***Violation of N.J.S.A. 18A:12-24.1(e)***  
***(Count 7)***

Pursuant to *N.J.A.C. 6A:28-6.4(a)(5)*, factual evidence of a violation of *N.J.S.A. 18A:12-24.1(e)* shall include evidence that Respondent made personal promises or took action beyond the scope of her duties such that, by its nature, had the potential to compromise the board.

In brief, Complainant argues that on October 22, 2021, Respondent “shared inaccurate information regarding the ... [D]istrict on a public Facebook forum,” and represented the inaccuracies as fact and did not claim she was posting as a private citizen.” Because she (Respondent) did not include a disclaimer, Complainant further argues that the post “should be considered private action as [Respondent] did not state ... that she was representing her personal opinion and not the opinion of the [B]oard,” and this kind of inaccurate information is “detrimental to the school community.”

Respondent counters that Complainant failed to “identify what ‘personal promises’ [Respondent] allegedly made or ‘private action’ she allegedly took in publicly posting on Facebook regarding the quality of education provided in the District and the opinions and perceptions of the public and the news media regarding that issue.”

Based on its review of the Complaint, the Commission finds that even if the facts as asserted are proven true by sufficient credible evidence, they would not support a finding that Respondent violated *N.J.S.A. 18A:12-24.1(e)*. Even if Respondent did post inaccurate information on her Facebook page regarding the statewide “standing” or “ranking” of the District relative to other New Jersey school districts, the post appended to the Complaint does not indicate that Respondent referred to, referenced, or otherwise relied upon or cited to her Board member status anywhere in the post. Without any direct or indirect linkage to her position on the Board and the post, the Commission is hard pressed to find that a disclaimer was required for this kind of social media activity. Therefore, the Commission finds that the stated violation of *N.J.S.A. 18A:12-24.1(e)* in Count 7 should be dismissed.

***Violations of N.J.S.A. 18A:12-24.1(g)***  
***(Count 2 and Counts 4–6)***

As set forth in *N.J.A.C. 6A:28-6.4(a)(7)*, factual evidence of a violation of **the confidentiality provision** of *N.J.S.A. 18A:12-24.1(g)* shall include evidence that Respondent took action to make public, reveal or disclose information that was not public under any laws, regulations or court orders of this State, or information that was otherwise confidential in accordance with board policies, procedures or practices. Factual evidence that Respondent violated the **inaccurate information provision** of *N.J.S.A. 18A:12-24.1(g)* shall include evidence that substantiates the inaccuracy of the information provided by Respondent and evidence that establishes that the inaccuracy was other than reasonable mistake or personal opinion or was not attributable to developing circumstances.

In Count 2 and Counts 4–6, Complainant suggests that Respondent violated *N.J.S.A. 18A:12-24.1(g)* because she “shared private health and personnel information about staff and/or contracted members of” the District (Count 2); although the appointment of a Special Education Director was on the agenda, Respondent “violated confidentiality by identifying items in her resume that should not have been discussed,” and her (Respondent’s) statements “could have potentially harmed this employee’s ability to be hired in another school district by the way [Respondent] made her statements” (Count 4); “falsely stated,” in a social media post (Facebook) on October 17, 2021, that the District is “out of money,” and did so “in order to promote a candidate for the Board ...” (Count 5); and she shared “personal identifying information about special education lawsuits” and, although lawsuits are “public knowledge,” she is specifically referring to information she learned from a parent, and that kind of information should not be shared publicly (Count 6).

Respondent counters that the purported violations of *N.J.S.A. 18A:12-24.1(g)* in Count 2 and Counts 4–6 “must be dismissed because Complainant fails to allege any public disclosure of information by [Respondent] that was in any way confidential, private, or inaccurate.” Moreover, the actions described in these Counts “are entirely within the scope of the lawful exercise of a



Board member’s rights to engage in free speech and expression in a public forum, as constitutionally protected under the First Amendment.”

Following its review of the Complaint, the Commission finds that even if the facts as contended are proven true by sufficient credible evidence, they would not support a finding(s) that Respondent violated *N.J.S.A.* 18A:12-24.1(g). The Commission agrees that, as suggested by Respondent, Complainant needed to provide evidence sufficient to substantiate the confidential nature of the information that Respondent theoretically disclosed to the public. By way of example, although Respondent indicated (in the post at-issue in Count 2) that certain bus drivers “quit” or refused to be vaccinated, she did not provide the name(s) of any individual who is the subject of the post; in Count 4, Complainant did not specify what items from the Special Education Director’s resume were confidential, and the basis for his belief that same was confidential; and in Count 6, Complainant did not explain how details concerning the payment(s) that the Board may have made to a litigant were confidential when, in actuality, such business is memorialized in the Board’s business records and minutes. In addition, although Respondent’s statement as reflected in Count 5 (the District is “out of money”) is clearly inaccurate **in the literal sense**, Complainant did not provide sufficient evidence that establishes that the inaccuracy was other than reasonable mistake or **her (Respondent’s) personal opinion about** the soundness of the District’s budget. Accordingly, the Commission finds that the claimed violations of *N.J.S.A.* 18A:12-24.1(g) in Count 2 and Counts 4–6 should be dismissed.

#### **IV. Request for Sanctions**

At its meeting on April 26, 2022, 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 May 24, 2022, the Commission voted to find the Complaint not frivolous, and to deny the request for sanctions.

#### **V. 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 find that the allegations in Count 1 and Count 3 were **untimely filed**, and to **grant** the Motion to Dismiss as to the remaining allegations in Count 2 and Counts 4-7 because Complainant failed to plead sufficient, credible facts to support a finding(s) that Respondent violated the cited provisions of the Code. The Commission also voted to find that the Complaint is not frivolous, and to deny Respondent’s request for sanctions.

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: May 24, 2022

***Resolution Adopting Decision  
in Connection with C70-21***

***Whereas***, at its meeting on April 26, 2022, the School Ethics Commission (Commission) considered the Complaint and the Motion to Dismiss in Lieu of Answer and allegation of frivolous filing (Motion to Dismiss) submitted in connection with the above-referenced matter; and

***Whereas***, at its meeting on April 26, 2022, the Commission discussed finding the allegations in Count 1 and Count 3 to be untimely; and

***Whereas***, at its meeting on April 26, 2022, the Commission discussed granting the Motion to Dismiss as to the remaining allegations in Count 2 and Counts 4-7 because Complainant failed to plead sufficient, credible facts to support a finding(s) that Respondent violated the proffered provisions of the Code; and

***Whereas***, at its meeting on April 26, 2022, the Commission discussed finding the Complaint not frivolous, and denying the request for sanctions; and

***Whereas***, at its meeting on May 24, 2022, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on April 26, 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 its public meeting on May 24, 2022.

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