

Before the School Ethics Commission
Docket No.: C63-21
Decision on Motion to Dismiss

Michael Spille,
Complainant

v.

**Kevin Koveloski, Martha Dennis, Diana Pursell, Filomenia Hengst, Jim Gallagher, Roni
Todd-Marino, Lauren Braun-Strumfels, Traci Paciulli, and Meagan Warner,**
South Hunterdon Regional Board of Education, Hunterdon County,
Respondents

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on October 27, 2021, by Michael Spille (Complainant), alleging that Kevin Koveloski (Respondent Koveloski), Martha Dennis (Respondent Dennis), Diana Pursell (Respondent Pursell), Filomenia Hengst (Respondent Hengst), Jim Gallagher (Respondent Gallagher), Roni Todd-Marino (Respondent Todd-Marino), Lauren Braun-Strumfels (Respondent Braun-Strumfels), Traci Paciulli (Respondent Paciulli), and Meagan Warner (Respondent Warner) (collectively referred to as Respondents), members of the South Hunterdon Regional Board of Education (Board), violated the School Ethics Act (Act), *N.J.S.A. 18A:12-21 et seq.*

By correspondence dated October 28, 2021, Complainant was notified that the Complaint was deficient, and required amendment before the Commission could accept his filing. On November 2, 2021, 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*. More specifically, the Complaint avers that Respondents violated *N.J.S.A. 18A:12-24.1(g)* in Counts 1-8, Count 12, Counts 14-15, and Count 18; Respondent Koveloski violated *N.J.S.A. 18A:12-24.1(g)* in Count 5 and *N.J.S.A. 18A:12-24.1(e)* in Count 11; Respondent Koveloski and Respondent Gallagher violated *N.J.S.A. 18A:12-24.1(e)* and *N.J.S.A. 18A:12-24.1(g)* in Count 9; Respondent Gallagher violated *N.J.S.A. 18A:12-24.1(e)* and *N.J.S.A. 18A:12-24.1(g)* in Count 10; Respondent Hengst, Respondent Braun-Strumfels, Respondent Warner, and Respondent Todd-Marino violated *N.J.S.A. 18A:12-24.1(e)*, *N.J.S.A. 18A:12-24.1(f)*, and *N.J.S.A. 18A:12-24.1(g)* in Count 13, and violated *N.J.S.A. 18A:12-24.1(e)* and *N.J.S.A. 18A:12-24.1(f)* in Count 17; and Respondent Pursell violated *N.J.S.A. 18A:12-24.1(e)* in Count 16.

On November 3, 2021, the Complaint was served on Respondents via electronic mail, notifying them that ethics charges had been filed against them with the Commission, and

advising that they had twenty (20) days to file a responsive pleading.¹ On November 24, 2021, Respondents filed a Motion to Dismiss in Lieu of Answer (Motion to Dismiss), and on December 21, 2021, Complainant filed a response to the Motion to Dismiss.

Following the submission of the aforementioned filings, the parties were advised by correspondence dated January 27, 2022, that the Commission voted, at its meeting on January 25, 2022, to place the above-captioned matter in abeyance until the related matter pending in the Superior Court of New Jersey, Law Division, Hunterdon County, had been fully and finally resolved. On or about March 17, 2023, the parties agreed that the related matter had been fully and finally resolved, and that neither intended to pursue any other review and/or appeal in any other court of law or proceeding.

Consequently, the parties were notified by correspondence dated April 17, 2023, that the above-captioned matter would be discussed by the Commission at its meeting on April 25, 2023, in order to make a determination regarding the Motion to Dismiss. Following its discussion on April 25, 2023, the Commission adopted a decision at its meeting on May 23, 2023, granting the Motion to Dismiss in its entirety because Complainant failed to plead sufficient credible facts to support a finding that Respondents violated *N.J.S.A.* 18A:12-24.1(g) in Counts 1-8, Count 12, Counts 14-15, and/or Count 18; Respondent Koveloski violated *N.J.S.A.* 18A:12-24.1(g) in Count 5 and/or *N.J.S.A.* 18A:12-24.1(e) in Count 11; Respondent Koveloski and Respondent Gallagher violated *N.J.S.A.* 18A:12-24.1(e) and/or *N.J.S.A.* 18A:12-24.1(g) in Count 9; Respondent Gallagher violated *N.J.S.A.* 18A:12-24.1(e) and/or *N.J.S.A.* 18A:12-24.1(g) in Count 10; Respondent Hengst, Respondent Braun-Strumfels, Respondent Warner, and Respondent Todd-Marino violated *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(f), and/or *N.J.S.A.* 18A:12-24.1(g) in Count 13, and/or violated *N.J.S.A.* 18A:12-24.1(e) and/or *N.J.S.A.* 18A:12-24.1(f) in Count 17; and/or Respondent Pursell violated *N.J.S.A.* 18A:12-24.1(e) in Count 16.

II. Summary of the Pleadings

A. The Complaint

By way of background, Complainant states that the South Hunterdon Regional School District (District) has been planning to improve two District Schools, Lambertville Public School (LPS) and West Amwell School (WAS). The Board has provided the public with a “number of options,” as well as the “pros and cons of each option.” In April 2021, the Board voted unanimously to approve the option “that was very controversial within the community.” In order to implement the plan, the Board “agreed to put it to a referendum on the ballot ... to sell a \$33 million bond.” Complainant notes, “Unlike the historical record, the materials put forth by the [B]oard to support the referendum plan have been highly biased and hide a number of material issues with the proposal.” The following Counts, except Count 17, detail the “numerous” ethics violations committed by the named Respondents (which represent the entirety of the Board) “in connection with the referendum.”

¹ In order to conduct business during the Coronavirus (COVID-19) pandemic, the Commission implemented an electronic filing system, which remains a permissible method by which the Commission and parties can effectuate service of process. Consequently, service of process was effectuated by the Commission through electronic transmission only.

In Count 1, Complainant states that in April 2021, the Superintendent distributed a “list of survey questions” to all District residents about the referendum. According to Complainant, although the responses to the survey were posted on the District’s website, and discussed publicly at the June meeting, the Board “did not promote” the survey results (which were described as “negative”) in the same way that it promoted the referendum (which was described as “positive”). Although “[e]very other source on the referendum” was announced “via the school’s public notification system and on the [D]istrict listserv,” the “negative” survey results were not. As a result, Complainant argues that, on June 15, 2021, Respondents violated *N.J.S.A.* 18A:12-24.1(g) because the Board “did not give this information the same level of public exposure regarding the referendum as it did materials showing the referendum in a positive light.”

In Count 2, Complainant states that in April 2021, and with approval from the Board, the Superintendent assembled a “Referendum Key Communicator Group” (Group), which was composed of “prominent people” who lived within the District. Per Complainant, the purpose of the Group was “clearly to use them to persuade the community to vote ‘yes’ on the referendum,” a practice which is permitted by virtue of *New Jersey Citizens to Protect Public Funds v. Parsippany-Troy Hills Board of Education* as, in that case, the “Court found that [boards of education] are not allowed to try to persuade the voting public to vote in any particular direction on a referendum.” Complainant additionally states that the Superintendent “regularly” communicated with the Group, and provided them with “additional information and instruction beyond what the public hears,” in an effort to “convince ‘Not sure’ voters to vote ‘yes.’” Therefore, Complainant asserts that, on May 24, 2021, Respondents violated *N.J.S.A.* 18A:12-24.1(g) because the Board is using the Group “to influence the electorate regarding the referendum using biased and incomplete information.”

In Count 3, Complainant states that in August 2021, the Board “published a ‘*Referendum Community Presentation*,’” which contained information about the referendum. According to Complainant, the presentation contained “a number of violations where the [Board] is attempting to sway the voting public by the use of emotion and matters not related to education, and contains inaccurate and misleading information.” For example, one page of the presentation ties property values to referendums, which was found unlawful in *Enterline v. Hillsborough*; and other pages contain “exaggerations” in order to “scare” voters into voting yes to the referendum. Complainant also notes that the presentation “does not mention material deficiencies that exist in the proposed referendum plan.” Complainant further notes, “the presentation emphasizes that LPS can be renovated responsibly, while WAS cannot,” which is the “exact opposite” recommendation that the architects recommended. Complainant contends in this presentation, the Board “reverses the narrative on the relative condition of the two schools,” and it was “crafted as an unethical pitch to the community to vote ‘yes’ for the referendum by using emotionally charged phrases, hiding critical information from voters and flipping the narrative on key points.” Accordingly, Complainant contends that, on August 23, 2021, Respondents violated *N.J.S.A.* 18A:12-24.1(g) because the presentation did not give “voters complete information about the referendum, failed to state known deficiencies in the referendum plan, and us[ed] emotionally charged wording and ‘spin’ to try [to] influence the electorate.”

In Count 4, Complainant states that, also in August 2021, the Board published a “Referendum FAQ’ to answer common questions about the referendum.” As with the presentation, noted in Count 3, the FAQ was “a clear appeal to emotion and improper reference to property values” Per Complainant, the Board “is guilty of both cheerleading for positive benefits of a ‘yes’ vote and over-exaggerating on the negative impacts of a ‘no’ vote.” As a result, Complainant argues that, on August 23, 2021, Respondents violated *N.J.S.A. 18A:12-24.1(g)* because the FAQ is “manipulative in nature, tries to scare the electorate with outsized repercussions if the referendum fails, and does not give complete information about deficiencies in the referendum plan.”

In Count 5, Complainant states the Board released a video on August 17, 2021, entitled “*Referendum Video #1*” (V1), which “has a number of appeals to emotion, lists none of the issues with the referendum, and is clearly designed to elicit a ‘yes’ from voters.” Complainant further notes that Respondent Koveloski (Board President) went “out of his way to talk to all of the potential negatives if the referendum does not pass, but nowhere does [he] mention any of the short comings of the referendum plan itself.” Therefore, Complainant asserts that, on August 17, 2021, Respondents violated *N.J.S.A. 18A:12-24.1(g)* because the “video uses emotionally charged wording, sound and visuals, tries to spin the material to influence the electorate, omits key deficiencies in the referendum plan, and includes the Board President [(Respondent Koveloski)] trying to scare the electorate with outsized warnings if the referendum fails.”

In Count 6, Complainant states that the Board released a second video (V2) on September 21, 2021, which “focuses on Hurricane Ida impacts, and tries to persuade the voters that flooding in the school was not as bad as feared.” Complainant submits that, based on “rumors,” the flooding was “much worse” than the Superintendent indicated, and “the video was shot purposefully to minimize the perceived damage.” Complainant further notes that the Superintendent “goes on the video to effectively threaten to cut programs if the referendum does not pass, and to paint a dire picture of 8 years of pain for the [D]istrict.” Accordingly, Complainant contends that, on September 21, 2021, Respondents violated *N.J.S.A. 18A:12-24.1(g)* because “the video is trying to convince the electorate that having LPS in a flood zone is not as bad as feared, and the Superintendent threatens to cut programs if the referendum does not pass.”

In Count 7, Complainant states that a third video (V3) was released on October 15, 2021, which had a former student give “an emotional recitation of her issues navigating the school as she was wheelchair bound up to and including 2006, while cameras pan to various parts of the school that are out of ADA compliance.” Complainant notes that the video “ends with the message ‘Please Vote on November 2nd,’ with clearly an implied ‘vote yes.’” As a result, Complainant argues that, on October 15, 2021, Respondents violated *N.J.S.A. 18A:12-24.1(g)* because the “entire video is nothing more than an emotional plea with no additional useful information content.”

In Count 8, Complainant states that on October 9, 2021, the Board released a “new Monthly Newsletter,” and the second half of page three was “devoted to the Referendum,” used words to “scare voters away from voting ‘no’”; and reminds voters to “*Please Vote on November 2nd*,” which “clearly implies” to vote “yes.” Therefore, Complainant asserts that, on October 9,

2021, Respondents violated *N.J.S.A.* 18A:12-24.1(g) because the newsletter “contains incorrect facts meant to scare voters, the use of emotionally charged wording to try to persuade the electorate to vote yes, and includes the prior videos which are also meant to influence the electorate.”

In Count 9, Complainant submits that on October 6, 2021, Respondent Gallagher and Respondent Koveloski, “appeared before the West Amwell Township [] Committee and tried to persuade the Township Committee to stay neutral in the matter of the referendum.” Complainant further submits that Respondent Gallagher and Respondent Koveloski “were clearly trying to advocate for the referendum, but also are trying to suppress negative information about it as well.” Per Complainant, “by identifying themselves as Board ... members and urging the Township to remain neutral,” Respondent Gallagher and Respondent Koveloski “interfered with the Board’s” functioning. Accordingly, Complainant contends that, on October 6, 2021, Respondent Gallagher and Respondent Koveloski violated *N.J.S.A.* 18A:12-24.1(e) because they “took private action that could compromise the [B]oard by meeting with West Amwell Township and trying to influence their actions,” and violated *N.J.S.A.* 18A:12-24.1(g) because they “deliberately gave incomplete information to the Township Committee and withheld information about material deficiencies in the referendum plan.”

In Count 10, Complainant states that during the week of October 11, 2021, Respondent Gallagher “made a number of posts to Facebook regarding the referendum.” Although Respondent Gallagher included a disclaimer noting that he was speaking as a private citizen, Complainant submits that Respondent Gallagher “intentionally withheld material, non-private information about the Referendum, and attempted to mislead readers about the costs of the referendum and what other options might look like.” In addition, despite the use of a disclaimer, Respondent Gallagher “constantly reference[s] the [Board] and its activities in such a way to make it clear that he actually *is* speaking as a [Board] member,” and his responses were misleading to those who read them. As a result, and on October 11, 2021, Complainant argues that Respondent Gallagher violated *N.J.S.A.* 18A:12-24.1(e) because he “took action on Facebook that could seriously compromise the Board,” and *N.J.S.A.* 18A:12-24.1(g) because he “deliberately tried to spin all of his information in a positive light, gave incomplete answers on purpose, and deliberately gave inaccurate numbers that tried to put the referendum in the best light, and withheld answers to questions that could be seen as negative regarding the referendum.”

In Count 11, Complainant states that on October 8, 2021, Respondent Koveloski posted information to the Lambertville and West Amwell Facebook pages which, collectively, have over 17,000 followers. According to Complainant, Respondent Koveloski “failed to identify himself as a [Board] member,” and did not include a disclaimer that he was “not speaking for the [B]oard.” In one post, Respondent Koveloski stated, “*Please do not let the so-called social media experts persuade you in any way with their negativity, false statements, and bad information,*” and Complainant believes this statement “breached [Respondent Koveloski’s] duty to the public by asking voters to ignore any and all social media posts with negative information about the referendum.” In addition, Respondent Koveloski’s post linked to the District’s website (and had the District’s “crest”), and thus had the appearance of being an official District post/message. Therefore, Complainant asserts that, on October 8, 2021, Respondent Koveloski

violated *N.J.S.A.* 18A:12-24.1(e) because he “took action on Facebook that could compromise the [B]oard by asking residents to ignore negative information about the referendum, and also because [he] failed to identify himself as a Board [m]ember and failed to include a disclaimer that he was not speaking for the Board,” which was “reinforced by the SHRSD logo” that appeared on his post.

In Count 12, Complainant states that on August 23, 2021, the Superintendent “sent out a referendum update that included a list of ... 24 meetings setup including general information sessions.” Although Complainant believes it is “proper” for the Board to schedule informational meetings, “scheduling 24 within a two month period is extremely excessive, and transforms from being an attempt to *inform* the public into an attempt to *sell* the public.” Accordingly, Complainant contends that, on August 23, 2021, Respondents violated *N.J.S.A.* 18A:12-24.1(g) because the Superintendent “is energetically going into our communities in an excessive manner to try to sell this referendum with incomplete and inaccurate information.”²

In Count 13, Complainant states that “a grassroots organization named Save LPS was formed” in 2017 “to keep a walkable school in Lambertville.” Per Complainant, “all five of the Lambertville [Board] members,” namely Respondent Hengst, Respondent Braun-Strumfels, Respondent Warner, Respondent Todd-Marino, and Lauren Young (who resigned “immediately after the facilities vote”), “were ... members of Save LPS when the referendum was voted on in April 2021, and ... have [actively] worked to prevent other viable options that do not include a school in Lambertville from coming to a vote.” Complainant submits that “all 5 Lambertville Board [m]embers are captive to a special interest group, and put Save LPS goals above the good of the [D]istrict” in violation of *N.J.S.A.* 18A:12-24.1(f), and “are holding West Amwell and Stockton tax payers hostage to pay so they and their friends can walk their children to school.” Complainant additionally argues that Respondent Hengst, Respondent Braun-Strumfels, Respondent Warner, and Respondent Todd-Marino have violated *N.J.S.A.* 18A:12-24.1(e) because they “are taking private action as part of Save LPS to literally manipulate the Board,” and *N.J.S.A.* 18A:12-24.1(g) because they have “grossly distorted the narrative around this referendum, and [have] actively started deleting their social media presence in an attempt to hide their membership and leadership within this special interest group.”³

In Count 14, Complainant states that on October 7, 2021, lawn signs “began appearing” in the community that contained the District’s color scheme, crest, and QR code with a link to the District’s “official website on the referendum.” Per Complainant, the signs have “been crafted to look like an official sign authorized by the [Board].” Although Complainant is uncertain who created the signs, it is submitted that the Superintendent, and the Board, were fully

² To the extent that Complainant suggests that the Superintendent may have violated a provision(s) of the Act, the Commission finds that the Superintendent is not specifically named as a Respondent in the above-captioned matter. Moreover, as an administrator, the Superintendent cannot be found in violation of any provision of *N.J.S.A.* 18A:12-24 (the Code), as it only applies to board members and charter school trustees. Therefore, the Commission is not rendering a determination regarding the Superintendent.

³ To the extent that Complainant contends that “Lauren Young” may have violated a provision(s) of the Act, the Commission finds that “Lauren Young” is not specifically named as a Respondent in the above-captioned matter. Consequently, the Commission is not rendering a determination regarding any purported violation(s) of the Act by “Lauren Young.”

aware of their existence. Therefore, Complainant asserts that in or about October 2021, Respondents violated *N.J.S.A. 18A:12-24.1(g)* because the Board “is not only allowing but is encouraging misinformation to be spread about the election and is illegally advocating for the electorate to vote ‘yes’” on the referendum.

In Count 15, Complainant states that on October 19, 2021, the Board sent out postcards to all District residents reminding them to vote on the referendum, and the postcard again contained “intentionally misleading” statements about the District’s buildings in a clear attempt to persuade the electorate to vote “yes.” Accordingly, and on October 19, 2021, Complainant contends that Respondents violated *N.J.S.A. 18A:12-24.1(g)* because the “postcards contained misleading, emotionally charged material, failed to mention the deficiencies in the proposal, and their exhortation to ‘Remember to VOTE’ is an attempt to mislead the population and encouraging them to vote Yes.”

In Count 16, Complainant states that on October 12, 2021, Respondent Pursell “posted a link to a document on the West Amwell Facebook site advocating for the referendum.” Per Complainant, although Respondent Pursell included a disclaimer, she also stated, “Please also feel free to reach out to one of your local [Board] members. I can be reached at diana.pursell@shrsd.org.” As a result, Complainant argues that “by using her district email address to conduct its business,” Respondent Pursell violated *N.J.S.A. 18A:12-24.1(e)* because her “invitation to contact her via her [Board] email makes her message sound as if it is an official [B]oard action despite her disclaimer.”

In Count 17, which is unrelated to the referendum, Complainant states that, in an attempt to obtain “Class III Police Officers in the schools,” an issue which has also been divisive (with Lambertville opposing it), the City of Lambertville has been negotiating the terms of a shared services agreement with the Superintendent. Per Complainant, the Superintendent sent an email to the Lambertville City Council, and blind copied Respondent Koveloski, which confirmed the “rumors” that the Lambertville Mayor was “dealing directly with the Lambertville Board members on this contentious issue”; the Lambertville Board members “would put the needs of the City of Lambertville above the needs of the” District (because Lambertville members represent a majority of the Board); and West Amwell had concerns that the Board has been compromised to become a “Lambertville-first” Board. Therefore, Complainant asserts that, on November 1, 2021, Respondent Hengst, Respondent Braun-Strumfels, Respondent Warner, and Respondent Todd-Marino violated *N.J.S.A. 18A:12-24.1(e)* because there “seems to be a strong indicator ... that some or all of the [five] Lambertville Board members ... are working outside of the Board to negotiate on issues with the City of Lambertville ... [and] [t]his clearly is harmful to the [Board],” and violated *N.J.S.A. 18A:12-24.1(f)* because “it appears that the some or all of the 5 Lambertville Board [m]embers may be captive to a special interest, in this case the City of Lambertville,” and that the interests of the City of Lambertville are being held “above the interest of the overall [D]istrict.”

In Count 18, Complainant states that “[i]n addition to the individual violations documented herein, the totality of the [Board’s] collective and individual actions must be taken into account.” Per Complainant, the Board “is effectively running a multi-media ad campaign using [D]istrict time, resources, and effort,” which is “a massive breach of the public’s trust in

[the] collective [Board] as fiduciaries responsible for tens of millions a year in budget.” Accordingly, Complainant contends Respondents violated *N.J.S.A. 18A:12-24.1(g)* because “the totality of this campaign’s purpose is to influence the electorate, unduly uses misinformation and emotionally charged slogans, words and videos, and systematically seeks to suppress any negative information about the referendum.”

B. Motion to Dismiss

Following receipt of the Complaint, Respondents filed a Motion to Dismiss and argue that the Code does not apply to the conduct of the Superintendent, or to the Board as a whole/generally; therefore, any alleged violations of the Code by the Superintendent or “the Board” must be dismissed. Moreover, Respondents argue Complainant “obfuscates the issue by attempting to impute to [B]oard members the actions of the Superintendent,” and Complainant “should not be allowed to make claims about what the Superintendent did in order to argue that the [B]oard members individually somehow should be liable for those actions.”

Even if the Commission finds that “the Board” can violate *N.J.S.A. 18A:12-24.1(g)*, Respondents argue that Complainant “has not provided sufficient evidence to support” a violation in Counts 1-4, Counts 6-8, Count 12, Counts 14-15, and/or Count 18. As to Count 1, the allegations provide “no evidence whatsoever that substantiates the inaccuracy of any information provided by the Board in relation to the survey and could not establish a violation” Regarding Count 2, it is unclear which portion of *N.J.S.A. 18A:12-24.1(g)* applies, i.e., violation of confidentiality or provisions of inaccurate information, because Complainant “merely alleges that, with the permission of the Board, the Superintendent” put together the Group to persuade the community to vote “yes” on the referendum. As to Counts 3 and 4, Respondents counter that Complainant did not provide any evidence to demonstrate that the information contained in the presentation or in the FAQs was inaccurate to support a violation of *N.J.S.A. 18A:12-24.1(g)*.

Regarding Count 6 and Count 7, the Complaint “provides no facts whatsoever that would substantiate the inaccuracy of any information provided by the Board in relation” to either V2 (Count 6) or V3 (Count 7). As for Count 8, the Complaint is, once again, “devoid of any facts supporting an allegation that the newsletter contained inaccurate information” in violation of *N.J.S.A. 18A:12-24.1(g)*. Similarly, in Count 12, “these allegations provide no facts whatsoever that would substantiate the inaccuracy of any information provided by the Board in relation to this newsletter and could not establish a violation.” Instead, Count 12 merely contains Complainant’s “opinions of how many meetings might be appropriate.”

Regarding Count 14, which relates to the lawn signs which Complainant concedes he is unaware if any of the named Respondents were even responsible for creating, “this allegation could not establish violations of [*N.J.S.A. 18A:12-24.1(g)*] because it fails to include sufficient credible facts to support a finding that the Board or any individual board member violated any aspect of that provision.” Moreover, “alleging that the colors are the [D]istrict colors or that signs include the [D]istrict’s website or the [D]istrict’s insignia/shield do nothing to impute any aspect of the sign” to individual members of the Board or the Board as a whole. As for Count 15 (and the distribution of postcards), Respondents argue that Complainant “has set forth no facts

whatsoever that would substantiate the inaccuracy of any information provided by the Board in relation to these postcards and this allegation could not establish a violation of” *N.J.S.A.* 18A:12-24.1(g). Furthermore, the case cited by Complainant, *I/M/O Quinn*, is not applicable because, in this case, Complainant did not allege that Respondents “took any private action here, let alone that such alleged private action had the potential to compromise the [B]oard.” Finally, and regarding Count 18, Respondents contend this Count “fails to plead with any specificity any facts supporting a violation of” *N.J.S.A.* 18A:12-24.1(g).

With regard to Count 5, and Respondent Koveloski’s use of “emotionally charged wording” that Complainant purports violates *N.J.S.A.* 18A:12-24.1(g), Respondents argue that the Code “does not proscribe the use of ‘emotionally charged wording’ by a board member.” Further, Complainant failed to “include sufficient credible facts to support a finding that [Respondent Koveloski] provided any inaccurate information.”

Regarding Count 9, and the allegation that Respondent Gallagher and Respondent Koveloski violated *N.J.S.A.* 18A:12-24.1(e) and *N.J.S.A.* 18A:12-24.1(g), Respondents argue Complainant did not provide any facts that either Respondent “made any ‘personal promises’” or that either “took private action” when they attended the West Amwell Township Committee meeting on October 6, 2021. Per Respondents, the decision to place the referendum on the ballot was a decision made by the Board, and “taking action publicly to support the referendum cannot be found to be private action ‘that may compromise the [B]oard.’” Moreover, there is insufficient factual evidence that either Respondent Gallagher or Respondent Koveloski provided inaccurate information at the meeting.

As for Count 10, and the contention that Respondent Gallagher violated *N.J.S.A.* 18A:12-24.1(e) and *N.J.S.A.* 18A:12-24.1(g) when he posted on Facebook, Respondents argue Complainant did not provide any facts that Respondent Gallagher “made any inaccurate statements or personal promises nor that he took action beyond the scope of his duties that in any way had the potential to compromise the [B]oard.”

Regarding Count 11, and the claim that Respondent Koveloski violated *N.J.S.A.* 18A:12-24.1(e) when he posted on the Lambertville and West Amwell Facebook pages without including a disclaimer, Respondents argue, “although [Respondent Koveloski] could have expanded the disclaimer to be clear that he was making the endorsement as [a] private citizen and not as a member of the board, he did attempt to represent his postings as his own views.” Furthermore, “there is no evidence presented that he made any promises or compromised the Board in any way that could remotely be seen” to be in violation of *N.J.S.A.* 18A:12-24.1(e).

As for Count 13, and the allegation that Respondent Hengst, Respondent Braun-Strumfels, Respondent Warner, and Respondent Todd-Marino violated *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(f) and/or *N.J.S.A.* 18A:12-24.1(g) based on their involvement with Save LPS, Respondents maintain just as in *Albanese et al. v. Kazan*, Respondents are “entitled to be proponents and supporters of maintaining a walkable school in Lambertville.” As part of their role, board members are “required to take positions on various issues that come before them and that will impact them as members of the community,” including, in this case, the referendum. Therefore, even if they were members of Save LPS, Complainant failed to provide evidence that

Respondents “surrendered their independent judgment to the group (as opposed to merely agreeing with its position) or used the schools to benefit themselves.”⁴

Regarding Count 16, and the contention that Respondent Pursell’s social media post contained a link to the District, Respondents argue Complainant did not provide any evidence “whatsoever of any discussions [Respondent] Pursell had with any member of the public following this posting, let alone any facts that she made any personal promises or took action beyond the scope of [her] duties that in any way had potential to compromise the board.” Furthermore, Respondents argue that the Commission has never determined “it is a violation of the Act for a board member to use his/her [B]oard email address to communicate when the topic is related to the schools or business of the [B]oard.”

As for Count 17, Respondents argue this claim is based on “mere speculation and fails to include any credible facts whatsoever to support a finding that” Respondent Hengst, Respondent Braun-Strumfels, Respondent Warner, and/or Respondent Todd-Marino violated *N.J.S.A.* 18A:12-24.1(f).

Finally, and regardless of the Commission’s determination as to any other Count/Respondent, Respondent Paciulli must be dismissed as a named party because the Complaint does not contend that she engaged in any behavior/conduct in violation of the Code.

C. Response to Motion to Dismiss

In his response to the Motion to Dismiss, Complainant argues “Respondents failed to live up to the legislature’s exhortation that they ‘avoid conduct which is in violation of their public trust or which creates a justifiable impression among the public’” Complainant further argues Respondents “shirked their ethical responsibilities to all of the voters by providing the public only with reasons to vote in favor of the Referendum, and by omitting information as to any drawbacks such as the extent to which the measure’s cost would increase voters’ property taxes.”

As to Respondents’ claims in Counts 1-4, Counts 6-8, Counts 14-15, and Count 18 Complainant argues that “clearly” the Board is not a named party, and the allegations regarding the “[Board]” “should be read as shorthand for the nine Respondents.” Complainant maintains he has provided “numerous facts demonstrating breaches of the [Act], not generalized claims of failure to comply with the Act.”

Regarding Count 12 and Count 14, which related to the actions/conduct of the Superintendent, Complainant contends the Board “is the Superintendent’s employer; in fact, the only school district employee that a [Board] selects and evaluates is the Superintendent”; therefore, the Superintendent is accountable to the Board. Per Complainant, none of the claims in the Complaint “focus solely on the actions of the Superintendent.”

⁴ In their Motion to Dismiss, Respondents failed to respond to the allegation that Respondent Hengst, Respondent Braun-Strumfels, Respondent Warner, and Respondent Todd-Marino violated *N.J.S.A.* 18A:12-24.1(e) and/or *N.J.S.A.* 18A:12-24.1(g).

As to Count 5, Counts 9-11, Count 13, Count 16, and Count 17, Complainant maintains:

- Regarding Count 5, Respondent Koveloski “provided skewed information by warning viewers that they must act now or interest rates will go up, or the district may lose state aid, or the scope of the project may increase for unspecified reasons, without mentioning any shortcomings of the Referendum.” Per Complainant Respondent Koveloski’s warnings and omissions were intentional and violate *N.J.S.A. 18A:12-24.1(g)*.
- As for Count 9, Respondent Gallagher and Respondent Koveloski both identified themselves as Board members at the West Amwell Township Committee meeting on October 6, 2021. The minutes from that meeting only note “pro-Referendum” commentary from both Respondents in violation of *N.J.S.A. 18A:12-24.1(g)* and they promoted the referendum as Board members, not as private citizens in violation of *N.J.S.A. 18A:12-24.1(e)*.
- With regard to Count 10, despite Respondent Gallagher’s disclaimer in his Facebook posts, during the week of October 11, 2021, that he was answering referendum questions as a private citizen and not as a member of the Board, he “referenced decisions by the Board, school district and district administration frequently, conveying the message that he actually *was* speaking for the Board” in violation of *N.J.S.A. 18A:12-24.1(e)* and *N.J.S.A. 18A:12-24.1(g)*.
- Regarding Count 11, Respondent Koveloski “failed to identify himself as a [Board member], and failed to include a disclaimer that he was not speaking on behalf of the Board” and made “inflammatory statements [that] compromised the Board.” By omitting these disclaimers from his posts on October 8, 2021, was a violation of A36-14 and *N.J.S.A. 18A:12-24.1(e)*.
- As for Count 13, Save LPS wanted “to maintain a walkable” school in Lambertville. Moreover, per Complainant, he has demonstrated (via a photo) that Respondents Braun-Strumfels, Hengst and Warner are all members of the Save LPS organization; and that the Lambertville City Council chose Respondent Todd-Marino to serve on the Save LPS committee. Complainant further reaffirms these four Respondents “are members of a political advocacy organization whose explicit goal was to convince voters to approve the Referendum.” Complainant contends that although Respondents are entitled to have an opinion on matters related to the District, the “ethics rules do not permit them to [] promote that point of view to the exclusion of any contrary view when educating the public on the issue.” Complainant reasserts Respondents’ membership with Save LPS violated *N.J.S.A. 18A:12-24.1(e)*, *N.J.S.A. 18A:12-24.1(f)* and *N.J.S.A. 18A:12-24.1(g)*.
- With regard to Count 16, Respondent Pursell violated *N.J.S.A. 18A:12-24.1(e)* “by providing her [Board] email address, thereby conveying the impression that she would continue to take action to advocate for the Referendum despite her disclaimer.”

Complainant maintains he has provided evidence to show that Respondent Pursell's use of her Board email address "had the potential to compromise the Board."

- Regarding Count 17, these allegations are based on the "City of Lambertville's proposed contract language in a shared services agreement with the Board." Per Complainant, this "language is direct evidence of the City of Lambertville's intention that it cared only that the Lambertville school board members approve the agreement, and not the majority of the full regional board." Complainant notes that although it is unclear "whether the five Lambertville board members were involved in the development of the [City's] position on the shared services agreement, a fair inference can be drawn that the [City] and the five Lambertville board members were working in concert."

As to Respondents' argument that the allegations against Respondent Paciulli should be dismissed because Complainant did not specifically name her in any of the Counts, Complainant submits "all of the claims that are directed to the Board's improper advocacy for the Referendum are directed to her as well as the other Respondents" because she is a member of the Board.

Finally, and as further discussed *infra*, Complainant sought leave to amend his Complaint.

D. Public Comments Offered at the Commission's Meeting on April 25, 2023

At the Commission's meeting on April 25, 2023, 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 April 25, 2023.

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(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 Respondents violated *N.J.S.A. 18A:12-24.1(e)*, *N.J.S.A. 18A:12-24.1(f)*, and/or *N.J.S.A. 18A:12-24.1(g)* in Counts 1-18 of the Complaint. The Commission notes that, despite the offering of public comment at its meeting on April 25, 2023, the Commission's review of this matter was limited solely to the parties' written submissions.

B. Request to Amend

In his response to the Motion to Dismiss, Complainant sought leave to amend his Complaint because, after Respondents filed their Motion to Dismiss, Complainant received answers to his Open Public Records Act (OPRA) request, which included “emails and documents that are directly relevant to the claims of ethics violations in the Complaint.” As a result, Complainant “respectfully request[ed]” permission to amend his Complaint to include the additional information he obtained as part of his OPRA request.

At its meeting on April 25, 2023, the Commission considered Complainant’s request to amend his Complaint and, ultimately, voted to *deny* the request.

C. Alleged Violations of the Act

Complainant submits that Respondents violated *N.J.S.A.* 18A:12-24.1(g) in Counts 1-8, Count 12, Counts 14-15, and Count 18; Respondent Koveloski violated *N.J.S.A.* 18A:12-24.1(g) in Count 5 and *N.J.S.A.* 18A:12-24.1(e) in Count 11; Respondent Koveloski and Respondent Gallagher violated *N.J.S.A.* 18A:12-24.1(e) and *N.J.S.A.* 18A:12-24.1(g) in Count 9; Respondent Gallagher violated *N.J.S.A.* 18A:12-24.1(e) and *N.J.S.A.* 18A:12-24.1(g) in Count 10; Respondent Hengst, Respondent Braun-Strumfels, Respondent Warner, and Respondent Todd-Marino violated *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(f), and *N.J.S.A.* 18A:12-24.1(g) in Count 13, and violated *N.J.S.A.* 18A:12-24.1(e) and *N.J.S.A.* 18A:12-24.1(f) in Count 17; and Respondent Pursell violated *N.J.S.A.* 18A:12-24.1(e) in Count 16. These provisions of the Code of Ethics for School Board Members (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.

f. I will refuse to surrender my independent judgment to special interest or partisan political groups or to use the schools for personal gain or for the gain of friends.

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.

Pursuant to *N.J.A.C.* 6A:28-6.4(a), a violation(s) of *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(f), and/or *N.J.S.A.* 18A:12-24.1(g) needs to be supported by certain factual evidence, more specifically:

5. Factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(e) shall include evidence that Respondents made personal promises or took action beyond the scope of their duties such that, by its nature, had the potential to compromise the board.

6. Factual evidence of a violation of *N.J.S.A. 18A:12-24.1(f)* shall include evidence that Respondents took action on behalf of, or at the request of, a special interest group or persons organized and voluntarily united in opinion and who adhere to a particular political party or cause; or evidence that Respondents used the schools in order to acquire some benefit for themselves, a member of their immediate family or a friend.

7. Factual evidence of a violation of the confidentiality provision of *N.J.S.A. 18A:12-24.1(g)* shall include evidence that Respondents 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 Respondents 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 Respondents and evidence that establishes that the inaccuracy was other than reasonable mistake or personal opinion or was not attributable to developing circumstances.

Alleged Violations of N.J.S.A. 18A:12-24.1(e)

(by Respondent Gallagher and Respondent Koveloski in Count 9; Respondent Gallagher in Count 10; Respondent Koveloski in Count 11; Respondent Hengst, Respondent Braun-Strumfels, Respondent Warner, and Respondent Todd-Marino in Count 13 and Count 17; and Respondent Pursell in Count 16)

Following its review, the Commission finds that even if the facts as presented in the Complaint are proven true by sufficient credible evidence, they would not support a violation(s) of *N.J.S.A. 18A:12-24.1(e)* by Respondent Gallagher and Respondent Koveloski in Count 9, Respondent Gallagher in Count 10, Respondent Koveloski in Count 11, Respondent Hengst, Respondent Braun-Strumfels, Respondent Warner, and Respondent Todd-Marino in Count 13 and Count 17, and/or Respondent Pursell in Count 16. Even if Respondent Gallagher and Respondent Koveloski attended a West Amwell Township Committee meeting and urged them to “remain neutral” (Count 9); even if Respondent Gallagher, after using a disclaimer noting that he was speaking in his capacity as a private citizen (and not on behalf of the Board), “intentionally withheld material, non-private information” about the referendum (Count 10); even if Respondent Koveloski, without using a disclaimer, stated on social media, “Please do not let the so-called social media experts persuade you in any way with their negativity, false statements, and bad information” (Count 11); even if Respondent Hengst, Respondent Braun-Strumfels, Respondent Warner, and Respondent Todd-Marino are members of Save LPS and opposed efforts to eliminate a walkable school in the District (Count 13), and opposed the employment or utilization of Class III Police Officers in the District (Count 17); and even if Respondent Pursell posted a link to the District’s website and provided her District email account on her social media account (Count 16), Complainant failed to provide sufficient factual evidence that the named Respondents made personal promises or took action beyond the scope of their duties such that, by its nature, had the potential to compromise the Board.

Other than provide factual averments that the named Respondents made statements and/or publicly advocated and offered their *personal* support for (or opposition to) matters related to the Board, Complainant has not shown how same could have compromised the Board. Regarding the social media posts, although the Commission concedes that there are circumstances when such activity could violate *N.J.S.A.* 18A:12-24.1(e), the social media activity here was either made in a private/personal capacity, appropriately disclaimed, and/or clearly not in one's official capacity.

Therefore, the Commission finds that the alleged violations of *N.J.S.A.* 18A:12-24.1(e) by Respondent Gallagher and Respondent Koveloski in Count 9, Respondent Gallagher in Count 10, Respondent Koveloski in Count 11, Respondent Hengst, Respondent Braun-Strumfels, Respondent Warner, and Respondent Todd-Marino in Count 13 and Count 17, and Respondent Pursell in Count 16 should be dismissed.

Alleged Violations of N.J.S.A. 18A:12-24.1(f)

(by Respondent Hengst, Respondent Braun-Strumfels, Respondent Warner, and Respondent Todd-Marino in Count 13 and Count 17)

After review of the Complaint, the Commission finds that even if the facts as stated are proven true by sufficient credible evidence, they would not support a finding(s) that Respondent Hengst, Respondent Braun-Strumfels, Respondent Warner, and/or Respondent Todd-Marino violated *N.J.S.A.* 18A:12-24.1(f) in Count 13 and/or Count 17. Even if Respondent Hengst, Respondent Braun-Strumfels, Respondent Warner, and Respondent Todd-Marino are members of Save LPS, and even if they opposed efforts to eliminate a walkable school in the District (Count 13), and even if they opposed the employment or utilization of Class III Police Officers in the District (Count 17), Complainant has not sufficiently articulated how any of the named Respondents took action on behalf of, or at the request of, Save LPS, or how they used the schools in order to acquire some benefit for themselves, a member of their immediate families, or a friend. The fact that Respondent Hengst, Respondent Braun-Strumfels, Respondent Warner, and Respondent Todd-Marino's personal beliefs or opinions on a matter may have constituted the majority opinion on a divisive issue within the community does not mean, without more, that they engaged in unethical behavior in violation of the Act. As voting members of the Board, Respondent Hengst, Respondent Braun-Strumfels, Respondent Warner, and Respondent Todd-Marino are free to vote in favor of, or in opposition to, any matter that they feel does not serve the needs of the District, even if that means that they, among an untold number of other community members, may benefit from their vote. It is only when their vote inures a unique and specific benefit to them, to the exclusion of all others, that a violation may be viable. Accordingly, the Commission finds that the alleged violations of *N.J.S.A.* 18A:12-24.1(f) by Respondent Hengst, Respondent Braun-Strumfels, Respondent Warner, and Respondent Todd-Marino in Count 13 and Count 17 should be dismissed.

Alleged Violations of N.J.S.A. 18A:12-24.1(g)

(by Respondents in Counts 1-8, Count 12, Counts 14-15, and Count 18; Respondent Koveloski in Count 5; Respondent Gallagher and Respondent Koveloski in Count 9; Respondent Gallagher in Count 10; and Respondent Hengst, Respondent Braun-Strumfels, Respondent Warner, and Respondent Todd-Marino in Count 13)

The Act prescribes the standards of conduct that “school officials,” defined as “*members* of local boards of education and local school administrators,” and “administrator[s] and ... member[s] of the board of trustees of a charter school,” must abide by in order to “hold the respect and confidence of the people,” and to “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.” *N.J.S.A.* 18A:12-22; *N.J.S.A.* 18A:12-23; *N.J.S.A.* 18A:12-23.1. When “any person” believes that a school official(s) may have violated a provision(s) of the Act, they can file a complaint. *N.J.S.A.* 18A:12-29. Complaints filed prior to March 6, 2023, had to contain certain elements including, without limitation, “A brief statement ... setting forth the specific allegation(s) and the facts supporting them which have given rise to the alleged violation(s) of the Act.” *N.J.A.C.* 6A:28-6.3(a)(3). In essence, a complaint must detail the specific behavior that a school official(s) engaged in for the Commission to find a violation(s) of the Act, and to recommend a penalty or sanction, up to and including removal.

In Counts 1-8, Count 12, Counts 14-15, and Count 18, Complainant submits that “Respondents” violated *N.J.S.A.* 18A:12-24.1(g). At its core, these Counts contend that “the Board” acted unethically because it did not provide accurate information, and/or presented biased or incomplete information to the public regarding the referendum. In its review, the Commission finds that Complainant has not articulated exactly how any of the named Respondents may have specifically violated the confidentiality provision and/or the inaccurate information provision of *N.J.S.A.* 18A:12-24.1(g). Instead, Complainant offers nothing more than general and vague conclusory statements about what the “Board” may have done, but does not offer any detailed facts evidencing how the named Respondents may have engaged in unethical conduct. Because such generalized accusations are wholly insufficient to satisfy Complainant’s burden of proof, the Commission finds that the alleged violations of *N.J.S.A.* 18A:12-24.1(g) in Counts 1-8, Count 12, Counts 14-15, and Count 18 should be dismissed.

As for the other violations of *N.J.S.A.* 18A:12-24.1(g) detailed in the Complaint, namely against Respondent Koveloski in Count 5, Respondent Gallagher and Respondent Koveloski in Count 9, Respondent Gallagher in Count 10, and Respondent Hengst, Respondent Braun-Strumfels, Respondent Warner, and Respondent Todd-Marino in Count 13, the Commission finds that even if the facts as asserted are proven true by sufficient credible evidence, they would not support a violation(s) of *N.J.S.A.* 18A:12-24.1(g). Even if Respondent Koveloski went “out of his way” to highlight the “potential negatives” if the referendum did not pass, and did not discuss “the shortcomings of the referendum ... itself” (Count 5); even if Respondent Gallagher and Respondent Koveloski attended a West Amwell Township Committee meeting and urged them to “remain neutral” (Count 9); even if Respondent Gallagher, after using a disclaimer noting that he was speaking in his capacity as a private citizen (and not on behalf of the Board), “intentionally withheld material, non-private information” about the referendum (Count 10); and even if Respondent Hengst, Respondent Braun-Strumfels, Respondent Warner, and Respondent

Todd-Marino have “grossly distorted the narrative around this referendum” and deleted certain social media posts “in an attempt to hide their membership and leadership within” Save LPS, the Commission finds that Complainant has failed to proffer factual evidence that any of the named Respondents 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. Moreover, Complainant did not provide any factual evidence that substantiates the inaccuracy of the information provided by Respondents, and evidence that establishes that the inaccuracy was other than reasonable mistake or personal opinion or was not attributable to developing circumstances. Although it is clear that the named Respondents, in the circumstances described, advocated for a matter or issue of public importance which they felt was in the best interests of the District, Complainant has not pled sufficient facts evidencing unethical behavior by each of the named Respondents. As with the violations of *N.J.S.A.* 18A:12-24.1(g) by the “Board,” the claimed violations of *N.J.S.A.* 18A:12-24.1(g) by Respondent Hengst, Respondent Braun-Strumfels, Respondent Warner, and Respondent Todd-Marino are equally unsupported by specific evidence of unethical behavior.

Consequently, the Commission finds that the alleged violations of *N.J.S.A.* 18A:12-24.1(g) purportedly committed by Respondent Koveloski in Count 5, Respondent Gallagher and Respondent Koveloski in Count 9, Respondent Gallagher in Count 10, and Respondent Hengst, Respondent Braun-Strumfels, Respondent Warner, and Respondent Todd-Marino in Count 13, 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 Respondents violated *N.J.S.A.* 18A:12-24.1(g) in Counts 1-8, Count 12, Counts 14-15, and/or Count 18; Respondent Koveloski violated *N.J.S.A.* 18A:12-24.1(g) in Count 5 and/or *N.J.S.A.* 18A:12-24.1(e) in Count 11; Respondent Koveloski and Respondent Gallagher violated *N.J.S.A.* 18A:12-24.1(e) and/or *N.J.S.A.* 18A:12-24.1(g) in Count 9; Respondent Gallagher violated *N.J.S.A.* 18A:12-24.1(e) and/or *N.J.S.A.* 18A:12-24.1(g) in Count 10; Respondent Hengst, Respondent Braun-Strumfels, Respondent Warner, and Respondent Todd-Marino violated *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(f), and/or *N.J.S.A.* 18A:12-24.1(g) in Count 13, and/or violated *N.J.S.A.* 18A:12-24.1(e) and/or *N.J.S.A.* 18A:12-24.1(f) in Count 17; and/or Respondent Pursell violated *N.J.S.A.* 18A:12-24.1(e) in Count 16.

Pursuant to *N.J.S.A.* 18A:12-29(b), the Commission hereby notifies Complainant and Respondents 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).*

Robert W. Bender, Chairperson

Mailing Date: May 23, 2023

***Resolution Adopting Decision
in Connection with C63-21***

Whereas, at its meeting on April 25, 2023, 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 April 25, 2023, the Commission discussed granting the Motion to Dismiss in its entirety for failure to plead sufficient credible facts to support the allegations that Respondents violated *N.J.S.A.* 18A:12-24.1(g) in Counts 1-8, Count 12, Counts 14-15, and/or Count 18; Respondent Koveloski violated *N.J.S.A.* 18A:12-24.1(g) in Count 5 and/or *N.J.S.A.* 18A:12-24.1(e) in Count 11; Respondent Koveloski and Respondent Gallagher violated *N.J.S.A.* 18A:12-24.1(e) and/or *N.J.S.A.* 18A:12-24.1(g) in Count 9; Respondent Gallagher violated *N.J.S.A.* 18A:12-24.1(e) and/or *N.J.S.A.* 18A:12-24.1(g) in Count 10; Respondent Hengst, Respondent Braun-Strumfels, Respondent Warner, and Respondent Todd-Marino violated *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(f), and/or *N.J.S.A.* 18A:12-24.1(g) in Count 13, and/or violated *N.J.S.A.* 18A:12-24.1(e) and/or *N.J.S.A.* 18A:12-24.1(f) in Count 17; and/or Respondent Pursell violated *N.J.S.A.* 18A:12-24.1(e) in Count 16; and

Whereas, at its meeting on May 23, 2023, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on April 25, 2023; 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 May 23, 2023.

Jeannine Pizzigoni
Staff Member, School Ethics Commission