

***Before the School Ethics Commission***  
***OAL Docket No.: EEC-07336-19***  
***SEC Docket No.: C39-18***  
***Final Decision***

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**Robert Harper, Jr.,**  
***Complainant***

v.

**Sudhan Thomas,**  
**Jersey City Board of Education, Hudson County,**  
***Respondent***

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**I. Procedural History**

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on June 18, 2018,<sup>1</sup> by Robert Harper, Jr. (Complainant), alleging that Sudhan Thomas (Respondent), a member and President of the Jersey City Board of Education (Board), violated the School Ethics Act (Act), *N.J.S.A.* 18A:12-21 *et seq.* More specifically, the Complaint alleged that Respondent violated *N.J.S.A.* 18A:12-24.1(f) and *N.J.S.A.* 18A:12-24(c) in Count 1; *N.J.S.A.* 18A:12-24.1(a), *N.J.S.A.* 18A:12-24.1(e), and *N.J.S.A.* 18A:12-24.1(f) in Count 2; and *N.J.S.A.* 18A:12-24.1(d) in Count 3.

At its meeting on February 26, 2019, and after reviewing Respondent's Motion to Dismiss in Lieu of an Answer (Motion to Dismiss) and allegation of frivolous filing, as well as Complainant's response thereto, the Commission adopted a decision finding the allegations that occurred prior to December 20, 2017, in Count 1 and Count 2 were untimely; granting the Motion to Dismiss as to the timely allegations in Count 2; denying the Motion to Dismiss as to all other allegations (timely allegations in Count 1 and those in Count 3); finding the Complaint not frivolous; denying Respondent's request for sanctions; and directing Respondent to file an Answer to the Complaint (Answer) as to the remaining allegations in the Complaint. On April 5, 2019, Respondent filed an Answer as directed.

Thereafter, at its meeting on May 21, 2019, the Commission voted not to find probable cause for the alleged violation of *N.J.S.A.* 18A:12-24(c) in Count 1, and to transmit the remaining allegations in the Complaint to the Office of Administrative Law (OAL) for a plenary hearing where Complainant shall carry the burden to prove that Respondent violated *N.J.S.A.* 18A:12-24.1(f) in Count 1, and *N.J.S.A.* 18A:12-24.1(d) in Count 3.

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<sup>1</sup> On June 18, 2018, Complainant filed a deficient Complaint; however, on July 5, 2018, Complainant cured all defects and filed an Amended Complaint that was deemed compliant with the requirements detailed in *N.J.A.C.* 6A:28-6.3.

At the OAL, the parties submitted a Stipulation of Dismissal with Prejudice, dated February 24, 2024, indicating their intent for the matter to be dismissed with prejudice and without costs or fees to either party. The Administrative Law Judge (ALJ) issued an Initial Decision on March 4, 2024, concluding that with the parties' consent and in the interest of justice, this matter should be dismissed.

At its meetings on March 26, 2024, and April 30, 2024, the Commission discussed the above-captioned matter, and at its meeting on April 30, 2024, the Commission voted to adopt the Initial Decision's dismissal of the above-captioned matter.

## **II. Decision**

Following its review of the record, the Commission adopts the Initial Decision as its Final Decision.

Consequently, this matter is hereby dismissed.

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Robert W. Bender, Chairperson

Mailing Date: April 30, 2024

***Resolution Adopting Final Decision (Dismissal)  
in Connection with C39-18***

***Whereas***, at its meeting on May 21, 2019, the School Ethics Commission (Commission) voted to transmit the within matter to the Office of Administrative Law (OAL) for a plenary hearing; and

***Whereas***, while at the OAL, the parties' submitted a Stipulation of Dismissal with Prejudice, dated February 24, 2024, indicating their intent for the matter to be dismissed with prejudice and without costs or fees to either party; and

***Whereas***, the ALJ issued an Initial Decision dated March 4, 2024, concluding that with the parties' consent and in the interest of justice, this matter should be dismissed; and

***Whereas***, at its meetings on March 26, 2024, and April 30, 2024, the Commission discussed adopting the Initial Decision's dismissal of the above-referenced matter; and

***Whereas***, at its meeting on April 30, 2024, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meetings on March 26, 2024, and April 30, 2024; and

***Now Therefore Be It Resolved***, the Commission hereby adopts the within decision as its Final 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 this Resolution was duly adopted by the School Ethics Commission at its meeting on April 30, 2024.

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Brigid C. Martens, Director  
School Ethics Commission