

Before the School Ethics Commission
OAL Docket No.: EEC-07467-22
SEC Docket No.: C82-21
Final Decision (Dismissal)

In the Matter of Kenneth Chiarella,
Monroe Township Board of Education, Middlesex County,
Respondent

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on November 19, 2021, by Sarah A. Aziz (Complainant), alleging that Kenneth Chiarella (Respondent), a member of the Monroe Township 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(b), as well as *N.J.S.A.* 18A:12-24.1(e) and *N.J.S.A.* 18A:12-24.1(f) of the Code of Ethics for School Board Members (Code).

At its meeting on, May 24, 2022, and after reviewing Respondent's Motion to Dismiss in Lieu of an Answer (Motion to Dismiss) and allegation of frivolous filing, and Complainant's response thereto, the Commission adopted a decision denying the Motion to Dismiss in its entirety, finding the Complaint not frivolous and denying Respondent's request for sanctions. Based on its decision, the Commission also directed Respondent to file an Answer to Complaint (Answer), which he did on June 9, 2022.

Thereafter, at its meeting on August 23, 2022, the Commission voted to find probable cause for the allegations in the Complaint. Based on its finding of probable cause, the Commission voted to transmit the within matter to the Office of Administrative Law (OAL) for a hearing, and, pursuant to *N.J.A.C.* 6A:28-10.7(b),¹ the attorney for the Commission (Petitioner) was charged with prosecuting the allegations in the Complaint.

Following discovery at the OAL, the Commission voted to withdraw the Probable Cause Notice in this matter at its meeting on July 23, 2024, based on the Deputy Attorney General's recommendation. Also, on July 23, 2024, the Commission requested that the file be returned from the OAL to the agency, in accordance with *N.J.A.C.* 1:1-3.3(a), as no allegations remain in this matter.

Thereafter, at its meeting on August 27, 2024, the Commission discussed the above-captioned matter and voted to dismiss same.

¹ This citation refers to the regulation that was in effect at the time of the probable cause determination.

II. Decision

Following its review, the Commission dismisses this matter, as the Probable Cause Notice has been withdrawn, and no further allegations remain.

Accordingly, the above-captioned matter is hereby dismissed.

Robert W. Bender, Chairperson

Mailing Date: August 27, 2024

***Resolution Adopting Final Decision (Dismissal)
in Connection with C82-21***

Whereas, at its meeting on August 23, 2022, the School Ethics Commission (Commission) voted to transmit the above-captioned matter to the Office of Administrative Law (OAL) for a hearing; and

Whereas, at its meeting on July 23, 2024, the Commission voted to withdraw the Probable Cause Notice in this matter; and

Whereas, on July 23, 2024, the Commission requested that the file be returned from the OAL to the agency as no allegations remain in this matter; and

Whereas, at its meeting on August 27, 2024, the Commission discussed dismissing the above-referenced matter as no allegations remain; and

Whereas, at its meeting on August 27, 2024, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings; 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.

Robert W. Bender, Chairperson

I hereby certify that this Resolution was duly adopted by the School Ethics Commission at its public meeting on August 27, 2024.

Brigid C. Martens, Director
School Ethics Commission