

***Before the School Ethics Commission
OAL Docket No.: EEC-0313-19
SEC Docket No.: C24-18
Final Decision***

***In the Matter of Vito Nufrio,
Union Township Board of Education, Union County,
Respondent***

I. Procedural History

The above-captioned matter arises from a Complaint filed on April 23, 2018, by Jeffrey Monge (Complainant Monge), Guy A. Francis (Complainant Francis), and Nellis Regis-Darby (Complainant Regis-Darby) (collectively Complainants), members of the Union Township Board of Education (Board), alleging that Vito Nufrio (Respondent), also a member and the President of the Board, violated the School Ethics Act (Act), *N.J.S.A. 18A:12-21 et seq.* More specifically, the Complaint alleges that Respondent violated *N.J.S.A. 18A:12-24(b)* in Count 4; *N.J.S.A. 18A:12-24(c)* in Counts 2 and 4, as well as *N.J.S.A. 18A:12-24.1(a)* of the Code of Ethics for School Board Members (Code) in Counts 1 and 2; *N.J.S.A. 18A:12-24.1(b)* in Count 1; *N.J.S.A. 18A:12-24.1(c)* in Counts 3 and 5; *N.J.S.A. 18A:12-24.1(d)* in Counts 3 and 4; *N.J.S.A. 18A:12-24.1(e)* in Count 4; and *N.J.S.A. 18A:12-24.1(f)* in Count 3.

On July 17, 2018, and after receiving an extension from the Commission, Respondent filed a Motion to Dismiss in Lieu of Answer (Motion to Dismiss). On September 18, 2018, after receiving an extension from the Commission, Complainants filed a Response to Respondent's Motion to Dismiss. At its meeting on October 30, 2018, the Commission considered the filings in this matter and, at its meeting on November 27, 2018, the Commission voted to grant the Motion to Dismiss in part (as to the alleged violations of *N.J.S.A. 18A:12-24.1(b)* in Count 1 and *N.J.S.A. 18A:12-24.1(c)* in Count 5); deny the Motion to Dismiss as to all other allegations; and to direct Respondent to file an Answer to Complaint (Answer) as to the remaining allegations within twenty (20) days. On December 21, 2018, Respondent filed an Answer as directed.

At its meeting on February 26, 2019, the Commission voted to find probable cause for the alleged violations of *N.J.S.A. 18A:12-24(b)* (Count 4) and *N.J.S.A. 18A:12-24(c)* (Count 2 and Count 4), as well as the alleged violations of *N.J.S.A. 18A:12-24.1(a)* (Count 1 and Count 2), *N.J.S.A. 18A:12-24.1(d)* (Count 4), and *N.J.S.A. 18A:12-24.1(e)* (Count 4); to find no probable cause for the alleged violations of *N.J.S.A. 18A:12-24.1(c)*, *N.J.S.A. 18A:12-24.1(d)*, and/or *N.J.S.A. 18A:12-24.1(f)* (Count 3); and to transmit the remaining allegations (those in Count 1, Count 2, and Count 4) 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.

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

At the OAL, there was “a lengthy delay” because a parallel litigation was conducted in Superior Court “owing concerns of duplicative outcomes.” On December 6, 2024, a Motion for Summary Decision was filed by Petitioner. Certifications, briefs, and exhibits were received from both sides and on March 13, 2025, oral argument was heard on the motion, and the record closed. The Administrative Law Judge (ALJ) issued an Initial Decision on March 25, 2025, concluding Respondent violated *N.J.S.A. 18A:12-24(b)*, *N.J.S.A. 18A:12-24(c)* and *N.J.S.A. 18A:12-24.1(a)*, and recommending a penalty of reprimand. Respondent filed exceptions to the Initial Decision, in accordance with *N.J.A.C. 1:1-18.4*, and Petitioner filed a reply thereto.

At its meeting on June 17, 2025, the Commission considered the full record in this matter. Thereafter, at its meeting on July 22, 2025, the Commission voted to adopt the ALJ’s findings of fact, the legal conclusion that Respondent violated *N.J.S.A. 18A:12-24(b)* and *N.J.S.A. 18A:12-24(c)*, but rejected the legal conclusion that Respondent violated *N.J.S.A. 18A:12-24.1(a)* and modified the recommended penalty of reprimand to censure.

II. Initial Decision

The ALJ finds that most of the essential facts forming the basis for a determination that this case is ripe for summary decision are not disputed, and to the limited extent that they may be disputed, the disputes are unsubstantial or related to tangential matters. The ALJ further issues the following findings of fact:

1. Three fellow Board members filed a Complaint against Respondent.
2. Respondent was first elected to the Board in April 2012 and became President of the Board in 2016.
3. Respondent retired from the Board as a member and as President at the conclusion of 2018.
4. In January 2018, in his role as President, Respondent appointed Board members to serve on the Personnel committee.
5. On January 16, 2018, the Personnel committee met to discuss carryover items from the previous year that were unresolved.
6. At the same meeting, Respondent “raised the issue that there were carryover items . . . that needed to be addressed. One of them was the Superintendent’s contract status” and Respondent was present for the entire meeting which took 15-20 minutes.
7. In 2017 and 2018, Respondent had filed a Personal/Relative and Financial Disclosure Statement (FDS) per *N.J.S.A. 18A:12-25*, disclosing that he had a daughter-in-law that worked for the school district for which he was Board President.
8. Respondent was aware he was “conflicted with regard to the Superintendent as a result of his daughter-in-law’s employment with the District.”
Initial Decision at 3.

According to the ALJ, Respondent's letter brief "essentially admits that [Respondent] 1) discussed the Superintendent's present and future employment by the Board, and also 2) told the Board attorney to send a 'Rice Notice' so that the Board could discuss the Superintendent's performance with for [(sic)] the School District Respondent [(sic)] and 3) that these actions took place while [Respondent] was admittedly conflicted in the Board's relationship with the Superintendent." *Id.* at 4. Although Respondent admits to these facts, the ALJ notes that Respondent "argues that the 'context of his actions show he did not violate the Act.'" *Ibid.* The ALJ maintains that none of Respondent's "related, parallel or coincidental litigation has anything to do with the basic issue of whether" Respondent violated the Act, based on the fact that his daughter-in-law was employed by the District at the time. *Ibid.* Notably, Respondent admits that he discussed the Superintendent's job performance on January 19, 2018, after which he asked Board counsel to draft a Rice Notice because, according to Respondent, it was an attempt to get the Board and the administration to consider the consequences of a proposed student "walk out." *Ibid.* In another circumstance, Respondent justified directing Board counsel to draft the Rice Notice (on March 13) "due to intense public interest" related to a Resolution to prevent a march on City Hall that was scheduled during a severe snowstorm. *Ibid.* The ALJ notes he "fail[s] to see what the circumstances of [Respondent] again requesting a Rice Notice on March 13, has any bearing on his earlier direction that [the Superintendent] be noticed in January so that they could discuss[,] as a carryover item from the last year[,] his future employment with the Board." *Ibid.* The ALJ clarifies that Respondent "is not charged with violating the [A]ct for participating in the decision to send the Rice Notice out in March 2019 but for his actions in and surrounding the Rice Notice in January 2019." *Id.* at 4-5. The ALJ notes regardless of Respondent's justification for why he requested the Rice Notice, Respondent, in both cases, was conflicted from any decisions and/or discussions related to the Superintendent's performance because his daughter-in-law was employed by the Board. The ALJ further notes that Respondent "raises additional murky details"; however, "[n]one of them have any persuasive value in determining whether [Respondent] violated the [A]ct." *Id.* at 5.

The ALJ maintains that Respondent's "alleged 'context' for his actions" does not provide an excuse for his "unethical conduct in participating in discussions and decisions concerning the Superintendent when he had an ethical duty to avoid such actions." *Ibid.* More specifically, the ALJ provides that despite Respondent's argument that he selected four non-conflicted Board members to serve on the committee to renew the Superintendent's contract, Respondent seems to miss the obvious, which is that he should not have played a role in selecting the committee. The ALJ further provides that Respondent is misguided in his conclusion, that it was because the Board was not happy with his selection for Board President that they filed the ethics complaint. Nevertheless, the ALJ asserts that the motivation for the ethics complaint is not at issue.

The ALJ reaffirms that it is not disputed that Respondent knew his daughter-in-law was a District employee when he requested that Board counsel "issue a Rice letter to" the Superintendent, who is the daughter-in-law's supervisor. *Id.* at 6. Per the ALJ, because the Superintendent "could take a variety of managerial actions or decisions which could affect [Respondent's] daughter-in-law's employment, it is almost obvious that [Respondent] should have avoided any decision-making discussion regarding" the Superintendent. *Ibid.* Moreover, the ALJ notes that the Doctrine of Necessity was not invoked, nor did the circumstances necessitate it to be invoked. *Ibid.* Therefore, based on Respondent's involvement in the Personnel committee

discussion and the directive that a Rice notice be issued, the ALJ concludes that Respondent violated *N.J.S.A.* 18A:12-24(b). *Id.* at 7. The ALJ further concludes that Respondent violated *N.J.S.A.* 18A:12-24(c) because he directed Board counsel to send a Rice notice to his daughter-in-law's supervisor. *Ibid.* The ALJ contends that by his own admission, Respondent indicated the Superintendent or Chief School Administrator position was a "carryover issue," and therefore, "it should be admitted that there were no emergent circumstances that a Rice [n]otice went out when [Respondent] initiated the action." (Count 4) *Ibid.*

The ALJ contends that in accordance with the Commission's previous "advisory caution," school board members with relatives employed in the same district "should not even be in the same room when the Board discusses matters that affect the employment of the relative's supervisor," and therefore, the ALJ concludes that Respondent violated *N.J.S.A.* 18A:12-24(c) (Count 2). *Id.* at 10.

Turning to the Code violations, namely a violation of *N.J.S.A.* 18A:12-24.1(a), the ALJ maintains Respondent "admitted he knew he was conflicted from matters" related to the Superintendent because his daughter-in-law was employed in the District, and he "nevertheless disregarded the conflict by participating in discussions relating to the contract of the individual having supervisory authority over his daughter-in-law." *Ibid.* Therefore, the ALJ concludes that Respondent violated *N.J.S.A.* 18A:12-24.1(a). *Ibid.*

III. Exceptions

Respondent's Exceptions

Respondent initially argues that the Commission should reject the Initial Decision and remand the matter to the OAL because the ALJ "misunderstood the issues in the case and made numerous material mistakes of fact."

According to Respondent, June 2016 was when his conflict began regarding "any personnel matter that touched on the supervisors of his daughter-in-law who is a teacher for the District" and since that time he has not participated in the evaluation of the Superintendent. Respondent maintains that in January 2018 "in a [P]ersonnel committee meeting[, Respondent] began to 'evaluate' the Superintendent by listing some outstanding issues that were pending in the District." Although the Superintendent was "annoyed," Board counsel "was present and properly advised [the Superintendent] that this was simply a discussion of outstanding matters, one of which was the [] complaint about [the principal]." Further, Respondent notes he selected four non-conflicted Board members to serve on a committee to renew the Superintendent's contract.

As to the events on March 6, 2018, Respondent provides that he attended a meeting, by telephone, with the Mayor and Police Director, as well as other officials who were present, including the high school principal and the Superintendent, regarding "the hastily announced student walk out and" march to City Hall that was planned for March 14, 2018. Respondent further provides that allegations were made that he tried to intimidate the high school principal,

who appeared to support the march to City Hall. As the Board President, Respondent was concerned with student safety, but did not attempt to stop the march. There “are numerous conflicting recollections over what was said.” Respondent notes he was not present at the “second phase of the meeting, which was held at the [h]igh [s]chool with the students.” Respondent maintains that on March 9, 2018, he met with the Superintendent and Board counsel, to set the meeting agenda for the March 13 Board meeting. Respondent further maintains the police director had asked the Board to take a position on the march to City Hall, and therefore, Respondent asked Board counsel to draft a resolution declaring that the Board did not support the march because of security concerns. Respondent also requested that Board counsel issue Rice notices to the Superintendent and high school principal “due to the intense public interest on the issue.”

Respondent notes that the ALJ stated that Respondent “attended and offered a critique of [the Superintendent’s] performance”; however, this is a conclusion rather than a fact. Respondent further notes many of the factual findings are incorrect, and although the errors are insignificant, they indicate that the analysis was “inadequate.” Moreover, Respondent indicates the ALJ ignored Board counsel’s certification and further ignored the “contentious relationship between Respondent and several Board members.” Respondent argues the ALJ erred in concluding that Respondent admitted that he discussed the Superintendent’s job performance. Respondent further argues that the ALJ refused to consider or analyze in any degree the arguments posed by Respondent. Respondent contends despite the ALJ’s finding that “there were no emergency circumstances in January,” the events in question were in March, and the emergent matter was “the student walkout and march scheduled for March 14, 2018.” Respondent further contends that the Rice notices were a result of parent complaints and the “likelihood that the administrators’ names would be brought up at the meeting.”

Next, Respondent notes that the motion filed with the Commission was procedurally improper. Respondent further notes the motion procedurally ignored the requirement of the Supreme Court summary judgment rule, and as such, is unfair to Respondent and to the tribunal. Respondent asserts the ALJ “obliquely” refers to the issue of counsel’s involvement despite the fact that the concept was “pled as an affirmative defense and was mentioned prominently by the [Commission] in its decision on the partially successful motion to dismiss and in the probable cause notice.” Respondent further asserts he discussed the Rice notices with Board counsel, who agreed to issue them, and these Rice notices were “technical” and were not intended for disciplinary purposes.

In conclusion, Respondent summarizes it is perfectly proper to remind the Board that the Superintendent’s contract was up for renewal; the Rice notices were based upon the upcoming student protest and were anticipatory due to the public outcry and were not, related to the employment status of the administrators; the ALJ “cherry picks” certain of the discovery responses and Respondent was guided by Board counsel “every step of the way.” Therefore, there clearly exists genuine issues of material fact, which must be viewed in the light most favorable to Respondent, thus precluding summary decision in this matter.

Petitioner's Exceptions and Reply to Respondent's Exceptions

As to the Initial Decision, Petitioner takes exception to the ALJ's penalty and noted that the Commission should modify the reprimand to a censure.

As to Respondent's exceptions, Petitioner argues the ALJ was correct in finding that Respondent violated the Act because he knew his daughter-in-law was employed in the District "when he directed the Board's attorney to issue a Rice letter to" the Superintendent. Moreover, the ALJ determined that emergent circumstances did not exist to "necessitate [Respondent] to initiate this action given that [Respondent] himself regarded the matter of [the Superintendent's] contract to be a 'carryover issue' from the previous year." Moreover, the ALJ established that Respondent remained in executive session during a Personnel committee meeting, while the committee discussed, among other things, the Superintendent's contract. Based upon Respondent's admissions, the ALJ found that Respondent violated *N.J.S.A. 18A:12-24(b)*, *N.J.S.A. 18A:12-24(c)* and *N.J.S.A. 18A:12-24.1(a)*.

Petitioner argues that Respondent's claim that he only reminded the Personnel committee that they needed to discuss the Superintendent's contract is wrong because the interrogatory answers indicate the Board discussed the Superintendent and regardless, Respondent's presence during the discussion is a violation of the Act. Respondent admitted to raising the issue of "carry-over items," and one was the Superintendent's contract. Therefore, Petitioner maintains the evidence supports the ALJ's finding that Respondent was present during the committee meeting in which the employment of his daughter-in-law's supervisor was discussed. Moreover, the ALJ correctly rejected the argument related to whether the Personnel committee actually discussed the Superintendent and appropriately concluded that Board members with immediate family members/relatives employed in the District should not even be in the same room when the Board discusses the employment of the relative's supervisor.

As to Respondent's argument that the ALJ did not consider the "emergent matter," Petitioner asserts the ALJ did consider it and correctly rejected it.

According to Petitioner, Respondent's claim that the ALJ's decision should be rejected because Petitioner's motion brief was procedurally improper should be rejected because administrative proceedings, unlike Court rules, do not require a separate statement of undisputed material facts to support a motion for summary decision.

As to Respondent's argument that the ALJ did not consider the "mitigating advice of counsel," Petitioner maintains it is not true. Petitioner further maintains the ALJ "clearly considered the issue of advice of counsel, or lack thereof, and actually considered it to be a mitigating factor in [Respondent's] favor."

Based upon the ALJ's findings and the clear evidence of Respondent's involvement in matters related to the employment of his daughter-in-law's supervisor, his understanding of his conflict and "his long experience as a Board member," as well as the ALJ's failure to consider that Respondent has been a Board member for a long time and Respondent's failure to review the

Commission's numerous advisory opinions related to Board members who have family/relative who work in the same district, Petitioner contends a higher penalty, such as censure is warranted.

IV. Analysis

Upon a careful, thorough, and independent review of the record, the Commission agrees with the ALJ's findings of fact, the legal conclusion that Respondent violated *N.J.S.A.* 18A:12-24(b) and *N.J.S.A.* 18A:12-24(c) but rejects the conclusion that Respondent violated *N.J.S.A.* 18A:12-24.1(a) and modifies the recommended penalty of reprimand to censure.

N.J.S.A. 18A:12-24(b) prohibits a school official from using or attempting to use his official position to secure unwarranted privileges, advantages or employment for himself, members of his immediate family or others.

N.J.S.A. 18A:12-24(c) prohibits a school official from acting in his official capacity in a matter where he, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial involvement that might reasonably be expected to impair his objectivity or independence of judgment, and from acting in his official capacity in a matter where he or a member of his immediate family has a personal involvement that is or creates some benefit to him or a member of his immediate family.

N.J.S.A. 18A:12-24.1(a) provides that Board members will uphold and enforce all laws, rules and regulations of the State Board of Education, and court orders pertaining to schools.

As an initial matter, the Commission notes that, pursuant to *N.J.S.A.* 18A:12-23, "Member of immediate family" is defined as "the spouse or dependent child of a school official residing in the same household," and "relative" is defined as "the spouse, natural or adopted child, parent, or sibling of a school official." In addition, neither the provisions of *N.J.S.A.* 18A:12-24 ("Prohibited acts") nor the provisions of *N.J.S.A.* 18A:12-24.1 ("Code of Ethics for School Board Members") specifically refer to the "relative" of a school official. Instead, the "relatives" of a school official fall within the umbrella of "others" set forth in *N.J.S.A.* 18A:12-24(b). As explained in *Advisory Opinion 24-17* (A24-17), "[a]lthough 'others' is not defined by the Act, **any individual** can be an 'other,' including people that fall within the definition of 'relative' as set forth in *N.J.S.A.* 18A:12-23, and those that fall within the broader definition of 'relative' that is required to be incorporated in district nepotism policies." See, *N.J.A.C.* 6A:23A-1.2; *N.J.A.C.* 6A:23A-6.2.

Further, in 2009, the Commissioner of Education adopted regulations regarding fiscal accountability, efficiency, and budgeting procedures. These regulations offer a more expansive definition of "relative" than that set forth in the Act. More specifically, pursuant to *N.J.A.C.* 6A:23A-1.2, a "relative" is defined as: ... an individual's spouse, civil union partner pursuant to *N.J.S.A.* 37:1-33, domestic partner as defined in *N.J.S.A.* 26:8A-3, or the parent, child, sibling, aunt, uncle, niece, nephew, grandparent, grandchild, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother, or half-sister of the individual or of the individual's spouse, civil union partner, or domestic partner, whether the relative is related to the

individual or the individual's spouse, civil union partner, or domestic partner by blood, marriage, or adoption. *N.J.A.C.* 6A:23A-1.2.

As set forth in Martinez v. Albolino et al., Hackensack Board of Education, Commission Docket No. C45-11 (Martinez) and A24-17, a Board member who has a relative or immediate family member employed in a District would also be prohibited from participating in any and all issues related to the superintendent, including the search, contract approval, and evaluation of performance. The Commission thus agrees with the ALJ that Respondent violated *N.J.S.A.* 18A:12-24(b) when he was involved in the Personnel committee discussion as it affected the Superintendent's employment by the Board, and also directed the Board to issue a Rice notice so that the Board could discuss the Superintendent's performance as he was using or attempting to use his official position to secure unwarranted privileges, advantages or employment for himself, members of his immediate family or others. In addition, the Commission agrees with the ALJ that Respondent violated *N.J.S.A.* 18A:12-24(c) when he participated in a Personnel committee meeting and directed the Board's counsel to send a Rice notice to his daughter in law's supervisor, as he was acting in his official capacity in a matter where he had a direct or indirect financial involvement that might reasonably be expected to impair his objectivity or independence of judgment, and from acting in his official capacity in a matter where he had a personal involvement that created some benefit to him or a member of his immediate family.

The Commission disagrees with Respondent that there are disputed material facts at issue in this matter. Respondent does not deny that he discussed that the Superintendent's contract was up for renewal and that he ordered Rice notices to be served. Accordingly, the Commission is not persuaded by Respondent's exceptions. As to the ALJ not considering advice of counsel defense, the Commission notes that the ALJ found that "no evidence was brought forth concerning what the Board's attorney told him to do or not do, nor whether he disregarded such advice." *Id.* at 10. Therefore, all of the factors outlined *In re Zisa*, 385 N.J. Super. 188 (App. Div. 2006), have not been met by Respondent, and as such, an advice of counsel defense should not be considered as a mitigating factor for a penalty.

However, with regard to a violation of *N.J.S.A.* 18A:12-24.1(a), the Commission disagrees with the ALJ that a violation has occurred. To sustain a violation of *N.J.S.A.* 18A:12-24.1(a), a complainant "shall include a copy of a final decision from any court of law or administrative agency of this State demonstrating that the respondent(s) failed to enforce all laws, rules, and regulations of the State Board of Education, and/or court orders." *N.J.A.C.* 6A:28-6.4(a)(1). As Petitioner has not provided said copy of a final decision related to Respondent, a violation of *N.J.S.A.* 18A:12-24.1(a) cannot be sustained, and therefore, the Commission dismisses this violation.

With respect to a penalty, the Commission recommends a penalty of censure for the violations of *N.J.S.A.* 18A:12-24(b) and *N.J.S.A.* 18A:12-24(c). The actions conducted by Respondent are not novel to the Commission; indeed, the Commission has proffered several Advisory Opinions which clearly state that the acts committed by Respondent would be violations of *N.J.S.A.* 18A:12-24(b) and *N.J.S.A.* 18A:12-24(c). The Commission notes that Respondent, as Board President, is required to undergo ethics training and is obligated to recognize his own conflicts and recuse himself when a conflict exists. The Commission finds

that given the very serious nature of Respondent's violations of the Act, the fact that he was aware of, and admitted to, his daughter-in-law's employment in the District and his conflicts related to same, as well as that Respondent was not only a Board member, but had been elected into the leadership role of Board President, a penalty of censure is warranted for the violations of *N.J.S.A.* 18A:12-24(b) and *N.J.S.A.* 18A:12-24(c).

V. Decision

For the aforementioned reasons, the Commission adopts the ALJ's findings of fact, the legal conclusion that Respondent violated *N.J.S.A.* 18A:12-24(b) and *N.J.S.A.* 18A:12-24(c) but rejects the conclusion that Respondent violated *N.J.S.A.* 18A:12-24.1(a) and modifies the recommended penalty of reprimand to censure.

Pursuant to *N.J.S.A.* 18A:12-29(c), this decision shall be forwarded to the Commissioner of Education for review of the Commission's recommended penalty. The parties may either: 1) file exceptions to the recommended sanction; 2) file an appeal of the Commission's finding of a violation; or 3) file both exceptions to the recommended sanction together with an appeal of the finding of a violation.

Parties taking exception to the recommended sanction of the Commission but *not disputing* the Commission's finding of a violation may file, **within thirteen (13) days** from the date the Commission's decision is forwarded to the Commissioner, written exceptions regarding the recommended penalty to the Commissioner. The forwarding date shall be the mailing date to the parties, as indicated below. Such exceptions must be forwarded to: Commissioner of Education, c/o Bureau of Controversies and Disputes, P.O. Box 500, Trenton, New Jersey 08625, marked "Attention: Comments on Ethics Commission Sanction," as well as to (ControversiesDisputesFilings@doe.nj.gov). A copy must also be sent to the Commission (school.ethics@doe.nj.gov) and all other parties.

Parties seeking to appeal the Commission's finding of violation *must* file an appeal pursuant to the standards set forth at *N.J.A.C.* 6A:4:1 *et seq.* **within thirty (30) days** of the filing date of the decision from which the appeal is taken. The filing date shall be three (3) days after the date of mailing to the parties, as shown below. In such cases, the Commissioner's review of the Commission's recommended sanction will be deferred and incorporated into the Commissioner's review of the finding of violation on appeal. Where a notice of appeal has been filed on or before the due date for exceptions to the Commission's recommended sanction (thirteen (13) days from the date the decision is mailed by the Commission), exceptions need not be filed by that date, but may be incorporated into the appellant's briefs on appeal.

Robert W. Bender, Chairperson

Mailing Date: July 22, 2025

***Resolution Adopting Decision
in Connection with C24-18***

Whereas, at its meeting on February 26, 2019, the School Ethics Commission (Commission) voted to transmit the above-captioned matter to the Office of Administrative Law (OAL) for a hearing; and

Whereas, the Administrative Law Judge (ALJ) issued an Initial Decision dated March 25, 2025; and

Whereas, the ALJ found that Respondent violated *N.J.S.A.* 18A:12-24(b), *N.J.S.A.* 18A:12-24(c) and *N.J.S.A.* 18A:12-24.1(a), and recommended a penalty of reprimand; and

Whereas, Petitioner filed exceptions to the Initial Decision and Respondent filed exceptions and a reply to Petitioner's exceptions; and

Whereas, at its meeting on June 17, 2025, the Commission reviewed the record in this matter, discussed adopting the ALJ's findings of fact, the legal conclusion that Respondent violated *N.J.S.A.* 18A:12-24(b) and *N.J.S.A.* 18A:12-24(c) but rejected the conclusion that Respondent violated *N.J.S.A.* 18A:12-24.1(a) and modifying the recommended penalty of reprimand to censure; and

Whereas, at its meeting on July 22, 2025, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on June 17, 2025; and

Now Therefore Be It Resolved, the Commission hereby adopts the within decision.

Robert W. Bender, Chairperson

I hereby certify that this Resolution was duly
adopted by the School Ethics Commission at its
meeting on July 22, 2025

Dana C. Jones
School Ethics Commission