
IN THE MATTER OF : **BEFORE THE SCHOOL**
 : **ETHICS COMMISSION**
 :
DELORES MAUGERI, : **Docket No.: C01-97**
BERGENFIELD BOARD OF EDUCATION, :
BERGEN COUNTY : **DECISION**
 :
 :

PROCEDURAL HISTORY

The Commission set forth the complete procedural history of this case in its probable cause decision within In the Matter of John Galish, Joseph Amara and Delores Maugeri, C01-97 (September 23, 1997). The Commission incorporates that procedural history herein by reference.

In its September 23, 1997, determination, the Commission found probable cause to credit the allegation that Delores Maugeri violated N.J.S.A. 18A:12-24(c) of the School Ethics Act by voting on her daughter's appointment to a short-term substitute position. Because the Commission determined that no material facts were in dispute, the Commission invited Ms. Maugeri to file a written statement with the Commission setting forth the reasons that it should not find her in violation of the School Ethics Act. On October 14, 1997, respondent filed her written statement with the Commission setting forth reasons that it should not find her in violation of the School Ethics Act. The Commission rendered this decision at its meeting of October 28, 1997.

FACTS

The undisputed facts are as follows. On February 13, 1996, the Bergenfield Board of Education voted to approve the Superintendent's recommendation to appoint respondent's daughter as a physical education teacher effective March 1, 1996. Delores Maugeri abstained on this vote. Although her daughter was scheduled to begin working on March 1, 1996, the teacher occupying the position decided to leave early. Thus, the school administration was without a physical education teacher available for the period from February 21 to February 29, 1996, a period of seven school days. Since the board had already approved the daughter's permanent employment effective March 1, 1996, the administration decided that the individual most appropriate to serve as the interim teacher was the daughter. Accordingly, the daughter assumed the post of physical education teacher on February 21, 1996. Respondent's daughter is emancipated.

Since the board had not appointed the daughter for the seven February school days that the daughter had taught, the board had to take action to ratify those days. The board could have amended the initial motion to change the effective date of the appointment to February 21.

Instead, the school administrator recommended that the daughter be placed on the substitute list, retroactively, for the period of February 21 to February 29, 1996. The board accepted that recommendation and placed her name on a list of substitutes for the March 12, 1996, board meeting. The list referred to substitutes for the March 1996 period. Only the daughter's name appeared on the list as a retroactive appointment for February.

On March 12, 1996, Delores Maugeri voted on the approval of the substitute list that included the name of her daughter. She indicated that she was unaware that her daughter's name appeared on the substitute list because she knew that the board had appointed her daughter to a teaching position effective March 1, 1996. At that time, she abstained from that vote.

ANALYSIS

Complainant alleges that respondent violated N.J.S.A. 18A:12-24(c) of the School Ethics Act by voting for her daughter to be a short-term substitute within the district. Subsection (c) reads:

No school official shall act in his official capacity in any 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 or personal involvement that might reasonably be expected to impair his objectivity or independence of judgment.

The Commission has carefully reviewed the facts of this case and has concluded that the respondent had the responsibility as a board member to read the agenda and to know that her daughter was on the substitute list. The Commission recognizes that the daughter was hired as a teacher, not as a substitute, at the February meeting and that Ms. Maugeri abstained on the vote to hire her as a teacher. However, at the March meeting, when her daughter was placed on a substitute list to ensure that she received payment for the days she worked before her effective date of teaching, Ms. Maugeri should have known of that agenda item. Although her vote on the list was an oversight, she was still acting in her official capacity in a matter in which she had a personal involvement that might reasonably be expected to impair her objectivity. Therefore, the Commission finds that respondent violated N.J.S.A. 18A:12-24(c) of the School Ethics Act.

DECISION

For the foregoing reasons, the Commission concludes that respondent violated N.J.S.A. 18A:12-24(c) of the School Ethics Act. Because of the circumstances surrounding Ms. Maugeri's vote for her daughter's appointment as a short-term substitute, the Commission believes that the lowest possible sanction is appropriate. Therefore, the Commission recommends that the Commissioner of Education impose a sanction of reprimand.

Upon adoption of this decision by a formal resolution of the School Ethics Commission, the matter shall be transmitted to the Commissioner of Education for action on the Commission's recommendation for sanction pursuant to N.J.S.A. 18A:12-29. Within thirteen (13) days from the date on which the Commission's decision was mailed to the parties, any party may file written comments on the recommended sanction with the Commissioner of Education, c/o Bureau of Controversies and Disputes, 100 Riverview Plaza, PO Box 500, Trenton, NJ 08625, marked "Attention: Comments on Ethics Commission Sanction." A copy of any comments filed must be sent to the School Ethics Commission and all other parties.

Paul C. Garbarini
Chairperson

Resolution Adopting Decision -- C01-97

Whereas, the School Ethics Commission has considered the pleadings filed by the parties and the documents submitted in support thereof and has considered the arguments raised by parties in subsequent submissions; and

Whereas, the Commission initially found probable cause to credit the allegations that respondent violated the School Ethics Act, N.J.S.A. 18A:12-21 et seq. and determined that there were no facts in dispute; and

Whereas the Commission reviewed the written statement submitted by counsel and now concludes that respondent violated N.J.S.A. 18A:12-24(c) of the School Ethics Act; and

Whereas, the Commission has reviewed the proposed decision of its staff; and

Whereas, the Commission agrees with the proposed decision;

Now Therefore Be It Resolved that the Commission hereby adopts the proposed decision referenced as its decision in this matter and directs its staff to notify all parties to this action of the Commission's decision herein.

Paul C. Garbarini, Chairperson

I hereby certify that the Resolution was duly adopted by the School Ethics Commission at its public meeting on October 28, 1997.

Lisa James-Beavers
Executive Director