
IN THE MATTER OF	:	Before the School
	:	Ethics Commission
	:	
ANNA I. HAIG,	:	Docket No.: C05-97
DENNIS TOWNSHIP BOARD OF	:	
EDUCATION,	:	
CAPE MAY COUNTY	:	DECISION
	:	

PROCEDURAL HISTORY

This matter arises from a claim brought by the Dennis Township Board of Education against Anna I. Haig, a former member of the Dennis Township Board of Education. The Board alleges that Mrs. Haig violated the School Ethics Act, N.J.S.A. 18A:12-24(b) when she used her official position as board member to secure an unwarranted privilege for a friend through the unauthorized disposal of school trash, namely cabinets, with that friend. The board filed their complaint on February 12, 1997. Mrs. Haig filed her answer on March 10, 1997 in which she admitted that she had contacted a friend to recycle cabinets which had been discarded as trash by school officials and she also responded that this action was not in violation of the School Ethics Act.

The Commission invited the parties to attend the Commission’s meeting on July 22, 1997 and present witnesses and testimony to aid in the Commission’s investigation. Both parties appeared. The Commission tabled the matter at its public meeting on July 22, 1997, and issued this decision at its meeting of September 23, 1997.

FACTS

On the basis of the pleadings, testimony and documents submitted, the Commission finds the following facts to be undisputed.

Respondent is a former member of the Dennis Township Board of Education and was a member from April 1993 through April 1996. Complainants are all members of the Dennis Township Board of Education. On or about March 1996, cabinets were removed from the former Home Economics Room and were placed outside the school behind the Industrial Arts Shop next to a dumpster. There is conflicting testimony as to whether or not cabinet parts were placed inside the dumpster. However, there is no controversy over the fact that these cabinets constituted “trash.” The Business Administrator, the Board Secretary/Administrator and the Principal all agreed that the cabinets were “trash.”

Respondent, Anna I. Haig, observed the discarded cabinets and became concerned with the disposal of the cabinets in the dumpster. Her concern arose out of a previous incident on or about September of 1995 when the board experienced problems with the disposal of desks as trash. She went into the school and spoke with the workmen who responded that they were told to dismantle the cabinets and throw them away. She then called Mr. Rice, Chair of the Buildings and Grounds Committee. He called Mr. Berman Board Secretary/Administrator who informed him that the cabinets were trash. Mr. Rice contacted Mrs. Haig and informed her of his conversation with Mr. Berman. At that point, Mrs. Haig attempted to recycle the cabinets and she contacted the township Senior Citizens Center and other agencies to determine if the cabinets could be of some use, however none of the agencies could use the cabinets. She then phoned a list of parties to determine if anyone could utilize the cabinets rather than having them disposed of as trash. Mrs. Quigley, a friend of the respondent, determined that she could use the cabinets and retrieved them from the dumpster. The board did not pass a resolution authorizing the discard of the cabinets.

There is a board policy which directs the Board Secretary to develop procedures for the distribution of school property which includes the discard of unwanted materials namely "trash." To date, the Board Secretary has not developed any procedures for the discard of "trash." The Board Solicitor issued a formal opinion dated April 4, 1996 wherein he concluded that no wrongdoing occurred on the part of the respondent.

ANALYSIS

Complainants allege that respondent violated N.J.S.A. 18A:12-24(b) by using her official position as a board member to secure an unwarranted privilege for a friend by contacting that friend and suggesting that the friend retrieve cabinets from the school trash for personal use. Respondent, Mrs. Haig admits contacting her friend, Mrs. Quigley, and suggesting that Mrs. Quigley retrieve the cabinets from the trash to be utilized rather than have them disposed of as trash. The cabinets, for all intents and purposes, constituted trash or unwanted materials. The board has a policy which directs the Board Secretary to develop procedures for the discard of unwanted materials. This Commission expresses dismay and surprise that the school board's immediate reaction was not to direct the Board Secretary to write a policy on the disposal of unwanted materials for board adoption, especially due to the fact that this seems to be a recurring problem in that school district. This matter appears to be a local school matter that is best dealt with at the local level.

N.J.S.A. 18A:12-24(b) sets forth:

No school official shall use or attempt to use his official position to secure unwarranted privileges, advantages or employment for himself, members of his immediate family or others;

On the facts set forth above, the Commission cannot find a violation of N.J.S.A. 18A:12-24(b). Upon observance of the discarded cabinets, Mrs. Haig undertook an investigation to

determine why the cabinets were placed next to the dumpster. She was informed by the Board Secretary/Administrator that the cabinets were trash. It was only at that point that Mrs. Haig decided to attempt to recycle the trashed cabinets. While Mrs. Haig was acting as a board member, there can be no privilege or advantage given to another for the recycling of trash, especially in the absence of any board policy on same.

DECISION

For the foregoing reasons, the Commission finds no probable cause to credit the allegations in the complaint that respondent violated N.J.S.A. 18A:12-24(b) Therefore, it dismisses the charges against her.

The decision dismissing the complaint is a final decision of an administrative agency. Therefore, it is appealable only to the Superior Court--Appellate Division.

Paul C. Garbarini
Chairperson

Resolution Adopting Decision -- C05-97

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

Whereas, the Commission has found no probable cause to credit the allegations that respondent violated the School Ethics Act, N.J.S.A. 18A:12-24(b) and therefore dismisses the charges against her; 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 September 23, 1997

Mary E. Torres
Acting Executive Director