
IN THE MATTER OF

**KABILI TAYARI, MARIANO VEGA,
and SUZANNE MACK,
JERSEY CITY BOARD OF EDUCATION,
HUDSON COUNTY**

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**BEFORE THE SCHOOL
ETHICS COMMISSION**

Docket No.: C06-97

DECISION

PROCEDURAL HISTORY

This matter arises from a complaint that the above-named Jersey City board members violated the School Ethics Act, N.J.S.A. 18A:12-21 et seq. On February 19, 1997, complainants William Connelly, Camille Coleman, Joseph Stamm, Margaret Flint and Mary Avagliano filed this complaint. The allege that the conduct of respondents violated the School Ethics Act when they voted for the board's purchase of the Caven Point Athletic Complex from the City of Jersey City. The complaint alleges that the board members had a conflict of interest due to their ties to the mayor of Jersey City.

Respondents Kabili Tayari and Suzanne Mack filed their answers on May 28, 1997. Respondent Mariano Vega filed his answer on July 28, 1997, pursuant to an extension from the Commission. In their answers, respondents admitted to voting on the resolution in question, but denied any conflict of interest that would have caused them to have violated the School Ethics Act by voting. The Commission investigated the complaint and sent notices advising the parties that the Commission would discuss the matter at its October 28, 1997 meeting. The Commission invited them to attend the meeting, but did not request their appearance. No one appeared to testify before the Commission.

During its public meeting of October 28, 1997, the Commission voted to find no probable cause and dismiss the complaint for the reasons set forth herein.

FACTS

The Commission was able to discern the following facts on the basis of the pleadings, testimony and documents submitted.

In January 1997, respondents were members of the Jersey City Board of Education. Respondent Kabili Tayari was the board president. At a board meeting on January 28, 1997, respondents voted in favor of a resolution to authorize the board to purchase property known as the Caven Point Athletic Complex from the City of Jersey City. The purchase of the property was

initiated by former Superintendent Frank Sinatra, who enlisted the support of the board. The mayor of Jersey City was also a proponent of the transaction.

At the time of the vote in question, Kabili Tayari was employed by the City of Jersey City as a Supervising Administrative Analyst. His job entailed acting as a liaison between the municipal court and the Administrative Office of the Courts (AOC). His duties include supervising the implementation of a new court computer system and assisting in the preparation of the budget. His office had no involvement with the land purchase transaction.

Respondent Suzanne Mack is married to Robert Magro who is employed by the city of Jersey City as a computer analyst. Mr. Magro was hired by Mayor Anthony Cucci approximately ten years before the filing of this complaint. He is a civil service employee who is protected by the laws of the State. Ms. Mack did not disclose this information at the time of the vote. Further, she saw no need to recuse herself from the vote because of her spouse's position.

Respondent Mariano Vega ran for city council in Ward E of Jersey City as part of the mayor's political ticket in May 1997. Respondent met with the mayor on several occasions prior to the vote on the purchase of Caven Point to discuss the purchase and other matters. He did so to understand his viewpoint as to how the city and school district would benefit. Mr. Vega advised the board that he did so on January 28, 1997.

ANALYSIS

The issue before the Commission is whether the above facts establish that any of the board members violated N.J.S.A. 18A:12-24(c) of the School Ethics Act by voting on the purchase of Caven Point. Subsection (c) sets forth:

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 will address the respondents separately since their circumstances are not identical.

Kabili Tayari, as a Supervising Administrative Analyst for the City of Jersey City, had no involvement with the sale of Caven Point. The Commission finds that there must be some connection between the nature of the employment and the matter being voted upon for respondent to have a conflict of interest that would violate subsection (c). In the present case, there is no such connection. Respondent does not stand to gain in his employment by voting in favor of the sale. Further, although all parties agree that the mayor was a proponent of the sale, there is insufficient evidence that the mayor would benefit personally from the sale in such a way that respondent would feel he had to support it to avoid risking a threat to his employment.

Therefore, the Commission concludes that respondent's employment does not constitute a financial involvement that might reasonably be expected to impair his objectivity.

Suzanne Mack's spouse is an employee of the City. However, his employment has no involvement with the sale of Caven Point. Further, he is a civil service employee protected by the laws of this State arbitrary actions against his position. As such, there could be no threat to his position for failing to support a measure favored by the mayor. Thus, the Commission concludes that Ms. Mack's spouse did not have a financial involvement that could reasonably be expected to impair her objectivity or independence of judgment.

Complainant contends that respondent Mariano Vega's campaign for city council on the mayor's ticket created a personal involvement reasonably expected to impair his objectivity in voting on whether to purchase the athletic complex. The Commission agrees that Mariano Vega had a personal involvement with the mayor. However, it is not the type that is reasonably expected to impair his objectivity when voting on whether to purchase the athletic complex. The allegations that the purchase would assist the mayor in balancing his budget is a loose connection at best. If the vote were on a resolution to hire the mayor or utilizes the services of a business in which the mayor had an interest, for example, then there would be a conflict under subsection 24(c). In the present case, however, the mayor does not stand to benefit any more than any other resident of Jersey City. The school district gets land that it needs and the city is able to obtain revenue from land that it does not need. Thus, the Commission concludes that Mr. Vega did not have a personal involvement that could reasonably be expected to impair his objectivity in voting for the sale.

DECISION

For the foregoing reasons, the Commission finds no probable cause to credit the allegations in the complaint against any of the respondents and therefore, dismisses the complaint against them.

This decision 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 -- C06-97

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 respondents violated the School Ethics Act, N.J.S.A. 18A:12-21 et seq. and therefore dismisses the charges against them; 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 November 25, 1997.

Lisa James-Beavers
Executive Director