
IN THE MATTER

OF

RAYMOND RODNEY COLEMAN,
Willingboro Board of Education
Burlington County

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BEFORE THE
SCHOOL ETHICS COMMISSION

Docket No.: C15-98

DECISION

PROCEDURAL HISTORY

This matter arises from a complaint filed by Patricia LaRocco, a member of the Willingboro Board of Education (Board), against another member of the Board, Raymond Rodney Coleman. Therein, she alleged that Mr. Coleman violated the School Ethics Act, N.J.S.A. 18A:12-21 et seq., when he participated in Board discussions concerning the Board's lease of school facilities to a church in which he is a Deacon. Specifically, she alleged that his conduct violated N.J.S.A. 18A:12-24(a), (b), (c), (f) and (g) of the School Ethics Act.¹ On August 28, 1998, Dr. LaRocco amended her complaint to add an allegation that Mr. Coleman also violated N.J.S.A. 18A:12-24(c) of the Act when he voted against her motion to rescind the lease to the church at the Board's August 24, 1998 meeting.

Mr. Coleman filed his answer on November 10, 1998 denying all of the allegations in the complaint and denying having violated the School Ethics Act.

The Commission investigated the case and heard testimony from witnesses at its meeting on December 15, 1999. At the Commission's February 23, 1999 meeting, the Commission concluded that there was probable cause to credit the allegations in the complaint that Mr. Coleman violated N.J.S.A. 18A:12-24(c) when he participated in Board discussions on whether the Board should lease a building to the church and voted not to rescind the lease to the Cathedral of Love. The Commission found no probable cause and dismissed the allegations that he violated N.J.S.A. 18A:12-24(a), (b), (f) and (g) for the reasons set forth in its probable cause determination. The Commission determined that the facts were not in dispute and thus, invited Mr. Coleman to file a written submission setting forth why he should not be found in violation of the act for the aforementioned conduct.

¹ Dr. LaRocco also alleged that Mr. Coleman violated Willingboro Board of Education Policy 9270, New Jersey School Board Member Code of Ethics #6 and National School Board's Code of Ethics #3, #9 and #11; however, the School Ethics Commission only has jurisdiction to determine whether there has been a violation of the School Ethics Act.

The Commission received Mr. Coleman's written submission on March 16, 1999. Therein, he argued that he has no involvement with the Academy, which is separate and distinct from the church. Dr. LaRocco also filed a written submission with the Commission clarifying that she never alleged that Mr. Coleman wrongfully received the COPA report as was set forth in the Commission's probable cause determination. The Commission notes this correction. She also set forth that Mr. Coleman should receive at least a censure for his conduct.² At its March 23, 1999 meeting, the Commission rendered this decision finding Mr. Coleman in violation of N.J.S.A. 18A:12-24(c) of the School Ethics Act.

FACTS

Based on the pleadings and the Commission's investigation, the Commission finds that the following facts are undisputed. Dr. LaRocco and Mr. Coleman are both members of the Willingboro Board of Education who were elected in April 1998. Mr. Coleman is a member of the Deacon Board of the Cathedral of Love Church, which is located in Willingboro. By letter of May 20, 1998, Reverend Baxter, the Pastor of the Cathedral of Love, expressed interest in purchasing the Country Club School or the J. Cresswell Stuart Elementary School (Stuart School) from the Board or in the alternative, leasing the Stuart School. The letter indicated that the church would use the school as a child-care facility and house its Academy for grades K-4. By letter of June 22, 1998, he amended his request to focus on a proposal to lease the Stuart School.

The Interim Business Administrator, N. John Amato, wrote Rev. Baxter a letter on July 17, 1998 informing him that there were discrepancies in the way that the application was received and that all applications had to be presented in writing to the Board for approval at a regularly scheduled meeting. The Board met in executive session on July 27, 1998. According to the minutes, at this meeting Mr. Coleman moved that the Board vote on whether the Board and the Cathedral of Love will enter into a lease agreement. Mrs. Smith seconded the motion. The Board deliberated on this matter with Mr. Coleman participating. He then withdrew his motion. The Board also discussed whether Mr. Coleman has a conflict of interest. Mrs. Smith then moved that the Board honor the Proposed Agreement at \$6.40 per square foot. The vote on the motion, which apparently was a straw poll, was six in favor and one against. Dr. LaRocco was not present at this meeting and Mr. Best was out of the room. Also at this meeting, Mrs. Green moved that the Board accept the air conditioning proposal of the Cathedral of Love and Mrs. Carter moved that the Board maintain articles of the lease that the Cathedral had excised including those of penalty, security and an "event of default" clause. These motions were approved by a vote of seven in favor and one against. Mr. Best had returned to cast his vote in favor. Mr. Coleman participated in each of these votes. At the conclusion of the executive session, the Board agreed that Mr. Amato would contact Rev. Baxter with the Board's counter offer of cost for square footage.

² Dr. LaRocco also requests that the Commission issue an order prohibiting Mr. Coleman from participating in discussions and votes on any matter concerning the Cathedral of Love in the future. The Commission has concluded that it is authorized only to recommend the penalties set forth in N.J.S.A. 18A:12-29(c), which do not include prohibitions on future conduct.

On July 28, 1998, Mr. Amato wrote Rev. Baxter a letter setting forth that at the Board's executive session meeting, the Board made a counter proposal of \$6.40 per square foot for rental of 10 classrooms and two multi-purpose rooms at the Stuart School. He also informed him that the Board reestablished some articles that were previously left out of the lease. On July 31, 1998, Rev. Baxter essentially agreed to the Board's terms and asked that his letter be accepted as confirmation that they have a meeting of the minds. Rev. Baxter further requested that Mr. Amato take the steps necessary to see that a formal lease agreement is prepared.

In an August 5, 1998 memorandum, the then Board Solicitor, Paula Mullaly, advised the Board against entering into the lease and advised Mr. Coleman against participating. On August 11, 1998, approximately one week after submitting that memorandum, the Board Solicitor submitted her resignation to be effective August 28, 1998. At the August 17, 1998 Conference Meeting of the Board, the Board approved the lease by a vote of 5-2 with Mr. Coleman abstaining. However, the minutes indicate that Mr. Coleman participated in the discussion of the lease prior to the vote. On August 24, 1998, Dr. LaRocco moved to rescind the lease between the Cathedral of Love and the Board because she believed that the action was taken improperly. The motion failed with Dr. LaRocco and Board member Margaret Reynolds voting in favor and the other eight members present voting against it, including Mr. Coleman. The lease agreement was signed on August 24, 1998.

The Commission's investigation disclosed that the Board leases its properties at varying rates, but six of the 12 lease renewals for the 1998-1999 school year had a rate of \$12.39 per square foot. Two other lessees rent at approximately \$11.00 per square foot. Burlington County College rents at \$9.74 per square foot, but this rate is apparently due to their agreement to provide their own custodial services. The lowest lease rate for the 1998-1999 school year was \$2.83 per square foot paid by Willingboro Township. Burlington County Day Care, which was leasing rooms at the Stuart School prior to the Cathedral of Love, paid \$11.28 per square foot. It had paid \$9.15 per square foot when it was providing its own maintenance. An appraiser's report set the market rent for the Stuart School at \$3.20 per square foot, but the operating cost was noted to be \$7.85 per square foot. It is the appraiser's report that Rev. Baxter said that his researcher relied on in initially seeking the \$3.83 per square foot rate.

ANALYSIS

The issue on which the Commission found probable cause is whether Mr. Coleman's conduct violated N.J.S.A. 18A:12-24(c) of the School Ethics Act. It provides:

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.

Prior to the enactment of the School Ethics Act, the Superior Court addressed the question of when a church or religious affiliation may constitute a conflict of interest. In *Landau*

v. Township of Teaneck, 231 N.J. Super. 586, 595 (Law Division 1989), Judge Simon stated, “It is clear that the interest of a synagogue or church passes to all its members.” (Citing *Marlboro Manor, Inc. v. Montclair Township*, 187 N.J. Super. 359, 361-62 (App. Div. 1982) and *Zell v. Borough of Roseland*, 42 N.J. Super. 75 (App. Div. 1956). Therefore, she stated, the council member would be in conflict were he a member of congregation seeking to purchase property from the township. However, the council member did not have a conflict because he was a member of a different congregation of the same faith. The Local Finance Board was presented with the exact question that the *Landau* Court addressed. In *In Re Elizabeth Urquhart, Council Member City of Plainfield*, Complaint #LFB-96-040 (February 11, 1998), the Local Finance Board found that a council member violated the local Government Ethics Law by acting in her official capacity in a matter where she has a direct or indirect personal involvement that might reasonably be expected to impair her objectivity when she voted on matters relevant to the church of which she is a member.

As set forth in the probable cause determination, Mr. Coleman and Rev. Baxter testified that Mr. Coleman is a Deacon in the Cathedral of Love, which is a denomination of the Church of God in Christ. Mr. Coleman is also a Deacon in the Church of God in Christ. His duties with the Cathedral of Love are to ensure the upkeep and maintenance of the church. He also teaches Sunday school. He does not have responsibility for the financial operations of the church. He does not have responsibilities with regard to the church’s Academy. Mr. Coleman added that his children attend public school and have no plans to enter the Cathedral of Love Academy. The Executive Board of the church is the highest level of leadership under Rev. Baxter and it assists Rev. Baxter with decisions regarding the operation of the church. Mr. Coleman is not a member of the Executive Board. The Deacons handle maintenance and ministerial functions such as visiting the sick.

In his written submission in response to the probable cause determination, Mr. Coleman states that the Cathedral of Love Church of God in Christ, Inc. and the Cathedral of Love Christian Academy are two separate and distinct organizations. He says that they are managed and operated by two separate and distinct governing bodies although they share the same owner, Rev. Baxter, and the same name. He states that Rev. Baxter’s Christian Academy is not, in his understanding, a part of the church organization of which he is a member. He further states that the church does not benefit financially or otherwise from the business affairs of Rev. Baxter’s Christian Academy. He believes that since the two entities are separate and distinct from each other, one as a religious place of worship and the other a Christian school, and since Rev. Baxter negotiated with the Board as owner/proprietor of the Christian Academy, there is no violation of N.J.S.A. 18A:12-24(c).

While the Commission acknowledges Rev. Baxter’s testimony that he does not require the endorsement, support or sanction of the church to engage in proprietary affairs as he deems fit, Rev. Baxter never stated that when he engages in such affairs he is not acting on behalf of the church. At all times, he is acting on behalf of the church. According to Mr. Coleman’s view, the fact that the Academy is called the Cathedral of Love Christian Academy is merely by coincidence. Clearly, it is so named because it is the Cathedral of Love’s school. The Cathedral of Love is the entity that signed the lease with the Board and it is the Cathedral of Love that

continues to have the obligations under the lease. Thus, the Commission rejects the argument that Rev. Baxter was acting not on behalf of the church, but on behalf of himself and his family. Consequently, the Commission rejects the argument that Mr. Coleman has no involvement with the Academy.

The Commission is satisfied that Mr. Coleman has responsibilities to the church that may appear to pull him in a direction that differs from the best interests of the school district. Mr. Coleman is not just a member of the church, but a member of the Deacon Board. Therefore, the Commission must conclude that he had a personal involvement with the church that might reasonably be expected to impair his objectivity or independence of judgment. Thus, the Commission finds that Mr. Coleman's conduct violated N.J.S.A. 18A:12-24(c) when he participated in Board discussions and later voted against the motion to rescind the lease to the Cathedral of Love.

DECISION

For the foregoing reasons, the School Ethics Commission finds that respondent Raymond Rodney Coleman violated N.J.S.A. 18A:12-24(c) of the School Ethics Act when he participated in discussions concerning the Cathedral of Love's lease of the Stuart School and later voted not to rescind the lease. The Commission has previously said that the advice given by an attorney that a school official could participate or vote on a matter is a mitigating factor. This case presents the converse. The Commission notes that the Board Solicitor advised Mr. Coleman that he should not participate in discussions regarding the lease because of his association with the church, but he continued to do so. This is an aggravating factor. Thus, since Mr. Coleman had recently joined the board in May 1998 when this controversy arose, a reprimand may have sufficed due to his inexperience. However, in this case he was told by the Board Solicitor to recuse himself and he did not. Therefore, the Commission recommends that the Commissioner of Education impose a penalty of censure.

This decision has been adopted by a formal resolution of the School Ethics Commission. This matter shall now be transmitted to the Commissioner of Education for action on the Commission's recommendation for sanction only, 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, P.O. 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 -- C15-98

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

Whereas, the Commission concluded at its meeting of February 23, 1999 that there was probable cause to credit the allegations in the complaint that respondent violated the School Ethics Act; and

Whereas, the Commission considered the written submission of Mr. Coleman in response to the Commission's finding of probable cause and concluded that Mr. Coleman 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 finding such a violation, recommending a penalty of censure, and setting forth the reasons therefore; 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 March 23, 1999.

Lisa James-Beavers
Executive Director