

---

<b>IN THE MATTER</b>	:	<b>BEFORE THE</b>
	:	<b>SCHOOL ETHICS COMMISSION</b>
<b>OF</b>	:	
	:	<b>Docket No.: C19-97</b>
<b>JANE BEREZOW,</b>	:	
<b>MEDFORD LAKES BD OF EDUCATION</b>	:	<b>DECISION</b>
<b>BURLINGTON COUNTY</b>	:	
	:	

---

## **PROCEDURAL HISTORY**

This matter arises from a complaint filed by Pearl Bohs on July 29, 1997. Therein she alleges that Jane Berezow used her position as a school board member to gain employment for her daughter in violation of the School Ethics Act, N.J.S.A. 18A:12-21 et seq. Ms. Berezow filed her answer with the School Ethics Commission on August 13, 1997, denying that she violated the School Ethics Act.

The Commission advised the parties that it would discuss this matter at its meeting of November 25, 1997. The Commission provided the parties an opportunity to appear before it, but neither party chose to do so. At that meeting, the Commission tabled the matter for further discussion. The Commission now dismisses the charges under N.J.S.A. 18A:12-24(b) of the School Ethics Act, as there is no evidence that Ms. Berezow used her official position to secure unwarranted employment for her daughter.

## **FACTS**

Considering the pleadings, the documents submitted and the Commission's investigation, the Commission finds the following facts to be undisputed. Jane Berezow is a member of the Medford Lakes Board of Education. She currently serves as vice-president. The Medford Lakes board of education consists of five members. Due to the size of the board, the committees operate as committees of the whole except the finance committee. Ms. Berezow served on the personnel committee until the business meeting of June 11, 1997. At that time, she agreed to serve on the curriculum committee.

The personnel committee of the board is not involved with the hiring process and does not interview or screen prospective candidates for staff positions. The superintendent and her staff arrange for the posting of jobs and handle the interviews. The superintendent then brings her selection to the board for ratification. The personnel committee only gets involved with hiring administrators such as the superintendent and business administrator. According to a

board memorandum, the hiring of Ms. Berezow's daughter took place as a result of a restructuring of staff. The Director of the Child Study Team recommended that the superintendent condense the positions of counselor, social worker and psychologist into two positions consisting of a full-time social worker and a full time psychologist who would split the counseling duties K-4 and 5-8 between them. This recommendation was expressed to the board members in a June 6, 1997 memorandum. The memorandum set forth that this matter would be discussed during executive session on June 11, 1997.

When Ms. Berezow became aware that her daughter may be considered for one of the positions if the board were to accept the changes, she informed the board president and the superintendent that she would not be attending the executive session. She also sought advice from the New Jersey School Boards Association and the School Ethics Commission, both of which said that she should totally recuse herself from the hiring process regarding these positions. Following that advice, she did not attend the July 11, 1997 executive session in which the positions were discussed. Additionally, she abstained from voting on the selection of the school psychologist at the July 16, 1997 board meeting. At that meeting, the board hired Ms. Berezow's daughter as a full-time psychologist/guidance counselor effective July 1, 1997.

## **ANALYSIS**

The issue before the Commission is whether Ms. Berezow violated N.J.S.A. 18A:12-24(b) of the School Ethics Act by using her position to secure unwarranted employment for her daughter.

N.J.S.A. 18A:12-24(b) of the School Ethics Act provides:

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.

Considering the above facts, the Commission is unable to discern any information to indicate that Ms. Berezow used her position to gain employment for her daughter. She was a member of the personnel committee prior to the hiring of her daughter, but the personnel committee's responsibilities did not include screening or interviewing applicants for staff positions. Further, there is no information to indicate that Ms. Berezow tried to coax or otherwise influence the superintendent to select her daughter as her choice to fill the psychologist's position. Nor is there information that she attempted to influence the director of the Child Study Team to institute the change that created the position. Indeed, the complaint does not allege such conduct on the part of Ms. Berezow but presupposes that because she served on the personnel committee, she was involved in her daughter's appointment. The facts do not support this assumption. Thus, there is no information to support a finding of probable

cause that Ms. Berezow used her position to secure unwarranted privileges for her daughter in violation of N.J.S.A. 18A:12-24(b).

## **CONCLUSION**

For the foregoing reasons, the Commission finds no probable cause to credit the allegations in the complaint that respondent violated the School Ethics Act, N.J.S.A. 18A:12-21 et seq. and therefore dismisses the complaint against her.

Paul C. Garbarini  
Chairperson

## **Resolution Adopting Decision -- C19-97**

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

**Whereas**, the Commission finds no probable cause to credit the allegations in the complaint that respondent used her position to secure unwarranted privileges for her daughter in violation of the School Ethics Act, N.J.S.A. 18A:12-21 et seq.; and

**Whereas**, the Commission has reviewed the proposed decision of its staff setting forth the reasons for its conclusion; and

**Whereas**, the Commission agrees with the proposed decision;

**Now Therefore Be It Resolved** that the Commission hereby dismisses the complaint alleging that Ms. Berezow has violated the School Ethics Act and adopts the enclosed decision referenced as its decision in this matter.

---

Paul C. Garbarini, Chairman

I hereby certify that the Resolution  
was duly adopted by the School  
Ethics Commission at its public meeting  
on January 27, 1998.

---

Lisa James-Beavers  
Executive Director

[c1997doc/h:lisa]