

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 including 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]