**School Ethics Commission Complaint Dismissals 2020 – 2022**

SEC dismissed complaint in its entirety. Complainant failed to plead sufficient, credible facts to support a finding that Respondent violated a provision of the Code of Conduct or the Code of Ethics for School Board Members as alleged in the Complaint.

**Code of Conduct *N.J.S.A.* 18A:12-24**

***N.J.S.A.* 18A:12-24 (a) No school official or member of his immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest;**

Odierna v. Roth C31-20 10/27/20 Supervisor of Special services, child in school district, ID, services for other special education student

Wyatt, Cox, Campbell and Morgan v. Pike C01-20 4/21/2020 Board member, continued disruption of board meetings, personal insults, involvement with community group

Spitz v. Bronfeld and Dart C65-20 3/23/21 Bd mbrs serving as chairperson and treasurer for slate of candidates running for the board. Alleged ELEC violations, disclaimer, letter to the editor

Cooper v. Muhammad C83-20 5/25/21 Camden Advisory Board member and candidate received COVID-19 funds for his school and was endorsed by the Democratic Committee

O’Hara v. Chambers C13-21 8/30/21Disclosure of information regarding HIB investigation. Tescher posted to Facebook page re: letter written by parent to board regarding HIB naming other child in the investigation. SEC no jurisdiction over teacher, not a school official not frivolous.

Shannon v. Morgan C10-21 9/21/21 Board member comments at board meeting regarding poor performance of HS students, poor reading results attributable to teachers at lower grades, concerns with teaching staff. Board member employed in another school district Assistant Superintendent for Equity, Curriculum and Instruction part of board negotiations team. Not a member of same statewide union. No jurisdiction over allegations of libel, slander, defamation.

Meehan v Bennett C26-21 12/14/21 Asian-American objected to posting on charter school website endorsing Black Lives matters organization. Heart shaped logo.

Collins v Heino C56-21 2/25/22 Parents of student with 504 plan filed complaint. Student required to remove double layer cloth face and replace it with school issued mask despite difficulty in breathing. Alleged requirement of face shields while eating. Alleged that CSA/principal refused to process HIB complaint. Code of Ethics allegations dismissed. Do not apply to CSA/principal. Not frivolous.

Keith E. Benson v. Katrina T. McCombs, C79-21, 3/22/2022 Untimely filed, even if timely filed, failed to proffer sufficient credible facts; brought by superintendent; alleged failure to disclose spouse’s affiliation with school facilities management organization; Cooper Lanning Square Renaissance School Facilities (CLSRSF); No requirement to disclose spouse’s affiliation with CLSRFS on financial/relative disclosure statements. Dismissed. Not frivolous.

***N.J.S.A.* 18A:12-24 (b) 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;**

Chermont v. Way C34-20 12/22/2020 Principal

I/M/O Wilson C59-20 11/24/2020 Charter Administrator

Schleifstein and Broyles v. MacKay C40-20 11/24/2020 Bd. Mbr. emails, meeting comments, confidentiality

Odierna v. Roth C31-20 10/27/20 Supervisor of Special services, child in school district, ID, services for other special education student

Meade v. Kazyan and Cahill C11-20 6/23/2020 CSA, AD hiring of asst wrestling coach

Wyatt, Cox, Campbell and Morgan v. Pike C01-20 4/21/2020 Board member, continued disruption of board meetings, personal insults, involvement with community group

Spitz v. Bronfeld and Dart C65-20 3/23/21 Bd mbrs serving as chairperson and treasurer for slate of candidates running for the board. Alleged ELEC violations, disclaimer, letter to the editor

Cooper v. Muhammad C83-20 5/25/21 Camden Advisory Board member and candidate received COVID-19 funds for his school and was endorsed by the Democratic Committee

Donahue v. Shafer et. als. C73-20 5/25/21 Retired teacher, “fake” evaluations of support teachers who were friends of the principal (FOP), “fake” CAP for complaining untimely filing, not frivolous

Mastrofilipio v. Salvacion C52-20 5/25/21 Board member Municipal officials with relatives employed in school district. Votes on MOAs, secretaries, SBA, CNAs

Ricupero and Termini v. DeVito C22-21 9/21/21 Board member brought “walk on” resolution to change the name of Columbus Day to Indigenous Peoples Day, claims against bd mbr’s spouse dismissed not a school official no jurisdiction, not frivolous

Hayden v Labbe – C28-21 12/14/21 Superintendent allegedly promoted in person rather than remote learning during a spike in COVID. Became aware, through the school nurse, of the availability of COVID vaccines within the community and availed himself of the vaccine without informing the board, at risk staff and the local education association of the availability. Not frivolous.

Collins v Heino C56-21 2/25/22 Parents of student with 504 plan filed complaint. Student required to remove double layer cloth face and replace it with school issued mask despite difficulty in breathing. Alleged requirement of face shields while eating. Alleged that CSA/principal refused to process HIB complaint. Code of Ethics allegations dismissed. Do not apply to CSA/principal. Not frivolous.

Maxwell-Henley v Gibson-Parker C45-21 2/25/22 Board member with ex-spouse employed in school district, member of the union. Divorce settlement no financial benefits, no linkage, no alimony no child support. Voted on agenda items involving ex-spouse No violation

Keith E. Benson v. Katrina T. McCombs, C79-21, 3/22/2022 Untimely filed, even if timely filed, failed to proffer sufficient credible facts; brought by superintendent; alleged failure to disclose spouse’s affiliation with school facilities management organization; Cooper Lanning Square Renaissance School Facilities (CLSRSF); No requirement to disclose spouse’s affiliation with CLSRFS on financial/relative disclosure statements. Dismissed. Not frivolous.

Martin B. Welzmuller v. Antoine Gayles C91-21, 5/24/2022 OPRA requests, board member allegedly leaked info to reporter regarding OPRA requests. OPRA requests not confidential. Vote on payroll including his spouse. Vote on over 100 employees. No special privilege for spouse. Spouse hired with ECS approval. Dismissed. Not frivolous

***N.J.S.A.* 18A:12-24 (c) 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 involvement that might reasonably be expected to impair his objectivity or independence of judgment. No school official shall act in his official capacity in any matter where he or a member of his immediate family has a personal involvement that is or creates some benefit to the school official or member of his immediate family;**

Odierna v. Roth C31-20 10/27/20 Supervisor of Special services, child in school district, ID, services for other special education student

Banez v. Rigoglioso C21-20 9/29/2020 Mayor/Middle School Principal – At council meeting - “As an educator, I have to vote for the budget and I hope everyone else does too.”

Wyatt, Cox, Campbell and Morgan v. Pike C01-20 4/21/2020 Board member, continued disruption of board meetings, personal insults, involvement with community group

Jeffries v. Tucker C71-19 3/27/2020 Bd. Pres. Livestreaming of political event with mayor, council in the school, during the school day with students.

Williams v McVey C72-20 3/23/21 Shared superintendent, board member’s non-dependent children employees vote on shared services, CSA contract, goals Did not provide facts, did not plead 12-24(b)

Cooper v. Muhammad C83-20 5/25/21 Camden Advisory Board member and candidate received COVID-19 funds for his school and was endorsed by the Democratic Committee

Mastrofilipio v. Salvacion C52-20 5/25/21 Board member Municipal officials with relatives employed in school district. Votes on MOAs, secretaries, SBA, CNAs

Ricupero and Termini v. DeVito C22-21 9/21/21 Board member brought “walk on” resolution to change the name of Columbus Day to Indigenous Peoples Day, claims against bd mbr’s spouse dismissed not a school official no jurisdiction, not frivolous

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***N.J.S.A.* 18A:12-24 (d) No school official shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his independence of judgment in the exercise of his official duties;**

Page, Morgan and Rowell v. Thomas C55-20 1/26/2021 Bd. Mbr.

Barone v. Polozzo C64-20 1/26/2021 Bd. Mbr.

I/M/O Wilson C59-20 11/24/2020 Charter Administrator

Wyatt, Cox, Campbell and Morgan v. Pike C01-20 4/21/2020 Board member, continued disruption of board meetings, personal insults, involvement with community group

Spitz v. Bronfeld and Dart C65-20 3/23/21 Bd mbrs serving as chairperson and treasurer for slate of candidates running for the board. Alleged ELEC violations, disclaimer, letter to the editor

Cooper v. Muhammad C83-20 5/25/21 Camden Advisory Board member and candidate received COVID-19 funds for his school and was endorsed by the Democratic Committee

Shannon v. Morgan C10-21 9/21/21 Board member comments at board meeting regarding poor performance of HS students, poor reading results attributable to teachers at lower grades, concerns with teaching staff. Board member employed in another school district Assistant Superintendent for Equity, Curriculum and Instruction part of board negotiations team. Not a member of same statewide union. No jurisdiction over allegations of libel, slander, defamation.

***N.J.S.A.* 18A:12-24 (e)  No school official, or member of his immediate family, or business organization in which he has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his official duties.  This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the school official has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the school official in the discharge of his official duties;**

Wyatt, Cox, Campbell and Morgan v. Pike C01-20 4/21/2020 Board member, continued disruption of board meetings, personal insults, involvement with community group

Cooper v. Muhammad C83-20 5/25/21 Camden Advisory Board member and candidate received COVID-19 funds for his school and was endorsed by the Democratic Committee

Hayden v Labbe – C28-21 12/14/21 Superintendent allegedly promoted in person rather than remote learning during a spike in COVID. Became aware, through the school nurse, of the availability of COVID vaccines within the community and availed himself of the vaccine without informing the board, at risk staff and the local education association of the availability. Not frivolous.

Collins v Heino C56-21 2/25/22 Parents of student with 504 plan filed complaint. Student required to remove double layer cloth face and replace it with school issued mask despite difficulty in breathing. Alleged requirement of face shields while eating. Alleged that CSA/principal refused to process HIB complaint. Code of Ethics allegations dismissed. Do not apply to CSA/principal. Not frivolous.

***N.J.S.A.* 18A:12-24 (f) No school official shall use, or allow to be used, his public office or employment, or any information, not generally available to the members of the public, which he receives or acquires in the course of and by reason of his office or employment, for the purpose of securing financial gain for himself, any member of his immediate family, or any business organization with which he is associated;**

Cooper v. Muhammad C83-20 5/25/21 Camden Advisory Board member and candidate received COVID-19 funds for his school and was endorsed by the Democratic Committee

Collins v Heino C56-21 2/25/22 Parents of student with 504 plan filed complaint. Student required to remove double layer cloth face and replace it with school issued mask despite difficulty in breathing. Alleged requirement of face shields while eating. Alleged that CSA/principal refused to process HIB complaint. Code of Ethics allegations dismissed. Do not apply to CSA/principal. Not frivolous.

Martin B. Welzmuller v. Antoine Gayles C91-21, 5/24/2022 OPRA requests, board member allegedly leaked info to reporter regarding OPRA requests. OPRA requests not confidential. Vote on payroll including his spouse. Vote on over 100 employees. No special privilege for spouse. Spouse hired with ECS approval. Dismissed. Not frivolous

***N.J.S.A.* 18A:12-24 (g) No school official or business organization in which he has an interest shall represent any person or party other than the school board or school district in connection with any cause, proceeding, application or other matter pending before the school district in which he serves or in any proceeding involving the school district in which he serves or, for officers or employees of the New Jersey School Boards Association, any school district. This provision shall not be deemed to prohibit representation within the context of official labor union or similar representational responsibilities;**

Cooper v. Muhammad C83-20 5/25/21 Camden Advisory Board member and candidate received COVID-19 funds for his school and was endorsed by the Democratic Committee

Meehan v Bennett C26-21 12/14/21 Asian-American objected to posting on charter school website endorsing Black Lives matters organization. Heart shaped logo.

Collins v Heino C56-21 2/25/22 Parents of student with 504 plan filed complaint. Student required to remove double layer cloth face and replace it with school issued mask despite difficulty in breathing. Alleged requirement of face shields while eating. Alleged that CSA/principal refused to process HIB complaint. Code of Ethics allegations dismissed. Do not apply to CSA/principal. Not frivolous.

***N.J.S.A.* 18A:12-24 (h) No school official shall be deemed in conflict with these provisions if, by reason of his participation in any matter required to be voted upon, no material or monetary gain accrues to him as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of that business, profession, occupation or group;**

Cooper v. Muhammad C83-20 5/25/21 Camden Advisory Board member and candidate received COVID-19 funds for his school and was endorsed by the Democratic Committee

***N.J.S.A.* 18A:12-24 (i) No elected member shall be prohibited from making an inquiry for information on behalf of a constituent, if no fee, reward or other thing of value is promised to, given to or accepted by the member or a member of his immediate family, whether directly or indirectly, in return therefor;**

Schleifstein and Broyles v. MacKay C40-20 11/24/2020 Bd. Mbr. emails, meeting comments, confidentiality

Cooper v. Muhammad C83-20 5/25/21 Camden Advisory Board member and candidate received COVID-19 funds for his school and was endorsed by the Democratic Committee

***N.J.S.A.* 18A:12-24 (j) Nothing shall prohibit any school official, or members of his immediate family, from representing himself, or themselves, in negotiations or proceedings concerning his, or their, own interests; and**

Cooper v. Muhammad C83-20 5/25/21 Camden Advisory Board member and candidate received COVID-19 funds for his school and was endorsed by the Democratic Committee

O’Hara v. Chambers C13-21 8/30/21Disclosure of information regarding HIB investigation. Tescher posted to Facebook page re: letter written by parent to board regarding HIB naming other child in the investigation. SEC no jurisdiction over teacher, not a school official not frivolous.

***N.J.S.A.* 18A:12-24 (k) Employees of the New Jersey School Boards Association shall not be precluded from providing assistance, in the normal course of their duties, to boards of education in the negotiation of a collective bargaining agreement regardless of whether a member of their immediate family is a member of, or covered by, a collective bargaining agreement negotiated by a Statewide union with which a board of education is negotiating.**

Cooper v. Muhammad C83-20 5/25/21 Camden Advisory Board member and candidate received COVID-19 funds for his school and was endorsed by the Democratic Committee

**Code of Ethics for School Board Members *N.J.S.A.* 18A:12-24.1**

 **A school board member shall abide by the following Code of Ethics for School Board Members:**

***N.J.S.A.* 18A:12-24.1 (a) I will uphold and enforce all laws, rules and regulations of the State Board of Education, and court orders pertaining to schools.  Desired changes shall be brought about only through legal and ethical procedures.**

Gray v. Dasilveira C41-20 12/22/2020 Charter Bd. Trustee

Odierna v. Guzman C32-20 10/27/2020 Bd. Mbr. CSA and Supervisor conflict

Grana v. McEvoy, Anderson and Scott C63-19 4/21/2020 Bd. Pres. CSA contract renewal

Cummings v. Anderson, Hoover, McEvoy, Scott, Ventresca C68-19 4/21/2020 Bd. Mbrs. CSA contract renewal, lack of input

Wyatt, Cox, Campbell and Morgan v. Pike C01-20 4/21/2020 Board member, continued disruption of board meetings, personal insults, involvement with community group

Spitz v. Bronfeld and Dart C65-20 3/23/21 Bd mbrs serving as chairperson and treasurer for slate of candidates running for the board. Alleged ELEC violations, disclaimer, letter to the editor

Daughtry v. Cabido, et.als. C01-21 5/25/21 CSA evaluation completion, bd mbr exclusion from telephone conference meeting,

Cooper v. Muhammad C83-20 5/25/21 Camden Advisory Board member and candidate received COVID-19 funds for his school and was endorsed by the Democratic Committee

Collins v Heino C56-21 2/25/22 Parents of student with 504 plan filed complaint. Student required to remove double layer cloth face and replace it with school issued mask despite difficulty in breathing. Alleged requirement of face shields while eating. Alleged that CSA/principal refused to process HIB complaint. Code of Ethics allegations dismissed. Do not apply to CSA/principal. Not frivolous.

Manzo v Angley et. als. C48-21 2/25/22 Bus contractor alleged that board wrongfully awarded a transportation contract to another bus contractor. Impermissibly delegated the power to award bids to a third party. Board adhered to the bid regs. SEC cannot become a forum where parties seek recourse for personal vendettas. **Frivolous complaint found $500 fine**

Filomena Laforgia v. Robert Fortunato C07-22, 4/26/2022 Verbal attack at board meeting; “extreme right-wing view”; allegations of libel, slander, tort, counsel conflict of interest, outside scope, authority, jurisdiction of SEC; no final decision of court or administrative agency provided to show violation of law; board members may make statements, comments about board business, even if not well received or appreciated by others. Dismissed. Not frivolous.

Susan Morgan, Jacqueline McAlister and Cecelia Gallelli-Keyes v. Joseph S. Clark, Jr., C55-21, 4/26/2022 - no copy of final decision(s) from any court of law or other administrative agency demonstrating or specifically finding that Respondent violated a specific law, rule, or regulation;. No sufficient credible facts set forth. Not frivolous.

Natakie Chestnut-Lee v. Jerome Page, Sharnell Morgan, Yadira Falcon, Anny Melo and Alejandrina Alberto C58-21, 5/24/2022 Employee placed on paid administrative leave without being given a RICE notice. No OPMA jurisdiction for SEC. Complainant has not provided a copy of a final decision(s) from any court of law or other administrative agency demonstrating or specifically finding that Respondents, either individually or collectively, violated a specific law, rule, or regulation when they engaged in any of the acts/conduct. Dismissed. Not frivolous.

***N.J.S.A.* 18A:12-24.1 (b) I will make decisions in terms of the educational welfare of children and will seek to develop and maintain public schools that meet the individual needs of all children regardless of their ability, race, creed, sex, or social standing.**

Giacomini v. Chiarella C44-20 12/22/2020 Bd. Mbr.

Saini v. Tufano C48-20 12/22/2020 Bd. Mbr.

Finn v. Reddy C36-20 11/24/2020 Bd. Mbr. Interaction with staff, HIB complaint, non-renewal

Schleifstein and Broyles v. MacKay C40-20 11/24/2020 Bd. Mbr. emails, meeting comments, confidentiality

Odierna v. Guzman C32-20 10/27/2020 Bd. Mbr. CSA and Supervisor conflict

Watson v. Chapman C72-18 6/23/2020 Bd. Mbr.

Jeffries v. Tucker C71-19 3/27/2020 Bd. Pres. Livestreaming of political event with mayor, council in the school, during the school day with students.

Daughtry v. Cabido, et.als. C01-21 5/25/21 CSA evaluation completion, bd mbr exclusion from telephone conference meeting,

Cooper v. Muhammad C83-20 5/25/21 Camden Advisory Board member and candidate received COVID-19 funds for his school and was endorsed by the Democratic Committee

Hodrinsky v. Faussette C11-21 8/30/21 Posting of several incendiary and racist memes and videos on Facebook page

Ricupero and Termini v. DeVito C22-21 9/21/21 Board member brought “walk on” resolution to change the name of Columbus Day to Indigenous Peoples Day, claims against bd mbr’s spouse dismissed not a school official no jurisdiction, not frivolous

McGinnis v Skurbe C17-21 11/16/21 Board member role regarding two social media sites, before and after the election, administrator of one, posting and sharing of information, comments about community events and school district matters

Schwartz v Abedrabbo and Anwad C40-21 1/25/22 Board members made allegedly anti-Semitic statements that were aligned with their personal political beliefs and were unrelated to educating District students and were beyond their duties as Board members. Negatively impacted the educational welfare of the District’s Jewish students. Comments went beyond the Board’s policy making role and were so controversial and distracting that they resulted in causing the schools to be less well run, and had the potential to compromise the Board because the statements were false and intimidating to certain members of the school community. Comments allegedly harmed school personnel, especially Jewish teachers who hold beliefs that run counter to the beliefs espoused in Respondents’ comments.

Collins v Heino C56-21 2/25/22 Parents of student with 504 plan filed complaint. Student required to remove double layer cloth face and replace it with school issued mask despite difficulty in breathing. Alleged requirement of face shields while eating. Alleged that CSA/principal refused to process HIB complaint. Code of Ethics allegations dismissed. Do not apply to CSA/principal. Not frivolous.

Jodi Goffredo v. Robert Fortunato, C59-21, 4/26/2022 Although it is clear that Complainant, and possibly others, found Respondent’s reference to other Board members and to members of the public as being “extreme right wing individuals” to be objectionable, inappropriate, and/or offensive, Respondent’s public comment/statement from the dais cannot, under any set of circumstances, be construed as a “decision” or “deliberate action,” let alone one that could possibly obstruct programs and/or policies. Absent facts and evidence demonstrating that Respondent made a specific “decision” or took “deliberate action” to obstruct programs and/or policies. No sufficient credible evidence. Dismissed. Not frivolous.

Rachael Stockton v. Maryann Fiel C66-18, 5/24/2022 Bd Pres directed removal of renewal of non-tenured teacher K from May agenda, Harassment allegations against teacher, vote to non-renew (5-2) despite CSA recommendation, allegedly unfounded, false allegations against teacher made public. Despite Complainant’s suggestion, there is nothing which requires members of a board of education, who are all independent voting members, to blindly adopt the recommendation(s) of the Superintendent if, in their own estimation, they do not agree with it. In this way, not agreeing with the Superintendent’s recommendation is not, in and of itself, violative of the Act. Similarly, advising the Superintendent, before a public Board meeting, that one of her recommended personnel actions would not be supported by or receive affirmative votes from the necessary number of Board members, is also not a violation of the Act. Nothing which prohibits Respondent from expressing her opinion to, and sharing information with, other members of the Board as to why she is voting a certain way and that may be contrary to a recommendation from the Superintendent. Simply because the Superintendent places a personnel matter on the agenda, and is supported by the Superintendent, does not mean that it must be approved by a member of the Board if he or she believes otherwise. Dismissed.

***N.J.S.A.* 18A:12-24.1 (c) I will confine my board action to policy making, planning, and appraisal, and I will help to frame policies and plans only after the board has consulted those who will be affected by them.**

Barone v. Polozzo C64-20 1/26/2021 Bd. Mbr.

Finn v. Reddy C36-20 11/24/2020 Bd. Mbr. Interaction with staff, HIB complaint, non-renewal

Odierna v. Guzman C32-20 10/27/2020 Bd. Mbr. CSA and Supervisor conflict

Prezioso v. Kolupanowich C15-20 8/25/2020 Bd. Mbr.

Watson v. Chapman C72-18 6/23/2020 Bd. Mbr.

Cummings v. Anderson, Hoover, McEvoy, Scott, Ventresca C68-19 4/21/2020 Bd. Mbrs. CSA contract renewal, lack of input

Daughtry v. Cabido, et.als. C01-21 5/25/21 CSA evaluation completion, bd mbr exclusion from telephone conference meeting,

Cooper v. Muhammad C83-20 5/25/21 Camden Advisory Board member and candidate received COVID-19 funds for his school and was endorsed by the Democratic Committee

Tarver v. Wingfield C08-21 8/30/21 Forward to mayor of confidential email, refusal to respond to OPRA requests, untimely filing, no jurisdiction over OPRA, not frivolous

Ricupero and Termini v. DeVito C22-21 9/21/21 Board member brought “walk on” resolution to change the name of Columbus Day to Indigenous Peoples Day, claims against bd mbr’s spouse dismissed not a school official no jurisdiction, not frivolous

Najarian v. D-Aquila C27-21 12/14/21 Board member directly contacted SBA, rather than going through the superintendent and requested that the SBA contact the board architect regarding potential construction projects. Henry v Price-Munson C31-21 12/14/21 Board member posted incorrect information about a board vote to rename the HS football stadium bleachers after a well-known member of the community on a HS Alumni social media site. Not frivolous.

Schwartz v Abedrabbo and Anwad C40-21 1/25/22 Board members made allegedly anti-Semitic statements that were aligned with their personal political beliefs and were unrelated to educating District students and were beyond their duties as Board members. Negatively impacted the educational welfare of the District’s Jewish students. Comments went beyond the Board’s policy making role and were so controversial and distracting that they resulted in causing the schools to be less well run, and had the potential to compromise the Board because the statements were false and intimidating to certain members of the school community. Comments allegedly harmed school personnel, especially Jewish teachers who hold beliefs that run counter to the beliefs espoused in Respondents’ comments.

Marinelli v. Dye C41-21 1/25/22 Citizen alleged that board member made untrue, slanderous, publicly embarrassing remarks; accusing citizen of “standing outside threatening people” Not frivolous.

Collins v Heino C56-21 2/25/22 Parents of student with 504 plan filed complaint. Student required to remove double layer cloth face and replace it with school issued mask despite difficulty in breathing. Alleged requirement of face shields while eating. Alleged that CSA/principal refused to process HIB complaint. Code of Ethics allegations dismissed. Do not apply to CSA/principal. Not frivolous.

Margit Pedraza v. Melissa Varley C46-21, 3/22/2022 Alleged that CSA did not consult with parents of children who would be affected by the reconfiguration, redistricting and full day kindergarten prior to making the plan. Code of Ethics applies to board members, not CSA superintendent. Even if it did, did not set forth sufficient credible facts. Dismissed

Susan Morgan, Jacqueline McAlister and Cecelia Gallelli-Keyes v. Joseph S. Clark, Jr., C55-21, 4/26/2022 - even if Respondent “allowed” Interim Superintendent to distribute “a list of grievances,” “allowed” the Interim Superintendent to threaten certain Board members, and “allowed” the Interim Superintendent to question the votes of certain Board members, no facts or evidence that Respondent engaged in any affirmative Board action. Respondent is not responsible for regulating the conduct or actions of another school official; if Complainants believe that the Interim Superintendent acted inappropriately or unethically, they can file ethics charges against him for his actions;. No sufficient credible facts set forth. Not frivolous.

Rachael Stockton v. Maryann Fiel C66-18, 5/24/2022 Bd Pres directed removal of renewal of non-tenured teacher K from May agenda, Harassment allegations against teacher, vote to non-renew (5-2) despite CSA recommendation, allegedly unfounded, false allegations against teacher made public. Despite Complainant’s suggestion, there is nothing which requires members of a board of education, who are all independent voting members, to blindly adopt the recommendation(s) of the Superintendent if, in their own estimation, they do not agree with it. In this way, not agreeing with the Superintendent’s recommendation is not, in and of itself, violative of the Act. Similarly, advising the Superintendent, before a public Board meeting, that one of her recommended personnel actions would not be supported by or receive affirmative votes from the necessary number of Board members, is also not a violation of the Act. Nothing which prohibits Respondent from expressing her opinion to, and sharing information with, other members of the Board as to why she is voting a certain way and that may be contrary to a recommendation from the Superintendent. Simply because the Superintendent places a personnel matter on the agenda, and is supported by the Superintendent, does not mean that it must be approved by a member of the Board if he or she believes otherwise. Dismissed.

***N.J.S.A.* 18A:12-24.1 (d) I will carry out my responsibility, not to administer the schools, but, together with my fellow board members, to see that they are well run.**

Gray v. Dasilveira C41-20 12/22/2020 Charter Bd. Trustee

Finn v. Reddy C36-20 11/24/2020 Bd. Mbr. Interaction with staff, HIB complaint, non-renewal

Schleifstein and Broyles v. MacKay C40-20 11/24/2020 Bd. Mbr. emails, meeting comments, confidentiality

Odierna v. Guzman C32-20 10/27/2020 Bd. Mbr. CSA and Supervisor conflict

Prezioso v. Kolupanowich C15-20 8/25/2020 Bd. Mbr.

Eosso v. Seigel C14-20 6/23/2020 Bd. Mbr. Policy on attendance at athletic events

Grana v. McEvoy, Anderson and Scott C63-19 4/21/2020 Bd. Pres. CSA contract renewal

Wyatt, Cox, Campbell and Morgan v. Pike C01-20 4/21/2020 Board member, continued disruption of board meetings, personal insults, involvement with community group

Cooper v. Muhammad C83-20 5/25/21 Camden Advisory Board member and candidate received COVID-19 funds for his school and was endorsed by the Democratic Committee

King v. Butto C19-21 9/21/21 Demeaning, harassing, aggressive and bullying emails from committee chairperson to committee member. HIB outside of SEC jurisdiction. Not frivolous

Najarian v. D-Aquila C27-21 12/14/21 Board member directly contacted SBA, rather than going through the superintendent and requested that the SBA contact the board architect regarding potential construction projects.

Susan Morgan, Jacqueline McAlister and Cecelia Gallelli-Keyes v. Joseph S. Clark, Jr., C55-21, 4/26/2022 -; not a scintilla of evidence that Respondent gave a direct order to school personnel, or that Respondent became directly involved in the administration of the Township of Ocean School District; No sufficient credible facts set forth. Dismissed. Not frivolous.

Rachael Stockton v. Maryann Fiel C66-18, 5/24/2022 Bd Pres directed removal of renewal of non-tenured teacher K from May agenda, Harassment allegations against teacher, vote to non-renew (5-2) despite CSA recommendation, allegedly unfounded, false allegations against teacher made public. Despite Complainant’s suggestion, there is nothing which requires members of a board of education, who are all independent voting members, to blindly adopt the recommendation(s) of the Superintendent if, in their own estimation, they do not agree with it. In this way, not agreeing with the Superintendent’s recommendation is not, in and of itself, violative of the Act. Similarly, advising the Superintendent, before a public Board meeting, that one of her recommended personnel actions would not be supported by or receive affirmative votes from the necessary number of Board members, is also not a violation of the Act. Nothing which prohibits Respondent from expressing her opinion to, and sharing information with, other members of the Board as to why she is voting a certain way and that may be contrary to a recommendation from the Superintendent. Simply because the Superintendent places a personnel matter on the agenda, and is supported by the Superintendent, does not mean that it must be approved by a member of the Board if he or she believes otherwise. Dismissed.

***N.J.S.A.* 18A:12-24.1 (e) I will recognize that authority rests with the board of education and will make no personal promises nor take any private action that may compromise the board.**

Barone v. Polozzo C64-20 1/26/2021 Bd. Mbr.

Gray v. Dasilveira C41-20 12/22/2020 Charter Bd. Trustee

Giacomini v. Chiarella C44-20 12/22/2020 Bd. Mbr.

Schleifstein and Broyles v. MacKay C40-20 11/24/2020 Bd. Mbr. emails, meeting comments, confidentiality

Odierna v. Guzman C32-20 10/27/2020 Bd. Mbr. CSA and Supervisor conflict

Anderson v. Nadim C35-19 8/25/2020 Bd. Mbr. Vote on interlocal services agreement, spouse municipal employee, Adm. Asst.

Prezioso v. Kolupanowich C15-20 8/25/2020 Bd. Mbr.

Grana v. McEvoy, Anderson and Scott C63-19 4/21/2020 Bd. Pres. CSA contract renewal

Cummings v. Anderson, Hoover, McEvoy, Scott, Ventresca C68-19 4/21/2020 Bd. Mbrs. CSA contract renewal, lack of input

Wyatt, Cox, Campbell and Morgan v. Pike C01-20 4/21/2020 Board member, continued disruption of board meetings, personal insults, involvement with community group

Spitz v. Bronfeld and Dart C65-20 3/23/21 Bd mbrs serving as chairperson and treasurer for slate of candidates running for the board. Alleged ELEC violations, disclaimer, letter to the editor

Daughtry v. Cabido, et.als. C01-21 5/25/21 CSA evaluation completion, bd mbr exclusion from telephone conference meeting,

Cooper v. Muhammad C83-20 5/25/21 Camden Advisory Board member and candidate received COVID-19 funds for his school and was endorsed by the Democratic Committee

Hodrinsky v. Faussette C11-21 8/30/21 Posting of several incendiary and racist memes and videos on Facebook page

Tarver v. Wingfield C08-21 8/30/21 Forward to mayor of confidential email, refusal to respond to OPRA requests, untimely filing, no jurisdiction over OPRA, not frivolous

Ricupero and Termini v. DeVito C22-21 9/21/21 Board member brought “walk on” resolution to change the name of Columbus Day to Indigenous Peoples Day, claims against bd mbr’s spouse dismissed not a school official no jurisdiction, not frivolous

McGinnis v Skurbe C17-21 11/16/21 Board member role regarding two social media sites, before and after the election, administrator of one, posting and sharing of information, comments about community events and school district matters

Schwartz v Abedrabbo and Anwad C40-21 1/25/22 Board members made allegedly anti-Semitic statements that were aligned with their personal political beliefs and were unrelated to educating District students and were beyond their duties as Board members. Negatively impacted the educational welfare of the District’s Jewish students. Comments went beyond the Board’s policy making role and were so controversial and distracting that they resulted in causing the schools to be less well run, and had the potential to compromise the Board because the statements were false and intimidating to certain members of the school community. Comments allegedly harmed school personnel, especially Jewish teachers who hold beliefs that run counter to the beliefs espoused in Respondents’ comments.

DeVito v Galluccio C61-21 2/25/22 Board member endorsed candidate for town council. Disclaimer on audio of video, social media. Clear and unambiguous – private citizen cites Treston

Collins v Heino C56-21 2/25/22 Parents of student with 504 plan filed complaint. Student required to remove double layer cloth face and replace it with school issued mask despite difficulty in breathing. Alleged requirement of face shields while eating. Alleged that CSA/principal refused to process HIB complaint. Code of Ethics allegations dismissed. Do not apply to CSA/principal. Not frivolous.

Filomena Laforgia v. Robert Fortunato C07-22, 4/26/2022 Verbal attack at board meeting; “extreme right-wing view”; allegations of libel, slander, tort, counsel conflict of interest, outside scope, authority, jurisdiction of SEC; no final decision of court or administrative agency provided to show violation of law; board members may make statements, comments about board business, even if not well received or appreciated by others. Dismissed. Not frivolous.

Sharon DeVito v. Richard Young C64-21, 3/22/2022 Endorsement of friend for town council. Allegation that video did not include a disclaimer that it was done as a private citizen and not as a board member or on behalf of the board. Video posting by campaign, not board member; campaign created caption; first amendment rights; Respondent cannot be found liable and adjudged to have engaged in unethical behavior for the control of social media page that he does not own, operate or control. Dismissed

Susan Morgan, Jacqueline McAlister and Cecelia Gallelli-Keyes v. Joseph S. Clark, Jr., C55-21, 4/26/2022 - no copy of final decision(s) from any court of law or other administrative agency demonstrating or specifically finding that Respondent violated a specific law, rule, or regulation; even if Respondent “allowed” Interim Superintendent to distribute “a list of grievances,” “allowed” the Interim Superintendent to threaten certain Board members, and “allowed” the Interim Superintendent to question the votes of certain Board members, no facts or evidence that Respondent engaged in any affirmative Board action. Respondent is not responsible for regulating the conduct or actions of another school official; if Complainants believe that the Interim Superintendent acted inappropriately or unethically, they can file ethics charges against him for his actions; not a scintilla of evidence that Respondent gave a direct order to school personnel, or that Respondent became directly involved in the administration of the Township of Ocean School District;. No sufficient credible facts set forth. Dismissed. Not frivolous.

Rachael Stockton v. Maryann Fiel C66-18, 5/24/2022 Bd Pres directed removal of renewal of non-tenured teacher K from May agenda, Harassment allegations against teacher, vote to non-renew (5-2) despite CSA recommendation, allegedly unfounded, false allegations against teacher made public. Despite Complainant’s suggestion, there is nothing which requires members of a board of education, who are all independent voting members, to blindly adopt the recommendation(s) of the Superintendent if, in their own estimation, they do not agree with it. In this way, not agreeing with the Superintendent’s recommendation is not, in and of itself, violative of the Act. Similarly, advising the Superintendent, before a public Board meeting, that one of her recommended personnel actions would not be supported by or receive affirmative votes from the necessary number of Board members, is also not a violation of the Act. Nothing which prohibits Respondent from expressing her opinion to, and sharing information with, other members of the Board as to why she is voting a certain way and that may be contrary to a recommendation from the Superintendent. Simply because the Superintendent places a personnel matter on the agenda, and is supported by the Superintendent, does not mean that it must be approved by a member of the Board if he or she believes otherwise. Dismissed.

Gerald Benaquista v. Ronnie McDowell C29-21, 5/24/2022 Settlement

Sharon DeVito v. Tanya Lehmann C66-21, 5/24/2022 Board member received email from parent. Instead of referring parent to CSA, said “call me.” Failed to plead sufficient credible facts. Even if, following receipt of an e-mail from a parent, Respondent replied, “call me,” this two-word response without any other evidence cannot possibly constitute a personal promise or action beyond the scope of Respondent’s duties such that, by its nature, had the potential to compromise the Board. As a Board member, Respondent is charged with, among other things, serving as a representative of the community and as a conduit through which the community’s concerns are relayed to the administration and/or the Board as appropriate. Merely inviting a District parent to have a conversation about his/her concerns, in the absence of any other evidence, is woefully insufficient to establish unethical behavior. Dismissed.

Martin B. Welzmuller v. Antoine Gayles C91-21, 5/24/2022 OPRA requests, board member allegedly leaked info to reporter regarding OPRA requests. OPRA requests not confidential. Vote on payroll including his spouse. Vote on over 100 employees. No special privilege for spouse. Spouse hired with ECS approval. Dismissed. Not frivolous

Louis H. Waibel v. Karen D'Amico C70-21, 5/24/2022 – Various allegedly inaccurate postings on Facebook forum for parents. Two counts dismissed as untimely over 180 days; Other three counts dismissed failure to prove sufficient credible evidence of a violation. Dismissed. Not frivolous.

***N.J.S.A.* 18A:12-24.1 (f) I will refuse to surrender my independent judgment to special interest or partisan political groups or to use the schools for personal gain or for the gain of friends.**

Barone v. Polozzo C64-20 1/26/2021 Bd. Mbr.

Prezioso v. Kolupanowich C15-20 8/25/2020 Bd. Mbr.

Watson v. Chapman C72-18 6/23/2020 Bd. Mbr.

Schapiro v. Ali, Lyons, Richardson, Roman, Thomas C54-19 6/23/2020 Bd. Mbrs. CSA Adm Leave, JCEA

Swezeny v. Thomas C74-19 4/21/2020 Bd. Pres. School election activities on school property

Wyatt, Cox, Campbell and Morgan v. Pike C01-20 4/21/2020 Board member, continued disruption of board meetings, personal insults, involvement with community group

Jeffries v. Tucker C71-19 3/27/2020 Bd. Pres. Livestreaming of political event with mayor, council in the school, during the school day with students.

Cooper v. Muhammad C83-20 5/25/21 Camden Advisory Board member and candidate received COVID-19 funds for his school and was endorsed by the Democratic Committee

Ricupero and Termini v. DeVito C22-21 9/21/21 Board member brought “walk on” resolution to change the name of Columbus Day to Indigenous Peoples Day, claims against bd mbr’s spouse dismissed not a school official no jurisdiction, not frivolous

Maida v. Pacheco and Vogel C38-21 1/25/22Director of HR and local education association president disclosed confidential information about Complainant on two separate occasions, including her college transcripts, social security number and other personal information not only violated her privacy rights but also violated the Act. HR director did not violate the Act, LEA president not a school official. Not frivolous. District policies not followed.

Schwartz v Abedrabbo and Anwad C40-21 1/25/22 Board members made allegedly anti-Semitic statements that were aligned with their personal political beliefs and were unrelated to educating District students and were beyond their duties as Board members. Negatively impacted the educational welfare of the District’s Jewish students. Comments went beyond the Board’s policy making role and were so controversial and distracting that they resulted in causing the schools to be less well run, and had the potential to compromise the Board because the statements were false and intimidating to certain members of the school community. Comments allegedly harmed school personnel, especially Jewish teachers who hold beliefs that run counter to the beliefs espoused in Respondents’ comments.

DeVito v Galluccio C61-21 2/25/22 Board member endorsed candidate for town council. Disclaimer on audio of video, social media. Clear and unambiguous – private citizen cites Treston

Sharon DeVito v. Richard Young C64-21, 3/22/2022 Endorsement of friend for town council. Allegation that video did not include a disclaimer that it was done as a private citizen and not as a board member or on behalf of the board. Video posting by campaign, not board member; campaign created caption; first amendment rights; Respondent cannot be found liable and adjudged to have engaged in unethical behavior for the control of social media page that he does not own, operate or control. Dismissed

Susan Morgan, Jacqueline McAlister and Cecelia Gallelli-Keyes v. Joseph S. Clark, Jr., C55-21, 4/26/2022 - Even if Respondent “allowed” the Interim Superintendent to use executive session to “personally attack” certain Board members, such “permission” could not possibly be construed as “action,” let alone action on behalf of a special interest group or persons organized and voluntarily united in opinion, or construed as his use of the schools to acquire a benefit for himself, a member of his immediate family, or a friend; no suggestion that Respondent and the Interim Superintendent are “friends,” or how the Interim Superintendent could have received a specific and identifiable benefit from being “allowed” to address the Board in executive session. No sufficient credible facts set forth. Dismissed. Not frivolous.

Martin B. Welzmuller v. Antoine Gayles C91-21, 5/24/2022 OPRA requests, board member allegedly leaked info to reporter regarding OPRA requests. OPRA requests not confidential. Vote on payroll including his spouse. Vote on over 100 employees. No special privilege for spouse. Spouse hired with ECS approval. Dismissed. Not frivolous

Louis H. Waibel v. Karen D'Amico C70-21, 5/24/2022 – Various allegedly inaccurate postings on Facebook forum for parents. Two counts dismissed as untimely over 180 days; Other three counts dismissed failure to prove sufficient credible evidence of a violation. Dismissed. Not frivolous.

***N.J.S.A.* 18A:12-24.1 (g) I will hold confidential all matters pertaining to the schools which, if disclosed, would needlessly injure individuals or the schools.  In all other matters, I will provide accurate information and, in concert with my fellow board members, interpret to the staff the aspirations of the community for its school.**

Williams v. Ruiz C60-20 1/26/2021 Bd. Mbr.

Schleifstein and Broyles v. MacKay C40-20 11/24/2020 Bd. Mbr. emails, meeting comments, confidentiality

Odierna v. Guzman C32-20 10/27/2020 Bd. Mbr. CSA and Supervisor conflict

Prezioso v. Kolupanowich C15-20 8/25/2020 Bd. Mbr.

Watson v. Chapman C72-18 6/23/2020 Bd. Mbr.

Grana v. McEvoy, Anderson and Scott C63-19 4/21/2020 Bd. Pres. CSA contract renewal

Cummings v. Anderson, Hoover, McEvoy, Scott, Ventresca C68-19 4/21/2020 Bd. Mbrs. CSA contract renewal, lack of input

Wyatt, Cox, Campbell and Morgan v. Pike C01-20 4/21/2020 Board member, continued disruption of board meetings, personal insults, involvement with community group

Dart v. Behrend C74-20 3/23/21 Board President letter to the editor

Daughtry v. Cabido, et.als. C01-21 5/25/21 CSA evaluation completion, bd mbr exclusion from telephone conference meeting,

Cooper v. Muhammad C83-20 5/25/21 Camden Advisory Board member and candidate received COVID-19 funds for his school and was endorsed by the Democratic Committee

Tarver v. Wingfield C08-21 8/30/21 Forward to mayor of confidential email, refusal to respond to OPRA requests, untimely filing, no jurisdiction over OPRA, not frivolous

Ricupero and Termini v. DeVito C22-21 9/21/21 Board member brought “walk on” resolution to change the name of Columbus Day to Indigenous Peoples Day, claims against bd mbr’s spouse dismissed not a school official no jurisdiction, not frivolous

Collins v Heino C56-21 2/25/22 Parents of student with 504 plan filed complaint. Student required to remove double layer cloth face and replace it with school issued mask despite difficulty in breathing. Alleged requirement of face shields while eating. Alleged that CSA/principal refused to process HIB complaint. Code of Ethics allegations dismissed. Do not apply to CSA/principal. Not frivolous.

Rachael Stockton v. Maryann Fiel C66-18, 5/24/2022 Bd Pres directed removal of renewal of non-tenured teacher K from May agenda, Harassment allegations against teacher, vote to non-renew (5-2) despite CSA recommendation, allegedly unfounded, false allegations against teacher made public. Despite Complainant’s suggestion, there is nothing which requires members of a board of education, who are all independent voting members, to blindly adopt the recommendation(s) of the Superintendent if, in their own estimation, they do not agree with it. In this way, not agreeing with the Superintendent’s recommendation is not, in and of itself, violative of the Act. Similarly, advising the Superintendent, before a public Board meeting, that one of her recommended personnel actions would not be supported by or receive affirmative votes from the necessary number of Board members, is also not a violation of the Act. Nothing which prohibits Respondent from expressing her opinion to, and sharing information with, other members of the Board as to why she is voting a certain way and that may be contrary to a recommendation from the Superintendent. Simply because the Superintendent places a personnel matter on the agenda, and is supported by the Superintendent, does not mean that it must be approved by a member of the Board if he or she believes otherwise. Dismissed.

Gerald Benaquista v. Ronnie McDowell C29-21, 5/24/2022 Settlement

Martin B. Welzmuller v. Antoine Gayles C91-21, 5/24/2022 OPRA requests, board member allegedly leaked info to reporter regarding OPRA requests. OPRA requests not confidential. Vote on payroll including his spouse. Vote on over 100 employees. No special privilege for spouse. Spouse hired with ECS approval. Dismissed. Not frivolous

Louis H. Waibel v. Karen D'Amico C70-21, 5/24/2022 – Various allegedly inaccurate postings on Facebook forum for parents. Two counts dismissed as untimely over 180 days; Other three counts dismissed failure to prove sufficient credible evidence of a violation. Dismissed. Not frivolous.

***N.J.S.A.* 18A:12-24.1 (h) I will vote to appoint the best qualified personnel available after consideration of the recommendation of the chief administrative officer.**

Odierna v. Guzman C32-20 10/27/2020 Bd. Mbr. CSA and Supervisor conflict

Prezioso v. Kolupanowich C15-20 8/25/2020 Bd. Mbr.

Cooper v. Muhammad C83-20 5/25/21 Camden Advisory Board member and candidate received COVID-19 funds for his school and was endorsed by the Democratic Committee

Rachael Stockton v. Maryann Fiel C66-18, 5/24/2022 Bd Pres directed removal of renewal of non-tenured teacher K from May agenda, Harassment allegations against teacher, vote to non-renew (5-2) despite CSA recommendation, allegedly unfounded, false allegations against teacher made public. Despite Complainant’s suggestion, there is nothing which requires members of a board of education, who are all independent voting members, to blindly adopt the recommendation(s) of the Superintendent if, in their own estimation, they do not agree with it. In this way, not agreeing with the Superintendent’s recommendation is not, in and of itself, violative of the Act. Similarly, advising the Superintendent, before a public Board meeting, that one of her recommended personnel actions would not be supported by or receive affirmative votes from the necessary number of Board members, is also not a violation of the Act. Nothing which prohibits Respondent from expressing her opinion to, and sharing information with, other members of the Board as to why she is voting a certain way and that may be contrary to a recommendation from the Superintendent. Simply because the Superintendent places a personnel matter on the agenda, and is supported by the Superintendent, does not mean that it must be approved by a member of the Board if he or she believes otherwise. Dismissed.

Martin B. Welzmuller v. Antoine Gayles C91-21, 5/24/2022 OPRA requests, board member allegedly leaked info to reporter regarding OPRA requests. OPRA requests not confidential. Vote on payroll including his spouse. Vote on over 100 employees. No special privilege for spouse. Spouse hired with ECS approval. Dismissed. Not frivolous

***N.J.S.A.* 18A:12-24.1 (i) I will support and protect school personnel in proper performance of their duties.**

Gray v. Dasilveira C41-20 12/22/2020 Charter Bd. Trustee

Finn v. Reddy C36-20 11/24/2020 Bd. Mbr. Interaction with staff, HIB complaint, non-renewal

Prezioso v. Kolupanowich C15-20 8/25/2020 Bd. Mbr.

Watson v. Chapman C72-18 6/23/2020 Bd. Mbr.

Swezeny v. Thomas C74-19 4/21/2020 Bd. Pres. School election activities on school property

Wyatt, Cox, Campbell and Morgan v. Pike C01-20 4/21/2020 Board member, continued disruption of board meetings, personal insults, involvement with community group

Cooper v. Muhammad C83-20 5/25/21 Camden Advisory Board member and candidate received COVID-19 funds for his school and was endorsed by the Democratic Committee

King v. Butto C19-21 9/21/21 Demeaning, harassing, aggressive and bullying emails from committee chairperson to committee member. HIB outside of SEC jurisdiction. Not frivolous

Shannon v. Morgan C10-21 9/21/21 Board member comments at board meeting regarding poor performance of HS students, poor reading results attributable to teachers at lower grades, concerns with teaching staff. Board member employed in another school district Assistant Superintendent for Equity, Curriculum and Instruction part of board negotiations team. Not a member of same statewide union. No jurisdiction over allegations of libel, slander, defamation.

McGinnis v Skurbe C17-21 11/16/21 Board member role regarding two social media sites, before and after the election, administrator of one, posting and sharing of information, comments about community events and school district matters

Schwartz v Abedrabbo and Anwad C40-21 1/25/22 Board members made allegedly anti-Semitic statements that were aligned with their personal political beliefs and were unrelated to educating District students and were beyond their duties as Board members. Negatively impacted the educational welfare of the District’s Jewish students. Comments went beyond the Board’s policy making role and were so controversial and distracting that they resulted in causing the schools to be less well run, and had the potential to compromise the Board because the statements were false and intimidating to certain members of the school community. Comments allegedly harmed school personnel, especially Jewish teachers who hold beliefs that run counter to the beliefs espoused in Respondents’ comments.

Rachael Stockton v. Maryann Fiel C66-18, 5/24/2022 Bd Pres directed removal of renewal of non-tenured teacher K from May agenda, Harassment allegations against teacher, vote to non-renew (5-2) despite CSA recommendation, allegedly unfounded, false allegations against teacher made public. Despite Complainant’s suggestion, there is nothing which requires members of a board of education, who are all independent voting members, to blindly adopt the recommendation(s) of the Superintendent if, in their own estimation, they do not agree with it. In this way, not agreeing with the Superintendent’s recommendation is not, in and of itself, violative of the Act. Similarly, advising the Superintendent, before a public Board meeting, that one of her recommended personnel actions would not be supported by or receive affirmative votes from the necessary number of Board members, is also not a violation of the Act. Nothing which prohibits Respondent from expressing her opinion to, and sharing information with, other members of the Board as to why she is voting a certain way and that may be contrary to a recommendation from the Superintendent. Simply because the Superintendent places a personnel matter on the agenda, and is supported by the Superintendent, does not mean that it must be approved by a member of the Board if he or she believes otherwise. Dismissed.

Gerald Benaquista v. Ronnie McDowell C29-21, 5/24/2022 Settlement

***N.J.S.A.* 18A:12-24.1 (j) I will refer all complaints to the chief administrative officer and will act on the complaints at public meetings only after failure of an administrative solution.**

Odierna v. Guzman C32-20 10/27/2020 Bd. Mbr. CSA and Supervisor conflict

Prezioso v. Kolupanowich C15-20 8/25/2020 Bd. Mbr.

Cooper v. Muhammad C83-20 5/25/21 Camden Advisory Board member and candidate received COVID-19 funds for his school and was endorsed by the Democratic Committee

King v. Butto C19-21 9/21/21 Demeaning, harassing, aggressive and bullying emails from committee chairperson to committee member. HIB outside of SEC jurisdiction. Not frivolous

McGinnis v Skurbe C17-21 11/16/21 Board member role regarding two social media sites, before and after the election, administrator of one, posting and sharing of information, comments about community events and school district matters

Rachael Stockton v. Maryann Fiel C66-18, 5/24/2022 Bd Pres directed removal of renewal of non-tenured teacher K from May agenda, Harassment allegations against teacher, vote to non-renew (5-2) despite CSA recommendation, allegedly unfounded, false allegations against teacher made public. Despite Complainant’s suggestion, there is nothing which requires members of a board of education, who are all independent voting members, to blindly adopt the recommendation(s) of the Superintendent if, in their own estimation, they do not agree with it. In this way, not agreeing with the Superintendent’s recommendation is not, in and of itself, violative of the Act. Similarly, advising the Superintendent, before a public Board meeting, that one of her recommended personnel actions would not be supported by or receive affirmative votes from the necessary number of Board members, is also not a violation of the Act. Nothing which prohibits Respondent from expressing her opinion to, and sharing information with, other members of the Board as to why she is voting a certain way and that may be contrary to a recommendation from the Superintendent. Simply because the Superintendent places a personnel matter on the agenda, and is supported by the Superintendent, does not mean that it must be approved by a member of the Board if he or she believes otherwise. Dismissed.

Sharon DeVito v. Tanya Lehmann C66-21, 5/24/2022 Board member received email from parent. Instead of referring parent to CSA, said “call me.” Failed to plead sufficient credible facts. Even if facts as asserted are proven true by sufficient credible evidence, they would not support a finding that Respondent violated *N.J.S.A*. 18A:12-24.1(j). Complaint is utterly devoid of any facts or evidence which could remotely prove a violation of this subsection, to wit: whether the conversation between Respondent and the parent ever, in fact, occurred; if it did, when it occurred and what the parent and Respondent may have discussed; and if it did, what action, if any, Respondent may have taken following the conversation in an attempt to act on or otherwise respond to the concerns expressed by the parent. Again, other than stating that Respondent asked a parent to call her Complainant does not offer a scintilla of evidence that Respondent acted on or attempted to resolve the parent’s complaints/concerns, or conducted an investigation related to those complaints/concerns. Dismissed.

Louis H. Waibel v. Karen D'Amico C70-21, 5/24/2022 – Various allegedly inaccurate postings on Facebook forum for parents. Two counts dismissed as untimely over 180 days; Other three counts dismissed failure to prove sufficient credible evidence of a violation. Dismissed. Not frivolous.

***N.J.S.A*. 18A:12-25**

Keith E. Benson v. Katrina T. McCombs, C79-21, 3/22/2022 Untimely filed, even if timely filed, failed to proffer sufficient credible facts; brought by superintendent; alleged failure to disclose spouse’s affiliation with school facilities management organization; Cooper Lanning Square Renaissance School Facilities (CLSRSF); No requirement to disclose spouse’s affiliation with CLSRFS on financial/relative disclosure statements. Dismissed. Not frivolous.

***N.J.S.A.* 18A:12-26**

Keith E. Benson v. Katrina T. McCombs, C79-21, 3/22/2022 Untimely filed, even if timely filed, failed to proffer sufficient credible facts; brought by superintendent; alleged failure to disclose spouse’s affiliation with school facilities management organization; Cooper Lanning Square Renaissance School Facilities (CLSRSF); No requirement to disclose spouse’s affiliation with CLSRFS on financial/relative disclosure statements. Dismissed. Not frivolous.

***N.J.A.C.* 6A: 28-6.5(a) - Time barred – 180-day rule**

Page, Morgan and Rowell v. Thomas C55-20 1/26/2021 Bd. Mbr.

Gray v. Dasilveira C41-20 12/22/2020 Charter Bd. Trustee

Saini v. Tufano C48-20 12/22/2020 Bd. Mbr.

Prezioso v. Kolupanowich C15-20 8/25/2020 Bd. Mbr.

Feinstein v. Midgette-David C03-20 3/27/2020 Bd. Mbr Personal/Relative and Financial Disclosure forms

Donahue v. Shafer et. als. C73-20 5/25/21 Retired teacher, “fake” evaluations of support teachers who were friends of the principal (FOP), “fake” CAP for complaining untimely filing, not frivolous

Tarver v. Wingfield C08-21 8/30/21 Forward to mayor of confidential email, refusal to respond to OPRA requests, untimely filing, no jurisdiction over OPRA

Keith E. Benson v. Katrina T. McCombs, C79-21, 3/22/2022 Untimely filed, even if timely filed, failed to proffer sufficient credible facts; brought by superintendent; alleged failure to disclose spouse’s affiliation with school facilities management organization; Cooper Lanning Square Renaissance School Facilities (CLSRSF); No requirement to disclose spouse’s affiliation with CLSRFS on financial/relative disclosure statements. Dismissed. Not frivolous.

Louis H. Waibel v. Karen D'Amico C70-21, 5/24/2022 – Various allegedly inaccurate postings on Facebook forum for parents. Two counts dismissed as untimely over 180 days; Other three counts dismissed failure to prove sufficient credible evidence of a violation. Dismissed. Not frivolous.

**Frivolous Complaint – Alleged/Found/NotFound**

**"Frivolous complaint" means a complaint determined by the Commission to be either:**

**1. Commenced, used or continued in bad faith, solely for the purpose of harassment, delay or malicious injury; or**

**2. One which the complainant knew, or should have known, was without any reasonable basis in law or equity and could not be supported by a good faith argument for an extension, modification or reversal of existing law.**

Barone v. Polozzo C64-20 1/26/2021 Bd. Mbr.

Giacomini v. Chiarella C44-20 12/22/2020 Bd. Mbr.

I/M/O Wilson C59-20 11/24/2020 Charter Administrator

Schleifstein and Broyles v. MacKay C40-20 11/24/2020 Bd. Mbr. emails, meeting comments, confidentiality

Banez v. Rigoglioso C21-20 9/29/2020 Mayor/Middle School Principal – At council meeting - “As an educator, I have to vote for the budget and I hope everyone else does too.”

Anderson v. Nadim C35-19 8/25/2020 Bd. Mbr. Vote on interlocal services agreement, spouse municipal employee, Adm. Asst.

Prezioso v. Kolupanowich C15-20 8/25/2020 Bd. Mbr.

Watson v. Chapman C72-18 6/23/2020 Bd. Mbr.

Meade v. Kazyan and Cahill C11-20 6/23/2020 CSA, AD hiring of asst wrestling coach

Eosso v. Seigel C14-20 6/23/2020 Bd. Mbr. Policy on attendance at athletic events

Swezeny v. Thomas C74-19 4/21/2020 Bd. Pres. School election activities on school property

Wyatt, Cox, Campbell and Morgan v. Pike C01-20 4/21/2020 Board member, continued disruption of board meetings, personal insults, involvement with community group

Jeffries v. Tucker C71-19 3/27/2020 Bd. Pres. Livestreaming of political event with mayor, council in the school, during the school day with students.

Verducci v. Schalago C64-19 2/25/2020 Adm filed against Bd Mbr. Question asked of Prin/Acting CSA at board meeting. **Frivolous Complaint found $ 100 fine.**

Dart v. Behrend C74-20 3/23/21 Board President letter to the editor

Spitz v. Bronfeld and Dart C65-20 3/23/21 Bd mbrs serving as chairperson and treasurer for slate of candidates running for the board. Alleged ELEC violations, disclaimer, letter to the editor

Donahue v. Shafer et. als. C73-20 5/25/21 Retired teacher, “fake” evaluations of support teachers who were friends of the principal (FOP), “fake” CAP for complaining untimely filing, not frivolous

O’Hara v. Chambers C13-21 8/30/21Disclosure of information regarding HIB investigation. Tescher posted to Facebook page re: letter written by parent to board regarding HIB naming other child in the investigation. SEC no jurisdiction over teacher, not a school official not frivolous.

Tarver v. Wingfield C08-21 8/30/21 Forward to mayor of confidential email, refusal to respond to OPRA requests, untimely filing, no jurisdiction over OPRA, not frivolous

Ricupero and Termini v. DeVito C22-21 9/21/21 Board member brought “walk on” resolution to change the name of Columbus Day to Indigenous Peoples Day, claims against bd mbr’s spouse dismissed not a school official no jurisdiction, not frivolous

King v. Butto C19-21 9/21/21 Demeaning, harassing, aggressive and bullying emails from committee chairperson to committee member. HIB outside of SEC jurisdiction. Not frivolous

Hayden v Labbe – C28-21 12/14/21 Superintendent allegedly promoted in person rather than remote learning during a spike in COVID. Became aware, through the school nurse, of the availability of COVID vaccines within the community and availed himself of the vaccine without informing the board, at risk staff and the local education association of the availability. Not frivolous.

Henry v Price-Munson C31-21 12/14/21 Board member posted incorrect information about a board vote to rename the HS football stadium bleachers after a well-known member of the community on a HS Alumni social media site. Not frivolous.

Maida v. Pacheco and Vogel C38-21 1/25/22Director of HR and local education association president disclosed confidential information about Complainant on two separate occasions, including her college transcripts, social security number and other personal information not only violated her privacy rights but also violated the Act. HR director did not violate the Act, LEA president not a school official. Not frivolous.

Marinelli v. Dye C41-21 1/25/22 Citizen alleged that board member made untrue, slanderous, publicly embarrassing remarks; accusing citizen of “standing outside threatening people” Not frivolous.

Collins v Heino C56-21 2/25/22 Parents of student with 504 plan filed complaint. Student required to remove double layer cloth face and replace it with school issued mask despite difficulty in breathing. Alleged requirement of face shields while eating. Alleged that CSA/principal refused to process HIB complaint. Code of Ethics allegations dismissed. Do not apply to CSA/principal. Not frivolous.

Manzo v Angley et. als. C48-21 2/25/22 Bus contractor alleged that board wrongfully awarded a transportation contract to another bus contractor. Impermissibly delegated the power to award bids to a third party. Board adhered to the bid regs. SEC cannot become a forum where paerties seek recourse for personal vendettas. **$ 500 Fine**

Filomena Laforgia v. Robert Fortunato C07-22, 4/26/2022 Verbal attack at board meeting; “extreme right-wing view”; allegations of libel, slander, tort, counsel conflict of interest, outside scope, authority, jurisdiction of SEC; no final decision of court or administrative agency provided to show violation of law; board members may make statements, comments about board business, even if not well received or appreciated by others. Dismissed. Not frivolous.

Keith E. Benson v. Katrina T. McCombs, C79-21, 3/22/2022 Untimely filed, even if timely filed, failed to proffer sufficient credible facts; brought by superintendent; alleged failure to disclose spouse’s affiliation with school facilities management organization; Cooper Lanning Square Renaissance School Facilities (CLSRSF); No requirement to disclose spouse’s affiliation with CLSRFS on financial/relative disclosure statements. Dismissed. Not frivolous.

Susan Morgan, Jacqueline McAlister and Cecelia Gallelli-Keyes v. Joseph S. Clark, Jr., C55-21, 4/26/2022 - Even if Respondent “allowed” the Interim Superintendent to use executive session to “personally attack” certain Board members, such “permission” could not possibly be construed as “action,” let alone action on behalf of a special interest group or persons organized and voluntarily united in opinion, or construed as his use of the schools to acquire a benefit for himself, a member of his immediate family, or a friend; no suggestion that Respondent and the Interim Superintendent are “friends,” or how the Interim Superintendent could have received a specific and identifiable benefit from being “allowed” to address the Board in executive session. No sufficient credible facts set forth. Dismissed. Not frivolous.

Jodi Goffredo v. Robert Fortunato, C59-21, 4/26/2022 Although it is clear that Complainant, and possibly others, found Respondent’s reference to other Board members and to members of the public as being “extreme right wing individuals” to be objectionable, inappropriate, and/or offensive, Respondent’s public comment/statement from the dais cannot, under any set of circumstances, be construed as a “decision” or “deliberate action,” let alone one that could possibly obstruct programs and/or policies. Absent facts and evidence demonstrating that Respondent made a specific “decision” or took “deliberate action” to obstruct programs and/or policies. No sufficient credible evidence. Dismissed. Not frivolous.

Natakie Chestnut-Lee v. Jerome Page, Sharnell Morgan, Yadira Falcon, Anny Melo and Alejandrina Alberto C58-21, 5/24/2022 Employee placed on paid administrative leave without being given a RICE notice. No OPMA jurisdiction for SEC. Complainant has not provided a copy of a final decision(s) from any court of law or other administrative agency demonstrating or specifically finding that Respondents, either individually or collectively, violated a specific law, rule, or regulation when they engaged in any of the acts/conduct. Dismissed. Not frivolous.

Martin B. Welzmuller v. Antoine Gayles C91-21, 5/24/2022 OPRA requests, board member allegedly leaked info to reporter regarding OPRA requests. OPRA requests not confidential. Vote on payroll including his spouse. Vote on over 100 employees. No special privilege for spouse. Spouse hired with ECS approval. Dismissed. Not frivolous.

Louis H. Waibel v. Karen D'Amico C70-21, 5/24/2022 – Various allegedly inaccurate postings on Facebook forum for parents. Two counts dismissed as untimely over 180 days; Other three counts dismissed failure to prove sufficient credible evidence of a violation. Dismissed. Not frivolous.

**SEC Jurisdiction – Only Matters Under the School Ethics Act**

**OPMA – No Jurisdiction**

Williams v. Ruiz C60-20 1/26/2021 Bd. Mbr.

Grana v. McEvoy, Anderson and Scott C63-19 4/21/2020 Bd. Pres. CSA contract renewal

Cummings v. Anderson, Hoover, McEvoy, Scott, Ventresca C68-19 4/21/2020 Bd. Mbrs. CSA contract renewal, lack of input

Daughtry v. Cabido, et.als. C01-21 5/25/21 CSA evaluation completion, bd mbr exclusion from telephone conference meeting,

Tarver v. Wingfield C08-21 8/30/21 Forward to mayor of confidential email, refusal to respond to OPRA requests, untimely filing, no jurisdiction over OPRA, not frivolous

Natakie Chestnut-Lee v. Jerome Page, Sharnell Morgan, Yadira Falcon, Anny Melo and Alejandrina Alberto C58-21, 5/24/2022 Employee placed on paid administrative leave without being given a RICE notice. No OPMA jurisdiction for SEC. Complainant has not provided a copy of a final decision(s) from any court of law or other administrative agency demonstrating or specifically finding that Respondents, either individually or collectively, violated a specific law, rule, or regulation when they engaged in any of the acts/conduct. Dismissed. Not frivolous.

**Slander, Defamation, Discrimination – No Jurisdiction**

Glavin v. Hirschfeld C23-20 10/27/2020 Bd. Mbr.

Odierna v. Guzman C32-20 10/27/2020 Bd. Mbr. CSA and Supervisor conflict

Prezioso v. Kolupanowich C15-20 8/25/2020 Bd. Mbr.

Shannon v. Morgan C10-21 9/21/21 Board member comments at board meeting regarding poor performance of HS students, poor reading results attributable to teachers at lower grades, concerns with teaching staff. Board member employed in another school district Assistant Superintendent for Equity, Curriculum and Instruction part of board negotiations team. Not a member of same statewide union. No jurisdiction over allegations of libel, slander, defamation.

Filomena Laforgia v. Robert Fortunato C07-22, 4/26/2022 Verbal attack at board meeting; “extreme right-wing view”; allegations of libel, slander, tort, counsel conflict of interest, outside scope, authority, jurisdiction of SEC; no final decision of court or administrative agency provided to show violation of law; board members may make statements, comments about board business, even if not well received or appreciated by others. Dismissed. Not frivolous.

**Retaliation – No Jurisdiction**

Odierna v. Roth C31-20 10/27/20 Supervisor of Special services, child in school district, ID, services for other special education student

**N.J.S.A. 18A:12-2 – No Jurisdiction**

Wyatt, Cox, Campbell and Morgan v. Pike C01-20 4/21/2020 Board member, continued disruption of board meetings, personal insults, involvement with community group

**ELEC Violations**

Spitz v. Bronfeld and Dart C65-20 3/23/21 Bd mbrs serving as chairperson and treasurer for slate of candidates running for the board. Alleged ELEC violations, disclaimer, letter to the editor

**Executive Orders**

Daughtry v. Cabido, et.als. C01-21 5/25/21 CSA evaluation completion, bd mbr exclusion from telephone conference meeting,

**Non-School Officials – Teachers, Spouse**

O’Hara v. Chambers C13-21 8/30/21Disclosure of information regarding HIB investigation. Tescher posted to Facebook page re: letter written by parent to board regarding HIB naming other child in the investigation. SEC no jurisdiction over teacher, not a school official not frivolous.

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**HIB**

King v. Butto C19-21 9/21/21 Demeaning, harassing, aggressive and bullying emails from committee chairperson to committee member. HIB outside of SEC jurisdiction. Not frivolous

**Tort – No Jurisdiction**

Filomena Laforgia v. Robert Fortunato C07-22, 4/26/2022 Verbal attack at board meeting; “extreme right-wing view”; allegations of libel, slander, tort, counsel conflict of interest, outside scope, authority, jurisdiction of SEC; no final decision of court or administrative agency provided to show violation of law; board members may make statements, comments about board business, even if not well received or appreciated by others. Dismissed. Not frivolous.

**Counsel Conflict of Interest – No Jurisdiction**

Filomena Laforgia v. Robert Fortunato C07-22, 4/26/2022 Verbal attack at board meeting; “extreme right-wing view”; allegations of libel, slander, tort, counsel conflict of interest, outside scope, authority, jurisdiction of SEC; no final decision of court or administrative agency provided to show violation of law; board members may make statements, comments about board business, even if not well received or appreciated by others. Dismissed. Not frivolous.