



State of New Jersey

DEPARTMENT OF EDUCATION

PO Box 500

TRENTON, NJ 08625-0500

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

KEVIN DEHMER
Interim Commissioner

SCHOOL ETHICS COMMISSION

July 21, 2020

For Complainant

Gavin Rozzi
202 Lakeview Court
Forked River, NJ 08731

For Complainant

Sonia Marchitello
232 Sunset Drive
Forked River, NJ 08731

For Respondents

Christopher M. Supsie, Esq.
Stein & Supsie
1041 W. Lacey Road
P.O. Box 1070
Forked River, NJ 08731

SUBJECT: GAVIN ROZZI v. SHAWN GIORDANO, LACEY TOWNSHIP BOARD OF EDUCATION, OCEAN COUNTY, SCHOOL ETHICS COMMISSION DOCKET #C73-19

SUBJECT: SONIA MARCHITELLO v. SHAWN GIORDANO AND LINDA DOWNING, LACEY TOWNSHIP BOARD OF EDUCATION, OCEAN COUNTY, SCHOOL ETHICS COMMISSION DOCKET #C02-20

Dear Parties:

Enclosed please find the Probable Cause Notice issued by the School Ethics Commission at its meeting on July 21, 2020.

If you have any questions about this acknowledgement, please contact our office at school.ethics@doe.nj.gov.

Sincerely,

Kathryn A. Whalen, Director
School Ethics Commission

Enclosure

Before the School Ethics Commission
Docket No. C73-19 and C02-20 (Consolidated)
Probable Cause Notice

Gavin Rozzi and Sonia Marchitello,
Complainants

v.

Shawn Giordano,
Lacey Township Board of Education, Ocean County,
Respondent

I. Procedural History

This consolidated matter arises from two (2) separate but related Complaints. In **C73-19**, a Complaint was filed on December 9, 2019, by Gavin Rozzi (Complainant Rozzi), alleging that Shawn Giordano (Respondent Giordano), a then current but now former member of the Lacey Township Board of Education (Board), violated the School Ethics Act (Act), *N.J.S.A. 18A:12-21 et seq.* More specifically, the Complaint alleges that Respondent Giordano violated *N.J.S.A. 18A:12-24(b)* in Count 1, *N.J.S.A. 18A:12-24.1(c)* in Count 2, *18A:12-24.1(e)* in Count 3, and *N.J.S.A. 18A:12-24.1(f)* in Count 4. After the Complaint was served on Respondent Giordano, he filed a Motion to Dismiss in Lieu of Answer (Motion to Dismiss), and also alleged that the Complaint is frivolous.

In **C02-20**, a Complaint was filed on January 8, 2020, by Sonia Marchitello (Complainant Marchitello), with Respondent Giordano and Linda Downing (Ms. Downing), a former and present member of the Board respectively, named as Respondents. The Complaint alleged violations of *N.J.S.A. 18A:12-24(b)* in Count 1, *N.J.S.A. 18A:12-24.1(c)* in Count 2, *18A:12-24.1(e)* in Count 3, and *N.J.S.A. 18A:12-24.1(f)* in Count 4. After the Complaint was served on Respondents, they too filed a Motion to Dismiss, and also alleged that the Complaint is frivolous.

Following consolidation of the above-captioned matters, and at its meeting on May 19, 2020, the School Ethics Commission (Commission) adopted a decision dismissing Ms. Downing as a named Respondent, and denying the Motion to Dismiss as to Respondent Giordano in its entirety. The Commission also found the Complaints not frivolous, and denied the requests for sanctions. Based on its decision, the Commission also voted to direct Respondent Giordano to file an Answer to Complaint (Answer). On June 12, 2020, Respondent Giordano filed an Answer.

The parties were notified by correspondence dated June 15, 2020, that this matter would be placed on the Commission's agenda for its regularly scheduled meeting on June 23, 2020, in order to make a determination regarding probable cause. At its meeting on June 23, 2020, the

Commission considered the filings and, at its meeting on July 21, 2020, the Commission voted to find probable cause for the remaining allegations in this consolidated matter. Based on its finding of probable cause, the Commission voted to transmit the within consolidated matter to the Office of Administrative Law (OAL) for a hearing.

II. Summary of the Pleadings

C73-19

A. *The Complaint*

Complainant Rozzi, a non-prevailing candidate in the November 5, 2019, Board election, asserts that he became aware of the events giving rise to this Complaint after submitting Open Public Records Act (OPRA) requests to the Lacey Township School District (District). More specifically, on or about August 15, 2019, “just two weeks into the campaign cycle following the ... deadline to submit candidacy petitions – Respondent Giordano (also a non-prevailing candidate) engaged the Board [a]ttorney for the purpose of conducting political research into Complainant in support of Respondent Giordano’s reelection campaign and to undermine ... Complainant’s candidacy.” According to Complainant, there was “no rational basis” between Respondent Giordano’s engagement of the attorney and any legitimate Board business. Nevertheless, Respondent Giordano “chose to abuse his position to direct the Board Attorney to conduct research and prepare an opinion regarding the Complainant” solely for Respondent Giordano to use in his campaign.

In particular, an OPRA request revealed that the Board attorney sent an email to Respondent Giordano’s official school email account with the subject line “Gavin Rozzi” (Complainant). The email contained a “legal opinion” drafted by the Board attorney. Based on Complainant’s information and belief, “at no time were the contents of the work done by the Board attorney ... shared with any other members of the Board or administration,” and “[n]o other [B]oard members were provided with a copy of the email or its attachment. This email, according to Complainant, corresponds with “multiple entries” on the legal bills for the month of August (for an approximate cost of \$510.00). As argued by Complainant, Respondent Giordano had “no legitimate reason to use his official position to direct the Board attorney to prepare an opinion or otherwise conduct opposition research” The Board attorney should not have been used to serve Respondent Giordano’s personal and private interests at the expense of the District’s taxpayers.

Based on the facts set forth above, Complainant alleges that Respondent Giordano violated *N.J.S.A.* 18A:12-24(b) because he knowingly used his official position to secure an unwarranted privilege for himself when he directed the Board’s attorney to serve his own personal and political interests; *N.J.S.A.* 18A:12-24.1(c) because he failed to confine his Board action to policy making, planning, and appraisal by acting alone to direct the Board’s attorney to investigate one of his political opponents (Complainant Rozzi) during the 2019 Board election; *N.J.S.A.* 18A:12-24.1(e) because he compromised the integrity of the Board by unilaterally directing the Board’s attorney to act in support of his own personal and political agenda by commencing an investigation and requesting a legal opinion regarding one of his political

opponents (Complainant Rozzi); and *N.J.S.A.* 18A:12-24.1(f) because he used his position as Board President for personal gain by directing the Board attorney to investigate a political opponent (Complainant Rozzi).

B. *Answer*

In his Answer, Respondent Giordano admits the statements in paragraph 1; neither admits nor denies the statements in paragraph 2 and leaves Complainant to his proofs “as to when and how he became aware of the alleged factual circumstances regarding this matter and as to the timeliness of his filing of the Complaint”; admits to “engagement of the Board Attorney in August of 2019” in statement 3, but denies the “balance of this paragraph”; neither admits nor denies paragraphs 4 and 5, and leaves Complainant to his proofs; admits that the “Board attorney submitted billing statements to the Board for legal services rendered in [August 2019], and that said bills were approved by the Board,” but denies the remainder of paragraph 6; neither admits nor denies the “purview of the [Act] ... and the responsibility of the [Commission] in paragraph 7 and denies the remainder of that paragraph, adding that the “allegations contained therein are without factual support and verification, and consist entirely of conjecture and accusations without merit.”

With regard to the alleged violations of the Act, Respondent denies “all alleged facts and circumstances” which would indicate a violation of” *N.J.S.A.* 18A:12-24(b), *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(e), and *N.J.S.A.* 18A:12-24.1(f). Respondent also argued that, “in light of Complainant’s public career as a journalist as well as Complainant’s clear intention to serve on the Board ..., Respondent inquired with the Board Attorney as to the guidelines regarding the eligibility for an active journalist to serve on a public school Board of Education”

C02-20

A. *The Complaint*

Complainant Marchitello, also a non-prevailing candidate in the November 5, 2019, Board election, asserts that she became aware of the events giving rise to this Complaint after submitting OPRA requests to the District. More specifically, on or about September 20, 2019, “approximately two months into the campaign cycle following the ... deadline to submit ... candidacy petitions – Respondent Giordano [also a non-prevailing candidate] engaged the Board [a]ttorney for the purpose of conducting political research into Complainant in support of Respondent Giordano’s reelection campaign and to undermine ... Complainant’s candidacy.” According to Complainant, there was “no rational basis” between Respondent Giordano’s engagement of the attorney and any legitimate Board business. Nevertheless, Respondent Giordano “chose to abuse his position to direct the Board Attorney to conduct research and prepare an opinion regarding the Complainant” solely for Respondent Giordano to use in his campaign.

In particular, an OPRA request revealed that the Board attorney sent an email to Respondent Giordano’s official school email account with the subject line “RE: Sonia

Marchitello” (Complainant). The email contained an attachment comprised of correspondence dated September 25, 2019, labeled “S. Giordano opinion ltr.” Upon information and belief, “at no time were the contents of the work done by the Board attorney ... shared with all other members of the Board or administration.” Instead, only one other Board member was provided with a copy of the email and attachment. This email, according to Complainant, corresponds with “multiple entries” on the legal bills for the month of September (for an approximate cost of \$720.00). As argued by Complainant, this work was done to support Respondent Giordano’s personal and political agenda, and had absolutely nothing to do with the official business of the Board, as the Complainant is not currently a staff member. Complainant continues, Respondent Giordano had “no legitimate reason to use his official position to direct the Board attorney to prepare an opinion or otherwise conduct opposition research” The Board attorney should not have been used to serve Respondent Giordano’s personal and private interests at the expense of the District’s taxpayers.

Based on the facts set forth above, Complainant alleges that Respondent Giordano violated *N.J.S.A.* 18A:12-24(b) because he knowingly used his official position to secure an unwarranted privilege for himself when he directed the Board’s attorney to serve his own personal and political interests and, thereby, used District resources to target one of his political opponents (Complainant Marchitello); *N.J.S.A.* 18A:12-24.1(c) because he failed to confine his Board action to policy making, planning, and appraisal by acting alone to direct the Board’s attorney to investigate one of his political opponents (Complainant Marchitello) during the 2019 Board election for personal benefit; *N.J.S.A.* 18A:12-24.1(e) because he compromised the integrity of the Board by unilaterally directing the Board’s attorney to act in support of his own personal and political agenda by commencing an investigation and requesting a legal opinion regarding one of his political opponents (Complainant Marchitello). Respondent Giordano also compromised the public’s faith in the Board by using Board resources for his own personal and political gain to silence one of his political opponents (Complainant Marchitello); and *N.J.S.A.* 18A:12-24.1(f) because he used his position as Board President for personal gain by directing the Board attorney to investigate a political opponent in support of his own personal and political agenda (Complainant Marchitello).

B. *Answer*

In his Answer, Respondent Giordano admits the statements in paragraph 1; paragraph 2 is neither admitted nor denied, and Complainant is left to her proofs as to “when and how she became aware of the alleged factual circumstances regarding this matter and as to the timeliness of her filing of the Complaint”; admits to “engagement of the Board Attorney in September 2019 for legal services,” denies the remainder of paragraph 3, and notes that the “allegations contained therein are without factual support and verification, and consist entirely of conjecture and accusations without merit”; neither admits nor denies paragraphs 4 and 5, and leaves Complainant to her proofs; admits that the “Board Attorney submitted billing statements to the Board for legal services rendered in [September 2019], and that the bills were approved by the [Board],” but denies the remainder of paragraph 6, and leaves Complainant to her proofs, noting that the allegations are “without factual support and verification, and consist entirely of conjecture and accusations without merit.”; neither admits nor denies the “purview of the [Act] ... and the responsibility of the [Commission] in paragraph 7,” and denies the remainder of that

paragraph, adding that the “allegations contained therein are without factual support and verification, and consist entirely of conjecture and accusations without merit.”

As to Counts 1 through 4, Respondent denies “all alleged facts and circumstances” which would indicate a violation of” *N.J.S.A.* 18A:12-24(b), *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(e) and *N.J.S.A.* 18A:12-24.1(f). Respondent also argued that he “was aware of Complainant Marchitello’s history of appearing at Board of Education meetings and speaking during the public comment section of said meetings,” and that Complainant Marchitello “exhibited a pattern of attempting to publicly discuss confidential personnel, student, and District-related matters, as well as the terms of her own prior employment and subsequent termination.” In consideration of her “topics of discussion during the June and July 2018 Board meetings, as well as Complainant’s renewed appearances at the August and September 2019 Board meetings, Respondent contacted the Board attorney to request research regarding the Board’s ability ... to reply to comments made by Complainant ... *if* the situation arose during future Board meetings (emphasis added).”

In connection with **both C73-19 and C02-20**, Respondent also asserted thirty-eight (38) affirmative defenses, including that the Complaints fail to state a claim upon which relief can be granted; are devoid of facts that would support a violation of the Act and/or the Code; he was authorized to communicate with Board counsel regarding Board related matters; and his interactions with Board counsel were “legitimate.” Respondent further argues that Complainants should be “barred from [the] relief requested in Complaints,” and he “retains the right to assert any and all additional legal defenses throughout the progression of this matter.”

III. Analysis

This matter is before the Commission for a determination of probable cause pursuant to *N.J.A.C.* 6A:28-10.9, processing of Complaints alleging *both* prohibited acts and violations of the Code of Ethics for School Board Members (the Code). A finding of probable cause is not an adjudication on the merits, but, rather, an initial review whereupon the Commission makes a preliminary determination as to whether the matter should proceed to an adjudication on the merits, or whether further review is not warranted. In order to determine whether probable cause exists, the Commission must determine whether there is a reasonable ground of suspicion supported by facts and circumstances strong enough in themselves to warrant a reasonable person to believe that the Act was violated as alleged in the Complaint. *N.J.A.C.* 6A:28-10.7.

Pursuant to *N.J.A.C.* 6A:28-10.9, when a Complaint, as here, alleges violations of both *N.J.S.A.* 18A:12-24 (Prohibited acts) and *N.J.S.A.* 18A:12-24.1 (the Code), the Commission must *first* determine whether, based on the available record, probable cause exists to credit the allegations that Respondent Giordano violated *any subsection* of *N.J.S.A.* 18A:12-24 (Prohibited acts). If probable cause is not found for any alleged violation of *N.J.S.A.* 18A:12-24, the Commission’s review shall be guided by *N.J.A.C.* 6A:28-10.8. If probable cause is found for any alleged violation of *N.J.S.A.* 18A:12-24, then the Commission must review, as required by *N.J.A.C.* 6A:28-10.7, the remaining Code allegations, i.e., those in Counts 2-4, to determine if probable cause exists.

A. *Alleged Prohibited Act*

In this consolidated matter, Complainants allege, albeit based on conduct that occurred on different dates and involved different monetary amounts, that Respondent Giordano violated *N.J.S.A.* 18A:12-24(b). This provision of the Act provides:

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;

In order to credit the alleged violation of *N.J.S.A.* 18A:12-24(b), the Commission must find evidence that Respondent Giordano used or attempted to use his official position to secure an unwarranted privilege, advantage or employment for himself, members of his immediate family, or “others.”

In Count 1, Complainants allege that Respondent Giordano violated *N.J.S.A.* 18A:12-24(b) because he knowingly used his official position to secure an unwarranted privilege for himself when he directed the Board’s attorney to serve his own personal and political interests when he used District resources to target his political opponents (Complainants). Respondent Giordano counters that there are no facts or circumstances which could support a violation of *N.J.S.A.* 18A:12-24(b), he was authorized to request legal advice from Board counsel, and his request for legal services was related to legitimate Board business.

After analyzing the pleadings, the Commission finds that Complainants have articulated a reasonable ground of suspicion supported by facts and circumstances strong enough in themselves to warrant a reasonable person to believe that Respondent Giordano violated *N.J.S.A.* 18A:12-24(b). It is undisputed that Respondent, in his capacity as Board President, and as an individual authorized to request legal services from the Board’s attorney, sought and received legal advice from the Board’s attorney regarding both Complainant Rozzi and Complainant Marchitello. Based on the present facts and circumstances, including the timing of Respondent’s requests of Board counsel relative to the upcoming Board election; the fact that Complainants, like Respondent, were running for a seat on the Board; the fact that the stated purpose for requesting the at-issue legal services was (a) for a subject over which the Board did not have jurisdiction or the authority to act (i.e., the eligibility of an individual to serve) and (b) for a matter which *could* (or could not) occur at the public comment portion of a future Board meeting; the fact that the purported concerns regarding Complainants appear to have solely originated from Respondent and did not appear to be voiced or shared by any other member of the Board; and the fact that the legal advice provided by Board counsel was not shared with any other member of the Board (except with Ms. Downing as it related to Complainant Marchitello) or with the District’s administration, the Commission finds probable cause for the alleged violation of *N.J.S.A.* 18A:12-24(b).

B. *Alleged Code Violations*

Having found probable cause to credit the allegation that Respondent Giordano engaged in a prohibited act (*N.J.S.A.* 18A:12-24(b) in Count 1), the Commission must now review

whether there is probable cause to credit the alleged violations of the Code in Counts 2-4. In these Counts, Complainants claim that Respondent Giordano violated *N.J.S.A.* 18A:12-24.1(c) in Count 2, violated *N.J.S.A.* 18A:12-24.1(e) in Count 3, and violated *N.J.S.A.* 18A:12-24.1(f) in Count 4. These provisions of the Code provide, respectively:

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.

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.

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.

Alleged Violation of N.J.S.A. 18A:12-24.1(c)

Pursuant to *N.J.A.C.* 6A:28-6.4(a)(3), factual evidence of a violation of ***N.J.S.A. 18A:12-24.1(c)*** shall include evidence that Respondent Giordano took board action to effectuate policies and plans without consulting those affected by such policies and plans, or took action that was unrelated to Respondent Giordano's duty to (i) develop the general rules and principles that guide the management of the school district or charter school; (ii) formulate the programs and methods to effectuate the goals of the school district or charter school; or (iii) ascertain the value or liability of a policy.

In Count 2, Complainants argue that, in violation of *N.J.S.A.* 18A:12-24.1(c), Respondent Giordano failed to confine his Board action to policy making, planning, and appraisal when he acted alone to direct the Board's attorney to investigate his political opponents (Complainants) during the 2019 Board election for his own personal benefit. Respondent Giordano counters that there are no facts or circumstances which could establish a violation of *N.J.S.A.* 18A:12-24.1(c), he was authorized to request legal advice from Board counsel, and his request for legal services was related to legitimate Board business.

Following its review of the pleadings, the Commission finds that Complainants have articulated a reasonable ground of suspicion supported by facts and circumstances strong enough in themselves to warrant a reasonable person to believe that Respondent Giordano violated *N.J.S.A.* 18A:12-24.1(c). In his Answer, Respondent admits that he engaged the services of the Board's attorney about issues concerning Complainant Rozzi and Complainant Marchitello. Given the current facts and circumstances, including the timing of Respondent's request of Board counsel relative to the upcoming Board election; the fact that both Complainants were running for a seat on the Board (as was Respondent); the specious nature of the stated purposes for which Respondent purportedly sought legal advice from Board counsel; the fact that the concerns related to Complainants were those of Respondent, and not those of the Board; and the fact that Respondent did not share the legal advice provided (except on a very limited basis) with

the Board or the District's administration, the Commission finds probable cause for the alleged violation of *N.J.S.A. 18A:12-24.1(c)*.

Alleged Violation of N.J.S.A. 18A:12-24.1(e)

As set forth in *N.J.A.C. 6A:28-6.4(a)(5)*, factual evidence of a violation of *N.J.S.A. 18A:12-24.1(e)* shall include evidence that Respondent Giordano made personal promises or took action beyond the scope of his duties such that, by its nature, had the potential to compromise the board.

In Count 3, Complainants contend that Respondent Giordano violated *N.J.S.A. 18A:12-24.1(e)* because he compromised the integrity of the Board when he unilaterally directed the Board's attorney to act in support of his own personal and political agenda by commencing an investigation and requesting a legal opinion regarding his political opponents (Complainants), and compromised the public's faith in the Board by using Board resources for his own personal and political gain to silence a political opponent (Complainant Marchitello). Respondent Giordano counters that there are no facts or circumstances which could demonstrate *N.J.S.A. 18A:12-24.1(e)*, he was authorized to request legal advice from Board counsel, and his request for legal services was related to legitimate Board business.

After analyzing the pleadings, the Commission finds that Complainants have articulated a reasonable ground of suspicion supported by facts and circumstances strong enough in themselves to warrant a reasonable person to believe that Respondent Giordano violated *N.J.S.A. 18A:12-24.1(e)*. Respondent does not contest the fact that he asked the Board's attorney to conduct research and to provide a legal opinion regarding Complainants, and does not deny that he received the legal services requested. Based on the facts and circumstances presently before the Commission, most particularly the temporal proximity between Respondent's requests and the upcoming Board election; the fact that Complainants (and Respondent) were candidates for the Board; the questionable basis for Respondent's requests; the fact that Respondent appears to have been alone in his concerns about Complainants; and the fact that Respondent did not openly share the substance of the legal advice received, the Commission finds probable cause for the alleged violation of *N.J.S.A. 18A:12-24.1(e)*.

Alleged Violation of N.J.S.A. 18A:12-24.1(f)

Pursuant to *N.J.A.C. 6A:28-6.4(a)(6)*, factual evidence of a violation of *N.J.S.A. 18A:12-24.1(f)* shall include evidence that Respondent Giordano took action on behalf of, or at the request of, a special interest group or persons organized and voluntarily united in opinion and who adhere to a particular political party or cause; or evidence that Respondent Giordano used the schools in order to acquire some benefit for himself, a member of his immediate family or a friend.

In Count 4, Complainants assert that, in violation of *N.J.S.A. 18A:12-24.1(f)*, Respondent Giordano used his position as Board President for personal gain by directing the Board attorney to investigate political opponents (Complainants) in support of his own personal and political agenda. Respondent Giordano counters that there are no facts or circumstances which could

prove a violation of *N.J.S.A. 18A:12-24.1(f)*, he was authorized to request legal advice from Board counsel, and his request for legal services was related to legitimate Board business.

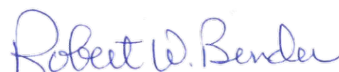
Following its review of the pleadings, the Commission finds that Complainants have articulated a reasonable ground of suspicion supported by facts and circumstances strong enough in themselves to warrant a reasonable person to believe that Respondent Giordano violated *N.J.S.A. 18A:12-24.1(f)*. Respondent acknowledges that, as asserted, he asked the Board's attorney to provide legal advice and guidance concerning Complainants, albeit for purportedly different reasons, and that he received the requested legal advice. Given the current facts and circumstances, most notably Respondent's admission that he sought (and received) legal advice about Complainants; the fact that the upcoming Board election was imminent; both Complainants were vying for a position on the Board which could have resulted in the ousting of Respondent; Respondent's stated purpose for requesting legal advice appears suspect; there are no facts and circumstances presently available indicating that anyone other than Respondent believed legal counsel was needed relative to either Complainant; and Respondent did not disseminate the legal advice received with the Board or with the District's administration, the Commission finds probable cause for the alleged violation of *N.J.S.A. 18A:12-24.1(f)*.

IV. Decision

Pursuant to *N.J.S.A. 18A:12-29(b)*, the Commission hereby notifies Complainants and Respondent Giordano that it finds probable cause to credit the allegations that Respondent Giordano violated *N.J.S.A. 18A:12-24(b)* in Count 1, *N.J.S.A. 18A:12-24.1(c)* in Count 2, *18A:12-24.1(e)* in Count 3, and *N.J.S.A. 18A:12-24.1(f)* in Count 4.

Pursuant to *N.J.A.C. 6A:28-10.9* and *N.J.A.C. 6A:28-10.7(c)(2)*, where the Commission finds probable cause to credit any allegations of prohibited acts, and where the material facts are not admitted by Respondent or where the Commission otherwise determines necessary, Complainant and Respondent shall be advised that the matter is being transmitted to the OAL for a hearing to be conducted pursuant to the Uniform Administrative Procedure Rules (*N.J.A.C. 1:1 et seq.*). The hearing shall be limited to those allegations, which the Commission found probable cause to credit. Complainants and Respondent Giordano are thus notified that this Complaint shall be transmitted to the OAL for a hearing, and that they will be notified about a date/time for such a hearing. *N.J.S.A. 18A:12-29(b)*.

Additionally, Complainants shall no longer be a party to the Complaint. Where the Commission finds probable cause and transmits a Complaint to the OAL, the attorney for the Commission shall prosecute those allegations in the Complaint, which the Commission found probable cause to credit. *N.J.A.C. 6A:28-10.7(b)(1)*.



Robert W. Bender, Chairperson

Mailing Date: July 21, 2020

**Resolution Adopting Decision
in Connection with C73-19 and C02-20 (Consolidated)**

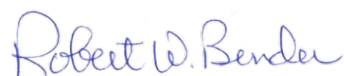
Whereas, at its meeting on June 23, 2020, the School Ethics Commission (Commission) considered the Complaint and Answer to Complaint (Answer) submitted by the parties in connection with this matter; and

Whereas, at its meeting on June 23, 2020, the Commission discussed finding probable cause to credit the allegations that Respondent Giordano violated *N.J.S.A.* 18A:12-24(b) in Count 1, *N.J.S.A.* 18A:12-24.1(c) in Count 2, 18A:12-24.1(e) in Count 3, and *N.J.S.A.* 18A:12-24.1(f) in Count 4; and

Whereas, at its meeting on June 23, 2020, and pursuant to *N.J.A.C.* 6A:28-10.9 and *N.J.A.C.* 6A:28-10.7(c)(2), the Commission discussed transmitting the within matter to the Office of Administrative Law for a hearing to be held at a later date; and

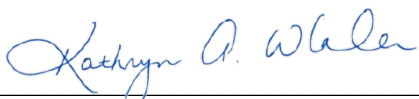
Whereas, at its meeting on July 21, 2020, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on June 23, 2020; and

Now Therefore Be It Resolved, that the Commission hereby adopts the decision and directs its staff to notify all parties to this action of its decision herein.



Robert W. Bender, Chairperson

I hereby certify that the Resolution was duly adopted by the School Ethics Commission at its public meeting on July 21, 2020.



Kathryn A. Whalen, Director
School Ethics Commission