

Before the School Ethics Commission
Docket No.: C05-22
Decision on Motion to Dismiss

Roderick Knox,
Complainant

v.

Sharnell Morgan,
Pleasantville Board of Education, Atlantic County,
Respondent

I. Procedural History

The above-captioned matter arises from a Complaint that was filed on January 13, 2022, by Roderick Knox (Complainant), alleging that Sharnell Morgan (Respondent), a member of the Pleasantville Board of Education (Board), violated the School Ethics Act (Act), *N.J.S.A.* 18A:12-21 *et seq.* By correspondence dated January 19, 2022, Complainant was notified that the Complaint was deficient, and required amendment before the School Ethics Commission (Commission) could accept his filing. On January 25, 2022, Complainant cured all defects and filed an Amended Complaint (Complaint) that was deemed compliant with the requirements detailed in *N.J.A.C.* 6A:28-6.3. The Complaint avers that Respondent violated *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(f), and *N.J.S.A.* 18A:12-24.1(i) of the Code of Ethics for School Board Members (Code).

On January 28, 2022, the Complaint was served on Respondent via electronic mail, notifying her that charges were filed against her with the Commission, and advising that she had twenty (20) days to file a responsive pleading.¹ On April 18, 2022, Respondent filed a Motion to Dismiss in Lieu of Answer (Motion to Dismiss), and Complainant filed a response to the Motion to Dismiss on April 25, 2022.

The parties were notified by correspondence dated May 16, 2022, that this matter would be discussed by the Commission at its meeting on May 24, 2022, in order to make a determination regarding the Motion to Dismiss. Following its discussion on May 24, 2022, the Commission adopted a decision at its meeting on June 28, 2022, granting the Motion to Dismiss in its entirety because Complainant failed to plead sufficient, credible facts to support a finding that Respondent violated *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(f), and/or *N.J.S.A.* 18A:12-24.1(i).

¹ As a result of the ongoing Coronavirus (COVID-19) pandemic, and the implementation of electronic filing, service of process was effectuated by the Commission through electronic transmission only.

II. Summary of the Pleadings

A. *The Complaint*

Complainant asserts that Respondent “blatantly disregarded her [B]oard member oath” by “being influenced by special interest in allowing a known convicted felon to influence her decision (sic) as a [B]oard member.” According to Complainant, Respondent “acted on a frivolous claim from a convicted felon, who was arrested for robbing and stealing from” the Pleasantville School District (District). Complainant further submits that Respondent “used her [B]oard position [] to further the agenda of this convicted felon, and causing a hostile work environment” for Complainant. Moreover, Respondent was “influenced by this convicted felon, and called for an investigation, which yielded a blatant and intentional false claim from said convicted felon.”

Based on these facts, Complainant alleges that Respondent violated *N.J.S.A.* 18A:12-24.1(f) because she “surrendered her independent judgement to special interest or partisan political groups, or [] use[d] [the] schools for personal gain or the gain of friends, when she sent a false claim to the police department, state and county officials, and school officials for the agenda for this convicted felon”; violated *N.J.S.A.* 18A:12-24.1(i) because she “does not support and protect school personnel in [the] proper performance of their duties [by allowing] and encourag[ing] defamation of [Complainant’s] character by pushing the agenda to slander and defame” Complainant; and violated *N.J.S.A.* 18A:12-24.1(e) and *N.J.S.A.* 18A:12-24.1(i) because she took private action that might compromise the Board and did not “respect school personnel in the proper performance of their duties” when she “did not uphold her oath” and pushed “the agenda of her friend James Pressley [(Mr. Pressley)].”

B. *Motion to Dismiss*

Following receipt of the Complaint, Respondent filed a Motion to Dismiss and argues that, despite the Commission’s regulatory requirements, Complainant failed to provide his home address and/or telephone number; “used one run-on paragraph as opposed to” the required individually numbered paragraphs; and “depriv[ed] Respondent of her “due process by not supplying the Commission with the “video”” that is referenced in the Complaint. Therefore, Respondent maintains the Complaint should be dismissed because Complainant did not follow “the mandates of the Administrative Code.”

C. *Response to Motion to Dismiss*

In response to the Motion to Dismiss, Complainant argues Respondent’s claim that he did not provide his home address “is false.” He filed an amended Complaint, which included all of the information required by the Commission’s regulations. As to Respondent’s claim that Complainant did not provide the correct numbered paragraphs, but instead “used one run-on paragraph,” Complainant further argues Respondent “is eager to deal with everything except the facts of my complaint.” Complainant notes “any errors” as noted in the Motion to Dismiss were corrected. Finally, as to Respondent’s assertion that Complainant did not provide the video and, therefore, did not afford her “due process,” Complainant maintains he tried to provide the video

with his Complaint, but was advised video evidence could not be accepted “at this time.” Complainant notes the police are in possession of a copy of the video and the Commission may have one upon request.

Complainant further notes that Respondent did not present a “legitimate case” nor address the “facts of [Complainant’s] [C]omplaint,” because the allegation cannot be “refute[d].” Complainant reasserts Respondent violated *N.J.S.A. 18A:12-24.1(f)* because she “does not uphold the laws and regulations pertaining to school board members”; violated *N.J.S.A. 18A:12-24.1(i)* because she “does not support and protect school personnel in proper performance of their duties. According to Complainant, Respondent allowed and encouraged defamation of [Complainant’s] character by pushing the agenda to slander and defame [him]”; and violated *N.J.S.A. 18A:12-24.1(e)* and *N.J.S.A. 18A:12-24.1[i]* because she took private action that might compromise the Board and failed to support school personnel (including Complainant) in the proper performance of their duties when she pushed the agenda of her friend, Mr. Pressley, a “convicted felon.” Complainant notes instead of “refuting these facts” Respondent “wasted this motion on bantering and posturing.” Complainant requests Respondent “be subjected to removal” for her actions, and appropriate sanctions imposed.

D. *Public Comments Offered at the Commission’s Meeting on May 24, 2022*

At the Commission’s meeting on May 24, 2022, members of the public, appeared by telephone and offered public comment regarding the above-captioned matter. More detailed information regarding the substance of those public comments can be found in the [minutes](#) from the Commission’s meeting on May 24, 2022.

III. Analysis

A. *Standard for Motion to Dismiss*

In determining whether to grant a Motion to Dismiss, the Commission shall review the facts in the light most favorable to the non-moving party (Complainant), and determine whether the allegation(s), if true, could establish a violation(s) of the Act. Unless the parties are otherwise notified, a Motion to Dismiss, and any response, is reviewed by the Commission on a summary basis. *N.J.A.C. 6A:28-8.1 et seq.* Thus, the question before the Commission is whether Complainant has pled sufficient facts which, if true, could support a finding that Respondent violated *N.J.S.A. 18A:12-24.1(e)*, *N.J.S.A. 18A:12-24.1(f)*, and/or *N.J.S.A. 18A:12-24.1(i)*.

The Commission notes that, despite the offering of public comment at its meeting on May 24, 2022 the Commission’s review of this matter was limited solely to the parties’ written submissions.

B. *Jurisdiction of the Commission*

In reviewing the allegations in this matter, the Commission notes that its authority is limited to enforcing the Act, *N.J.S.A.* 18A:12-21 *et seq.*, a set of minimum ethical standards by which all school officials must abide. In this regard, the Commission has jurisdiction only over matters arising under the Act, and it may not receive, hear, or consider any matter that does not arise under the Act, *N.J.A.C.* 6A:28-1.4(a).

With the jurisdiction of the Commission in mind, to the extent that Complainant seeks a determination from the Commission that Respondent's comments/statements may have constituted defamation, slander, and/or libel, the Commission advises that such determinations fall well beyond the scope, authority, and jurisdiction of the Commission. Nonetheless, Complainant may be able to pursue each of those claims in the appropriate tribunal; however, the Commission is not the appropriate entity to adjudicate such issues. As such, those claims are dismissed.

C. *Relaxation of Rules*

Although, as argued by Respondent, the form and substance of the Complaint may not strictly comply with the requirements enumerated in *N.J.A.C.* 6A:28-6.3, the Commission has the authority, pursuant to *N.J.A.C.* 6A:28-1.8, to relax its rules when "strict adherence thereto may be deemed inappropriate or unnecessary or may result in injustice." In this case, Complainant is a *pro se* litigant and has presented his claims in a way that is clear enough for Respondent to understand the factual averments and stated violations of the Act, even if a copy of the video was not served on Respondent (but could have been). Accordingly, the Commission finds that strict adherence to *N.J.A.C.* 6A:28-6.3 is unnecessary in this case, and that it is appropriate to consider and accept the Complaint (and Exhibits) as submitted.

D. *Alleged Code Violations*

Complainant maintains that, based on the conduct more fully detailed above, Respondent violated *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(f), and *N.J.S.A.* 18A:12-24.1(i), and these provisions of the Code provide:

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.

i. I will support and protect school personnel in proper performance of their duties.

As set forth in *N.J.A.C. 6A:28-6.4(a)*, violations of *N.J.S.A. 18A:12-24.1(e)*, *N.J.S.A. 18A:12-24.1(f)*, and *N.J.S.A. 18A:12-24.1(i)* need to be supported by certain factual evidence, namely:

5. Factual evidence of a violation of *N.J.S.A. 18A:12-24.1(e)* shall include evidence that Respondent made personal promises or took action beyond the scope of his duties such that, by its nature, had the potential to compromise the board.
6. Factual evidence of a violation of *N.J.S.A. 18A:12-24.1(f)* shall include evidence that Respondent 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 used the schools in order to acquire some benefit for herself, a member of her immediate family or a friend.
9. Factual evidence of a violation of *N.J.S.A. 18A:12-24.1(i)* shall include evidence that Respondent took deliberate action which resulted in undermining, opposing, compromising or harming school personnel in the proper performance of their duties.

Following a thorough review of the Complaint, the Commission finds that even if the facts as contended are proven true by sufficient credible evidence, they would not support a finding that Respondent violated *N.J.S.A. 18A:12-24.1(e)*, *N.J.S.A. 18A:12-24.1(f)*, and/or *N.J.S.A. 18A:12-24.1(i)*. Other than declaring that Respondent was influenced by a “known convicted felon” and proclaiming that she (Respondent) allowed a “known convicted felon” to influence her decision-making, Complainant has not offered a single fact of how this may have occurred. Aspersions need, at the very least, a modicum of corroborating facts including, without limitation, when these supposed conversations occurred (between the “known convicted felon” and Respondent); the nature of those conversations; the specific decision(s) that the “known convicted felon” influenced; the specific action(s) that Respondent may have undertaken at the request of the “known convicted felon”; and the benefit(s) that Respondent ostensibly stood to gain from acquiescing to the whims of the “known convicted felon.”

Absent the necessary facts to establish what personal promise(s) or action(s) Respondent may have undertaken beyond the scope her duties (and how that action(s) had the potential to compromise the Board) (*N.J.S.A. 18A:12-24.1(e)*); what action(s) Respondent may have taken at the request of a “special interest group” or how she may have used the schools to acquire a benefit(s) for herself, a member of her immediate family, or a friend (*N.J.S.A. 18A:12-24.1(f)*); and/or what deliberate action(s) Respondent may have taken in her capacity as a Board member that had the potential to undermine, oppose, compromise, or harm school personnel in the proper performance of their duties (*N.J.S.A. 18A:12-24.1(i)*); the Commission finds that the purported violations of *N.J.S.A. 18A:12-24.1(e)*, *N.J.S.A. 18A:12-24.1(f)*, and *N.J.S.A. 18A:12-24.1(i)* should be dismissed.

IV. Decision

Based on the foregoing, and in reviewing the facts in the light most favorable to the non-moving party (Complainant), the Commission voted to **grant** the Motion to Dismiss in its entirety because Complainant failed to plead sufficient, credible facts to support a finding that Respondent violated *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(f), and/or *N.J.S.A.* 18A:12-24.1(i).

Pursuant to *N.J.S.A.* 18A:12-29(b), the Commission hereby notifies Complainant and Respondent that, for the reasons set forth above, this matter is dismissed. This decision is a final decision of an administrative agency and, therefore, it is appealable only to the Superior Court-Appellate Division. *See, New Jersey Court Rule 2:2-3(a).*

Robert W. Bender, Chairperson

Mailing Date: June 28, 2022

***Resolution Adopting Decision
in Connection with C05-22***

Whereas, at its meeting on May 24, 2022, the School Ethics Commission (Commission) considered the Complaint, the Motion to Dismiss in Lieu of Answer (Motion to Dismiss), and the response to the Motion to Dismiss submitted in connection with the above-referenced matter; and

Whereas, at its meeting on May 24, 2022, the Commission discussed granting the Motion to Dismiss in its entirety for failure to plead sufficient, credible facts to support the allegations that Respondent violated *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(f), and/or *N.J.S.A.* 18A:12-24.1(i); and

Whereas, at its meeting on June 28, 2022, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on May 24, 2022; 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 June 28, 2022.

Kathryn A. Whalen, Esq.
Director, School Ethics Commission