

his then eight-year-old son at the time. Once inside, he met with Keansburg Board members Hugh Gallagher, Thomas Keelen, Judy Ferraro and Dolores Bartram. Keansburg Board member Thomas Keelen asked Mr. Noe for a \$1000.00 contribution for their political campaign in the presence of Board members Gallagher, Ferraro and Bartram. Thomas Keelen had not run for Board election in April 2000, but was still Keansburg Board President. He was seeking election to Borough Council in May 2000. At the time of the meeting in question, the board members were in the building working on Mr. Keelen's Borough Council campaign.

Dolores Bartram was at all times relevant to this complaint, a member of the Keansburg Board of Education. At the time of this discussion, she was in the building working for Thomas Keelen's campaign. She was also in the room when the discussion took place. However, other Board members testified that she was approximately 20 feet away from the discussion and did not participate in the discussion.

In April 2000, William Noe was an employee of Aramark Services Corporation assigned as Facilities Manager of the custodial, maintenance and grounds crew at the Keansburg School District. The Keansburg Board contracts with Aramark Services to provide custodial, maintenance and grounds work for the School District.

ANALYSIS

The issue before the Commission is whether the above facts establish that Ms. Bartram violated N.J.S.A. 18A:12-24(b) or (e) of the School Ethics Act by participating in the discussion in which Mr. Noe was asked to donate to a board member's political campaign with a threat that his company's contract would not be renewed.

N.J.S.A. 18A:12-24(b) prohibits a school official from using or attempting to use her official position to secure unwarranted privileges, advantages or employment for herself, members of her immediate family, or others. N.J.S.A. 18A:12-24(e) prohibits the solicitation of a political contribution based on an understanding that the contribution was given or offered for the purpose of influencing her, directly or indirectly, in the discharge of her official duties. The Commission finds Ms. Bartram's case to be close question. Unlike Mr. Manoes, she was present in the room and like Ms. Ferraro, did not disavow herself of the solicitation being made. However, if she was seated fairly far away as other board members testified and was not paying attention to the discussion, her distance explains why she did not disavow herself of the remarks of Mr. Keelen and others. After much deliberation, the Commission finds the case of Ms. Bartram closer to that of Mr. Manoes than to that of Ms. Ferraro, who testified that she met Mr. Noe outside and asked him to come into the building where the meeting took place and remained through the meeting. The Commission concludes that Ms. Bartram did not participate in the discussion at which the solicitation took place. Therefore, the Commission does not reach the issue of whether, if the conduct occurred, it constitutes a violation of N.J.S.A. 18A:12-24(b) or (e). Based on the testimony of the other Board members present, the Commission finds no

probable cause to credit the allegations that Ms. Bartram violated N.J.S.A. 18A:12-24(b) or (e) in connection with the meeting in question.

DECISION

For the foregoing reasons, the Commission finds no probable cause to credit the allegations that Dolores Bartram violated N.J.S.A. 18A:12-24(b) and (e) of the School Ethics Act and dismisses the complaint against her.

This decision is a final decision of an administrative agency. Therefore, it is appealable only to the Superior Court--Appellate Division.

Paul C. Garbarini
Chairperson

Resolution Adopting Decision -- C07-01

Whereas, the School Ethics Commission has considered the pleadings, documents and the results of its investigation; and

Whereas, the Commission has found no probable cause to credit the allegation that Dolores Bartram participated in asking Mr. Noe for a donation to a political campaign with a threat that his company's contract might not be renewed; and

Whereas the Commission has reviewed a draft decision; and

Whereas, the Commission agrees with the draft decision;

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

Paul C. Garbarini, Chairperson

I hereby certify that the School Ethics Commission adopted this decision at its public meeting on August 28, 2001.

Lisa James-Beavers
Executive Director