

Larkins, Jeannette

From: Brian Fabiano [REDACTED]
Sent: Tuesday, November 9, 2021 2:18 PM
To: angelica.allen-mcmillan@doe.nj.gov
Subject: [EXTERNAL] Follow up to my call -- request to speak TODAY

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Hello Commissioner Allen-Mcmillan,

I hope my note finds you doing well.

Per my conversation with you secretary earlier, I would like to speak with you TODAY about the crisis unfolding in Monroe Township. I had a lengthy conversation with Mr. Anderson today and I understand that the decision to approve our acting Superintendent lies with you right now. It is urgent that you act now and you must do so without bias from all of the political pressures that we as a community have uncovered in this case.

Our children's education deserves to be front and center, without political pressures and you have a duty to base your decisions on past precedent, not political pressures. To say that there are just a few conflicts of interest in this case, would be a huge understatement.

I will be attending a large community meeting tonight and I would like to deliver the facts, directly from YOU, so I am requesting that we speak today. If that is not possible, perhaps you will be open to speaking with us in-person tomorrow at your office. We have 3 dozen community members that are happy to hear from you at your office, TOMORROW.

Please let me know your pleasure for a conversation.

Regards,
Brian Fabiano
[REDACTED]

Larkins, Jeannette

From: Brian Fabiano [REDACTED]
Sent: Tuesday, Nove
To: angelica.allen-mcmillan@doe.nj.gov
Subject: [EXTERNAL] Re: Follow up to my call -- request to speak TODAY

CAUTION

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Hello, I am still waiting for your call.

[REDACTED]
On Tuesday, November 9, 2021, 2:17 PM, Brian Fabiano [REDACTED] wrote:

Hello Commissioner Allen-Mcmillan,

I hope my note finds you doing well.

Per my conversation with you secretary earlier, I would like to speak with you TODAY about the crisis unfolding in Monroe Township. I had a lengthy conversation with Mr. Anderson today and I understand that the decision to approve our acting Superintendent lies with you right now. It is urgent that you act now and you must do so without bias from all of the political pressures that we as a community have uncovered in this case.

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Regards,
Brian Fabiano
[REDACTED]

Larkins, Jeannette

From: Brian Fabiano [REDACTED]
Sent: Tuesday, November 9, 2021 4:02 PM
To: angelica.allen-mcmillan@doe.nj.gov
Subject: [EXTERNAL] Re: Follow up to my call -- request to speak TODAY

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Mrs. Commissioner,

Maybe we should bring the state ethics commission into your office and the counties office to investigate why politics is being played here. Never in the history of Monroe Township schools has an acting superintendent approval been used as a political chest piece. We have had two previous appointment's approved and neither candidate has a superintendents certificate!

We are aware of Mr. Anderson's conflict of interest with Anand Paluri who serves with him on the Middlesex County College Board and who is also a Monroe Township board of education member. Is it a coincidence that Anand Paluri voted against the appointment of Ms. Chanley and happens to the a relationship with Mr. Anderson who did not recommend her, I think not. The corruption is exposed, so now we watch your next move and get the ethics commission and attorney general involved, as needed. The move is yours Mrs. Commissioner and all eyes are on you!

On Tuesday, November 9, 2021, 2:17 PM, Brian Fabiano [REDACTED] > wrote:

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Please let me know your pleasure for a conversation.

Regards,
Brian Fabiano
[REDACTED]

Larkins, Jeannette

From: Brian Fabiano [REDACTED]
Sent: Wednesday, March 9, 2022 11:22 AM
To: angelica.allen-mcmillan@doe.nj.gov
Cc: kyle.anderson@doe.nj.gov; paula.bloom@doe.nj.gov; jorden.schiff@doe.nj.gov
Subject: [EXTERNAL] Monroe Township Acting Superintendent Chanley

CAUTION

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Commissioner Allen-Mcmillan,

I am a resident of Monroe Township in Middlesex County.

I am writing today in regards to your recent extension of Acting Superintendent of Monroe Township Schools, Chari Chanley. I have attached your letter of extension hereto as a reference point of my concerns and questions.

As you are aware, our permanent Superintendent's last day with our district was November 1st 2021. Since her departure, it has been clearly evident that some members of our board of education are in no rush to hire a permanent replacement. In fact, we have not had the job advertised since November 2021 to date and it is my understanding that only 3 candidates were interviewed last month at the board of education meeting. It doesn't take a hiring genius to figure out that we are not going to hire a suitable candidate, if we don't actually advertise the job for applicants to apply to. This is unacceptable and our students and residents are on the receiving end.

Furthermore, and perhaps not to your surprise, Acting Superintendent Chanley has a long standing personal relationship with our Board President, Ms. Skurbe, which makes this entire search conflicted. There is clear intent, which I have documented, to have Ms. Chanley become Permanent Superintendent and the process by which it will be done is deceitful, unethical, and a slap in YOUR face as the commissioner.

In your letter, you gave an expectation of a permanent hire by May 11th, which outside of a miracle is likely not to happen. In all honesty, the brakes will continue to be slammed to make sure it doesn't happen. So, I would like to know if you will just simply issue another 3 month extension or start listening to the many concerns of the community and stop this mayhem. As Commissioner of Education, you owe it to the children to get our schools back on track and make sure we are getting a valuable leader at the price tag of around \$254,0000 that we are paying now.

I trust in your guidance in this matter and your Honorable role as Chief of Education to take the necessary actions to help the children of Monroe Township.

Kind regards,
Brian Fabiano



State of New Jersey

DEPARTMENT OF EDUCATION

PO Box 500

TRENTON, NJ 08625-0500

PHILIP D. MURPHY
Governor

SEBILA Y. OLIVER
Lt. Governor

ANGELICA ALLEN-MCMILLAN, Ed.D.
Acting Commissioner

February 9, 2022

Mr. Vito A Gagliardi, Jr.
Counsel to the Monroe Township Board of Education
100 Southgate Parkway
PO Box 1997
Morristown, NJ 07962

Dear Mr. Gagliardi:

In accordance with N.J.A.C. 6A:9B-13.1, I am granting the Monroe Township Board of Education's request to extend Mrs. Chari Chanley's service as the district's Acting Superintendent from February 11, 2022 to May 11, 2022.

I understand that the Board has opened its search for a permanent superintendent and will soon be interviewing candidates. It is my expectation that the Board will hire a full-time, permanent superintendent before the expiration of this extension. Please keep the Executive County Superintendent informed of the search committee's progress.

Sincerely,

Angelica Allen-McMillan Ed.D.
Acting Commissioner

AAM/lis

c: Jorden Schiff
Paula Bloom
Kyle Anderson

Larkins, Jeannette

From: Brian Fabiano [REDACTED]
Sent: Wednesday, March 9, 2022 12:00 PM
To: angelica.allen-mcmillan@doe.nj.gov
Cc: kyle.anderson@doe.nj.gov; paula.bloom@doe.nj.gov; jorden.schiff@doe.nj.gov
Subject: [EXTERNAL] Re: Monroe Township Acting Superintendent Chanley

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Commissioner Allen-McMillan,

After I sent my last email, I thought about it and should have attached a text message that I got directly from the Board President on 12/27/21. Ms. Skurbe was on the board already but hadn't assumed the President Role. Can you see what is going on here. How is this OK? Mike is our Business Administrator...this is not OK. If the State will not step in, who will? I believe you have an obligation to help the nearly 7000 students in this district!



Chrissy >



Simple fact is Mike knows he's in trouble with Chari at the helm and if I'm president. The shit will be hitting the fan

I'm not afraid of shit
When they sue, the insurance pays not the tax payers. Let him sue - he won't win and if he gets paid then so be it. He needs have consequences for all he's done and continues to do

He is 1000%

He's doing everything to undermine Chari

And Michele has allowed it

Regards,
Brian Fabiano

On Wednesday, March 9, 2022, 11:22:15 AM EST, Brian Fabiano <[REDACTED]> wrote:

Commissioner Allen-Mcmillan,

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Counsel to the Monroe Township Board of Education
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Sincerely,

Angelica Allen-McMillan Ed.D.
Acting Commissioner

AAM/lis

c: Jorden Schiff
Paula Bloom
Kyle Anderson

Larkins, Jeannette

From: Brian Fabiano [REDACTED]
Sent: Thursday, March 17, 2022 8:55 PM
To: Karen Bierman; Chrissy Skurbe
Cc: Chari Chanley; Adam Layman; Michael Gorski; angelica.allen-mcmillan@doe.nj.gov; kyle.anderson@doe.nj.gov
Subject: [EXTERNAL] Re: [External Email]Karen Bierman - Urgent Concerns relating to Conduct

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On Thursday, March 17, 2022, 8:23 PM, Brian Fabiano [REDACTED] wrote:

Ms. Beirman,

Thank you for your input, I have taken it under advisement and at this point will let the professionals, ie. Ethics Commission enlighten all on what's ok and not ok.

Happy Early Spring,

Brian Fabiano

On Thursday, March 17, 2022, 7:39 PM, Karen Bierman <Karen.Bierman@monroe.k12.nj.us> wrote:

There is no legal requirement concerning conduct toward fellow board members and no legal requirement concerning appropriateness / conduct at public meetings in regards to the code of ethics. Those are recommendations intended to encourage civil discourse at board meetings and among board members - but they are not legally required. Though I attempt to function in a kind and thoughtful manner in my life, I am human and always on a continuum of improvement, self awareness and growth. It remains a disappointment to me that board service has been met with discouragement, frustration, hostilities, divisiveness, etc. vs. tolerance for different perspectives and an avenue for people to engage in meaningful dialogue to promote support to the district administration and provide encouragement to the board to support the administration and simply be thorough and provide oversight to the adherence of policies and regulations.

I remain vigilant in my efforts to do such and at the same time not cater to or fear a dissenting and hostile minority (either on the board or from the public) who choose to work against the efforts of consideration for the educational welfare of the children. A minority who support defamation and are

immature and unable to display tolerance and consideration for multiple perspectives and promote deliberation to a majority consensus.

It's always a disappointment when someone extends themselves as a concerned person and solicits friendship and open dialogue and then turns around and wants to utilize that same open dialogue to create fear or control outcomes or behaviors. To seize power? To retaliate? To stroke their fragile ego?

Sure, there are many texts and messages and phone conversations and emails, etc. ...and I'm perfectly willing to publish the ENTIRE histories - not snippets out of context. There isn't anything that an Ethics Commission is going to sanction on when considered in context. Nothing illegal transpired on my end. My opinions and even my rantings and frustrations are not illegal. And I am more than willing to own any embarrassment or awkwardness they may cause to me or others. I'll even open the door and circulate the full historiesand include all the other ancillary photos and texts and emails I've accumulated.

Yours in service,
Karen

From: Brian Fabiano [REDACTED]
Sent: Thursday, March 17, 2022 4:37 PM
To: Chrissy Skurbe <Chrissy.Skurbe@monroe.k12.nj.us>
Cc: Karen Bierman <Karen.Bierman@monroe.k12.nj.us>; Chari Chanley <xxxxx.xxxxxxx@xxxxxx.xxx.xx.US>; Adam Layman <xxxx.xxxxxxx@xxxxxx.xxx.xx.US>; Michael Gorski <xxxxxx.xxxxxxx@xxxxxx.xxx.xx.xx>
Subject: [External Email]Karen Bierman - Urgent Concerns relating to Conduct

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Monroe Township IT Department

Board President Ms. Skurbe,

I am writing today with concerns about the Board Vice President- Karen Bierman's public conduct in the capacity of Board Member. As Board President, I believe you should be aware of this situation, so there are no surprises in the near future.

In full transparency, I am in receipt of many messages, where Ms. Bierman has attempted to undermine the board of education and administration. Madam President, you are included in these messages and I do believe that basis for Ms. Bierman's actions, compromises the integrity of the Board of Education. Without a doubt, Ms.

Bierman has violated multiple ethical violations of a board member, of which I plan to pursue ethics complaints with the State of NJ on.

I think you should be aware of the following as examples:

- * Ms. Bierman has stated to me that she is in the role of Vice President unofficially, because her appointment actually required a full board vote.
- * Ms. Bierman has directed me on how to OPRA specific records to undermine the administration and board.
- * Ms. Bierman has described this board and you Madam President as being "regime-like"
- * Ms. Bierman has outlined in messages, the intention of the board to "Protecting Chari's path to permanent"
- * Ms. Bierman has through messages stated that board members are "getting alarmed" with Ms. Chanley
- * Ms. Bierman revealed an alternative path for Ms. Chanely whereby she states "Chari already carved a backdoor for herself...thinks there should be two assistant superintendent's...not one"
- * Ms. Bierman via messages accuses the board as being retaliatory and one of creating "rough roads" for those who aren't aligned with them.

Madam President, these are a handful of examples but there is much much more. I am asking for your immediate attention to this matter and perhaps a review by the board to see if Ethics charges, on behalf of the board, should be taken immediately.

I will follow-up with another email to give you screen shots, so that action can be taken.

Thank you!

Larkins, Jeannette

From: Brian Fabiano [REDACTED]
Sent: Wednesday, March 23, 2022 8:48 AM
To: angelica.allen-mcmillan@doe.nj.gov
Cc: julie.bunt@doe.nj.gov; daryl.minus-vincent@doe.nj.gov
Subject: [EXTERNAL] Acting Superintendent Chari Chanley - Monroe Township

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Good Morning Commissioner Allen-Mcmillan,

I am writing today, again, to stress my concerns in the Monroe Township Board of Education. To date, this office has been quiet, while hundreds of parents and community members are speaking out against the corruption taking place in front of our eyes.

Four months ago, you approved Acting-Superintendent Chanley, after the County Commissioner failed to give her a recommendation for the role. While I understand that we needed an Acting Superintendent at the time, given that the board of education waited until the last minute to fill the role, the events that have followed her appointment have been very detrimental to the education community at large. Frankly stated, you have an Acting-Superintendent that is personal friends with the President of the Board of Education (Ms. Skurbe) and the sole focus thus far has been serving Ms. Skurbe's personal vendetta's inside the school system. As a community, we are well aware of Ms. Chanley and Ms. Skurbe's actions to undermine the Business Administrator, other administration, and any teachers who may be disliked. Furthermore, in Ms. Chanley's short tenure, she has removed the OPRA process from our Business Administrator/Board Secretary, which is highly unusual but a direct way for her and Ms. Skurbe to withhold transparency into what is really going on behind the scenes.

Ms. Commissioner, we are almost 9 months past the retirement notice of our previous Superintendent and it is clear that this board has no real intention of hiring someone other than Ms. Chanley for the Permanent position. As a community, we will not stand for a hire of someone who is unethical, lied about her degrees, continues to lie about her education, and is doing everything she can to undermine the foundation of our education system.

We need your office to step in and conduct an investigation and require the district to appoint an ethical Acting-Superintendent, until a permanent one is found. It is no secret, and Ms. Skurbe has publicly expressed it, that there will not be a permanent hire by the May 11th date that you highlighted in your letter and their stance is that you will be FORCED to extend Ms. Chaley again. It is time that you take a stance for the children and listen to the hundreds of parents who have reached out to your office. As a community, we are organizing the media to come in and cover this story and we hope that your office will be portrayed in a good light the continued facts about these unethical behaviors are released.

We need you and we need you now, Ms. Commissioner.

Sincerely,
Brian Fabiano
Parent [REDACTED] in Monroe Schools

Larkins, Jeannette

From: Brian Fabiano [REDACTED]
Sent: Monday, March 28, 2022 4:08 PM
To: angelica.allen-mcmillan@doe.nj.gov
Cc: School Ethics; daryl.minus-vincent@doe.nj.gov; julie.bunt@doe.nj.gov; kyle.anderson@doe.nj.gov
Subject: [EXTERNAL] Monroe Township School District- Ethics Issues - Follow up

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Commissioner Allen-Mcmillan,

I have been in communication with you and your office for about a month now regarding the practices by the Monroe Township Board of Education and Acting-Superintendent Chanley. While your office has yet to take action on the many suspected ethics violations taking place, your office has at least recognized the many many emails and phones calls that you have received regarding same. Simply put, day by day, things are getting worse! Our children are being subjected to many hostilities and unethical practices by a few elected BOE members and our Acting-Superintendent Superintendent has been an accomplice.

As you are aware, recently there was much public outcry to the way the Board of Education handled one of our school clubs, namely the booster club. While our Board President addressed the matter as being handled properly, I attach here a message from a current board member (Karen Walka Bierman) where she notes Ms. Chrissy Skurbe trying to "convince me to help her f*ck over the booster club". As you can see, we have a sitting board member who is using her position, along with the Acting-Superintendent to hurt the children that are a part of this club. While Ms. Skurbe may have personal dislikes for adults leading this club, she should not have the right to "f*ck" over the club.

Secondly, regarding Acting-Superintendent Chanley, you are well aware of the public's concern about the falsehoods in Ms. Chanley's resume, education, and the many years (5 to be exact) where she portrayed herself as a "Dr." in our district. Given the concern with Ms. Chanley's credibility and truthfulness in the district, it appears your office continues to turn a blind eye, when you continue to extend her. Furthermore, there is documented proof, attached here and well known within the district, that Ms. Chanley, with the help of Ms. Skurbe are unethically undermining the district Business Administrator as part of a personal vendetta and "payback campaign"....see attached messages related to same. In one message, from Ms. Skurbe (Board President) she says, "Simple fact is Mike Knows he's in trouble with Chari at the helm and if I'm president. The shit will be hitting the fan" She later goes on to welcome a lawsuit against the district for her and Ms. Chanley's actions, knowing that they will result in same. In another message from Ms. Walka (board member), she states, "calling her out on things she's doing wrong with Gorski, that is going to bite the district". She goes on to say she wants Mike taken out in shackles. No board member or Acting-Superintendent shall be able to use their positions to hurt personnel and the district.

As you can see, in just the two scenario's that I have brought to your attention here, Monroe's education system is under attack and our children are paying the price. As a community, we are asking you to step in and do an investigation into the events that are taking place. How much longer can we allow this to go on before the credibility of our school system is compromised and will take years to repair?

I look forward to your response.

Thank you,
Brian Fabiano

Thirdly, demonstrated in
messages,

1:24

Facebook



Karen Walka

abstain shouldn't even be allowed. it's a political tool.

Make a decision don't pussy foot around it!

and for votes, we need to make sure these new girls know how the process works or were fucked

of course i want to try and navigate this without burning every bridge.....and i'll remain steadfast and "proper" in my delivery. not sure if Chrissy is mature enough (like she says she is) to entertain resistance.

She did great last night.....and even at the end of all that at 2 Am...she's willing to stand in the parking lot in 17 degrees to convince me to help her fuck over the booster club....so....she has her agendas. lol

They don't want resistance and

This person is unavailable on Messenger.

More options

4:31



< 101



this shit, she has no life. how do you not spend time with your special needs child?

And it's all rooted in hate

this is how she thinks she will win a 3rd try. try to turn everyone against this board

Simple fact is Mike knows he's in trouble with Chari at the helm and if I'm president. The shit will be hitting the fan

I'm not afraid of shit
When they sue, the insurance pays not the tax payers. Let him sue - he won't win and if he gets paid then so be it. He needs have consequences for all he's done and continues to do

He is 1000%

He's doing everything to undermine Chari

And Michele has allowed it

Sun, Jan 2, 8:26 PM



iMessage



Sun, Jan 2, 8:26 PM



iMessage



2:24

Facebook



Karen Walka

and the problem is - it's not about doing what is right for kids. It's about protecting Chari's path to permanent.

and maybe Chari being permanent is what is best....maybe not.....this is supposed to be the let's see period.....and they are perverting it

so me, belko, michelle that started out as we want an outsider.....but were willing to wait and see Chari progress or not.....i have to assume they are also getting alarmed.

The kids and community shouldn't suffer because Liz and Chrissy want to protect Chari's path. They are actually creating the opposite reaction and it is going result in someone new in there which I truly believe in my heart needs to happen now. I am sorry. If Chari didn't want to tread these waters she could tell them to back down and let her

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More options



Karen Walka

so it's falling on me which is good because I'm fair. I'm not on a side.....i'm not drawing lines...I'm trying to listen and understand each thing and treat it with rational debate.



I'm going to talk to her today. i want to see where she stands and if she is going to run again, we have leverage on her imo

and I challenged chari in public and in closed session

brutally in closed session calling her out on things she's doing wrong with gorski that is going to bite the district

vito agreed with me.....i think even chrissy agreed with me.....

so either now they will start shutting me out and I'll have to dig harder....or they'll start cluing in that it's GOOD to have different perspectives and lenses on things and not just run wild.



This person is unavailable on Messenger.

More options



Karen Walka

oh! yeah she's going to have a hard time with that

that's going to play out - - we have four - ish that are still "live" that can be interviewed.

we'll say we feel we didn't meet enough.

so we'll repost and harvest fresh resumes

chrissy has to do that because Chari never applied to be permanent so we can't even consider her unless the post reopens

so we re-post the position and now chari, adam, and new crop apply

then we go through stupid process again.....

interview - narrow it down to our internal candidates plus 2 from the outside.



Well that needs to happen

This person is unavailable on Messenger.

More options



Karen Walka



the outside.

Well that needs to happen because it just does. I lost my warm and fuzzies this week but I am trying to be nice about it. don't know how long though because i have no filter to my opinions...guess it's my flaw

and then we see where it lands.

maybe by then it's a year from now and Chari is a super star.

we're done with pandemic

we are progressed with a referendum and she's getting that done.

Mike is gone or in such shackles he's a non-entitiy other than to do his job.

there's no dissension / tension in the board....no sides etc.

and life is good so Chari gets confirmed



A lot of variables but if we wait a

This person is unavailable on Messenger.

More options

Larkins, Jeannette

From: Brian Fabiano [REDACTED]
Sent: Sunday, April 3, 2022 10:13 PM
To: angelica.allen-mcmillan@doe.nj.gov; kyle.anderson@doe.nj.gov; daryl.minus-vincent@doe.nj.gov
Subject: [EXTERNAL] Acting Superintendent Chanley - Monroe Township

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Good evening Commissioner Allen-Mcmillan, Assistant Commissioner Minus-Vincent and County Executive Superintendent Anderson,

I and many have been in touch with this office regarding the mayhem taking place in Monroe Township. Day by day, things are getting worse and there is no end in sight, given the leadership of this BOE is doing everything they can do unethically undermine the superintendent hiring process for their friend, Chari Chanley.

Very soon, you will both be asked to extend Ms. Chanley again, but I strongly caution you in doing so, for the sake of the children and community. I am attaching hereto, two messages that I received from the current board vice president, Ms. Karen Walka Bierman. Pursuant to previous communications to your offices, these messages directly from the boards VP bolster the problem that lies before us. Ms. Skurbe the boards President is described as the one actually administering the schools. Furthermore, Ms Bierman goes on to allude to the purposeful deception and "fixing" of the superintendent hiring process so that Ms. Chanley can be pushed for the permanent position.

In another message I attach hereto, it is evident directly from the President when she texted me last year that she wanted to purposely cause issues at the state and county level, so Ms. Chanley could get appointed.

Frankly speaking, Ms. Commissioner and Mr. Superintendent, we need your leadership to address the blatant unethical behaviors before us and put a stop to this chaos that our district is going through. It is no surprise that this district has made no progress in finding a permanent superintendent in nearly 9 months since our last superintendent announced her retirement in July of 2020. Simply extending Ms Chanley, again after this month, is just a confirmation from the State and County that this behavior is acceptable.

I kindly ask that you look at the situation presented before you and root your decisions with the facts moving forward. We are all counting on you!

Regards,
Brian Fabiano

9:53



< 116

Chrissy >



Yes
You want to fuck things up
today?

We need people to call the
county and start yelling and
screaming that they are causing
chaos in our district

And the state commissioner

call me

Looking for a number

Kyle Anderson



other

Kyle.Anderson@doe.nj.gov

Add to VIP

Block this Contact

Send Message

Share Contact

Create New Contact

Add to Existing Contact



iMessage



9:41

Facebook



Karen Walka

yes!

the board as a whole has the support them or dispute them.

we aren't supposed to be fucking crafting them and guiding her.

her and Chrissy spending WAY TOO MUCH time doing this together.

if the board writes the rules and tells the super what to do then you don't need a super lol

Chrissy is co-superintendent at this point.

and i love chrissy and she means well and other than the vengeance against certain people and situations on the most part the direction is what is should be - but there is a role and method and she's going to be sorry that she's staging it this way with Chari



9:38

Facebook



Karen Walka

oh! yeah she's going to have a hard time with that

that's going to play out - - we have four - ish that are still "live" that can be interviewed.

we'll say we feel we didn't meet enough.

so we'll repost and harvest fresh resumes

chrissey has to do that because **Chari** never applied to be permanent so we can't even consider her unless the post reopens

so we re-post the position and now chari, adam, and new crop apply

then we go through stupid process again.....

interview - narrow it down to our internal candidates plus 2 from the outside.



10:07 ↗



◀ Facebook



Karen Walka

Chrissy is **running** chari. Chari doesn't have her bearings and seems to be calling her for everything.

Chrissy doesn't even want to be this involved. Chari is exhausting her. Lol



Larkins, Jeannette

From: Brian Fabiano [REDACTED] >
Sent: Thursday, April 21, 2022 3:39 PM
To: angelica.allen-mcmillan@doe.nj.gov; kyle.anderson@doe.nj.gov
Cc: julie.bunt@doe.nj.gov; paula.bloom@doe.nj.gov; daryl.minus-vincent@doe.nj.gov
Subject: [EXTERNAL] Monroe Township- Acting Superintendent Chanley

***** CAUTION *****

This message came from an **EXTERNAL** address [REDACTED]. **DO NOT** click on links or attachments unless you know the sender and the content is safe. **Suspicious?** Forward the message to spamreport@cyber.nj.gov.

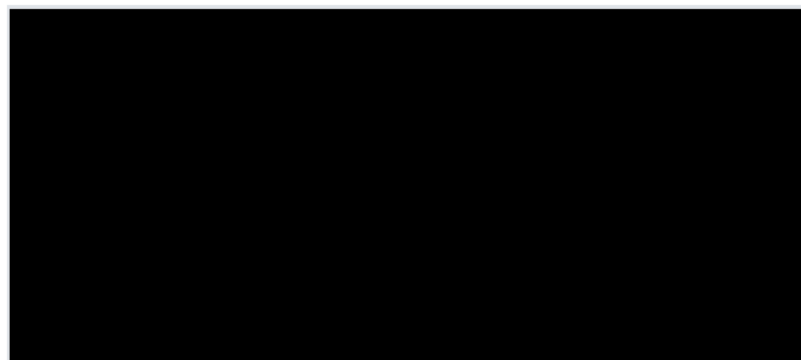
Commissioner Allen-McMillan, County Superintendent Anderson,

I have been in contact with your offices many times over the last couple of months regarding the Acting-Superintendent in Monroe Township. I am attaching hereto, a video from a finance committee meeting last week, that I want you to view.

Do you think it is appropriate for an Acting-Superintendent to carry herself in a meeting and in representing herself to the public? Why is she lipping to the Board President when the Business Administrator is speaking. Why is she talking over another school administrator? She has NO respect for the Business Administrator and has continued her undermining of his position to appease the Board President who fights to keep her in the Superintendent position.

This behavior must STOP and the community is calling on you to **NOT RENEW** Ms. Chanley's contract again past May 11th. The Monroe BOE has CLEARLY disregarded the Commissioner's expectation of finding a permanent Superintendent by May 11th and have publicly joked about their ability to override this office's decisions. It is time to end this 9 month game and step in to help the children and community that you are elected/appointed to represent!

[Board President with no accounting degree tries to micromanage well-qualified business administrator](#)



Board President with no accounting degree tries to micromanage well-qual...

Regards,
Brian Fabiano

Larkins, Jeannette

From: Brian Fabiano [REDACTED] >
Sent: Wednesday, May 11, 2022 10:57 AM
To: jorden.schiff@doe.nj.gov; angelica.allen-mcmillan@doe.nj.gov
Subject: [EXTERNAL] DOE Must not extend corrupt Monroe Acting Superintendent

***** CAUTION *****

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Hello Mr. Schiff ,

Please see the attached video...this is a powerful testament of why Chari Chanley should not be extended. 5 years of lying in a school year book claiming to be a "Dr." says a lot about the integrity of the HIGHEST paid superintendent in Monroe's history. This is cronyism at its finest and the children are suffering. Our administrators and staff are being pushed out in a witch-hunt that has never occurred in this district in the decades of its existence. You must act!

<https://youtu.be/ULKvuqN97LM>

Larkins, Jeannette

From: Brian Fabiano [REDACTED] >
Sent: Saturday, July 2, 2022 7:38 AM
To: Angelica COMMISSIONER Allen-McMillan; Julie Bunt; jorden.schiff@doe.nj.gov; Kyle Anderson; constituent.relations@nj.gov; brianna.earle@nj.gov
Subject: [EXTERNAL] Monroe Township Board of Education

***** CAUTION *****

This message came from an **EXTERNAL** address [REDACTED] **DO NOT** click on links or attachments unless you know the sender and the content is safe. **Suspicious?** Forward the message to spamreport@cyber.nj.gov.

Dear Dr. Angelica Allen-McMillan and Mr. Kyle Anderson,

My name is Brian Fabiano and I write to you as a concerned resident of Monroe Township, Middlesex County, NJ. As a member of the Monroe Township School District community, this letter serves as my attestation that the Board of Education, led by Board President Chrissy Skurbe, did not conduct a good-faith Superintendent search, and did not engage the community as the Commissioner required the Board to do so in her May 13, 2022 letter to the Board granting Chari Chanley a second extension. With the resignation of Dr. Dori Alvich in July 2021, the Board has had a year to fully involve the community in selecting a qualified Superintendent, which they have failed to do.

Only through an OPRA request of the June 24 biweekly report to Mr. Anderson, did the community have any indication that the Board had chosen a permanent Superintendent. In this report, President Chrissy Skurbe affirmed to Mr. Anderson that "The Board is satisfied that it followed the process set forth by NJ School Boards Association. The Board received the applications, researched them all and interviewed selected applicants in the exact same way." The Board entered into a Limited Service Agreement with the NJSBA on March 15, 2022, for the sole purpose of collecting and delivering an applicant pool on May 19, 2022. This was the only time the Board engaged the services of the NJSBA. Thirty applicants were previously rejected from the Board in November. According to Board member and former Board President Michele Arminio, none of these applicants were qualified. **We know that the NJSBA offers a greater range of services to fully guide a district through the process of selecting a Superintendent, and we are greatly distressed that the Board selected the most limited service from the NJSBA, all the while claiming to you both that they are following a "process."**

The need for a full partnership with the NJSBA was also clear with the Board's inadequate handling of a community survey. **The NJSBA advises that community surveys contain 7-8 questions and that survey results be presented and shared with the community. In spite of that, the Board's survey contained two open-ended questions and the Board's legal counsel, Vito Gagliardi, in his June 22 response to several OPRA requests for the survey results, erroneously claimed that the results were privileged information, not to be released until the selection of the Superintendent.**

However, according to the June 24 report to you, Ms. Skurbe confirmed the Board had already chosen a permanent superintendent on June 21. **So, even though survey results are not privileged in the way Mr. Gagliardi is claiming they are, by his own criteria this information should be available.** If the district actually partnered with the NJSBA, the community would not be shut out of the proceedings. The

survey results would have been presented to the public on June 1, instead of limited to a “closed session” discussion.

Again, the Board is shutting out public participation at every opportunity. On June 21, June 14, June 1, and May 19, the Board held the only Public Forum after the closed session meeting. This meant that the public only could be heard hours after the Board meeting began, and after closed session resolutions were made. At these particular meetings, either no member from the public spoke, or just one. **By deliberately scheduling Public forum after closed session, the Board sought to make it prohibitive for members of the public to participate during Board meetings, as some of these meetings ran until 10:00 PM - 12:00 AM.**

The Board is currently attempting to appoint Chari Chanley while maintaining a facade of procedure and ethics. As a community member, I assure you, there is nothing ethical about this Board’s behavior. With regards to the Superintendent search, the public cannot be seen nor heard. Given Ms. Chanley’s lack of qualifications, the unethical personnel changes she has orchestrated (i.e. unjust suspension of the Business Administrator and non-contractual appointments of Acting Business Administrator and Board Secretary, as separate roles) and her personal relationship with several Board members including the President of the Board, Chrissy Skurbe (who refuse to recuse themselves, see [*Isaacs vs. Monroe Township Board of Education, Docket No. MID-L-2704-22*](#)), her appointment as Superintendent is contrary to the educational welfare of children ([*Ferguson vs. Fipp, Docket No. C12-09*](#)).

While the Board may not want the community to get involved, I write to you in the hopes that my efforts will lead to a fair and equitable appointment of a Superintendent who will secure the educational welfare of the children of Monroe Township.

Best regards,
Brian Fabiano
Monroe Township

Larkins, Jeannette

From: Brian Fabiano <[REDACTED]>
Sent: Monday, July 18, 2022 6:13 PM
To: Angelica COMMISSIONER Allen-McMillan
Cc: Kyle Anderson; Jorden Schiff; Julie Bunt; constituent.relations@nj.gov; sengreenstein@njleg.org; Assemblyman Daniel R. Benson
Subject: [EXTERNAL] URGENT-- Superior Court Decision regarding Monroe Township Board of Education
Attachments: Monroe Decision Resolution A.pdf

***** CAUTION *****

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Commissioner Allen-McMillan,

Attached hereto is a ruling by Superior Court Judge Michael Toto in the Middlesex County that was handed down today. This matter stems from a lawsuit filed on behalf of Monroe residents against the Monroe Board of Education for conflictions related to Chari Chanley. Judge Toto **DENIED** the motion to dismiss and **STAYED** the matter until this is investigated by the Commissioner of Education.

As community members, we are asking the Commissioner to stop any contract approvals of Chari Chanley until this matter is adjudicated by your office and the court. Judge Toto's ruling on not dismissing this complaint was decided after hearing a mountain of evidence that was provided and orally argued before the court. Your action on this matter is urgent and cannot be overlooked given this court order.

We respectfully ask that your office pursue this investigation and **HOLD** any further approvals on Chari Chanley.

Respectfully,
Brian Fabiano - Monroe Township Resident and Parent.

Hon. Michael A. Toto, A.J.S.C.
 Middlesex County Superior Court
 56 Paterson Street
 PO Box 964
 New Brunswick, NJ 08903-0964
 (732) 645-4300

LILIAN ISAACS,

Plaintiff,

vs.

MONROE TOWNSHIP BOARD OF
 EDUCATION,

Defendant.

:
 : SUPERIOR COURT OF NEW JERSEY
 : LAW DIVISION: MIDDLESEX
 : COUNTY
 :
 : DOCKET NO. MID-L-2704-22
 :
 :
 : *Civil Action*
 :
 : *ORDER AND MEMORANDUM*
 :
 :
 :

THIS MATTER having come before the Court by way of Verified Complaint in lieu of Prerogative Writs filed by Aloia Law Firm, LLC, attorneys for Plaintiff, and the Court having considered the papers submitted and any opposition thereto, including the Motion to Dismiss filed by Defendant, and for good cause shown;

IT IS ON THIS 18TH DAY OF JULY 2022, ORDERED AS FOLLOWS:

ORDERED that the motion of Defendant Monroe Township Board of Education to dismiss Plaintiff's Verified Complaint in lieu of prerogative writs is hereby **DENIED WITHOUT PREJUDICE**; and it is further

ORDERED that this matter be referred in its entirety to the Commissioner of Education and the School Ethics Committee to resolve any and all issues they deem appropriate, based on the reasons included in the attached memorandum of law; and it is further

ORDERED that this matter will be **STAYED** until the Commissioner of Education and/or the School Ethics Committee exercises its primary jurisdiction in this matter, and until the other related matters are resolved; and it is further

ORDERED that a copy of the within Order shall be served upon all parties upon its upload to e-Courts.

Michael A. Toto, A.J.S.C.

Lilian Isaacs v. Monroe Township Board of Ed.
MID-L-2709-22

MEMORANDUM OF LAW

FACTUAL BACKGROUND

Plaintiff Lilian Isaacs is a resident of Monroe Township in Middlesex County. Defendant, the Monroe Township Board of Education, is a public body comprised of 10 members. On May 5, 2022, the Board held a Special Meeting. During that meeting the Board discussed and voted on Resolution A, which extended the employment contract for Chari Chanley, Acting Superintendent of Schools, until June 30, 2022 or until a permanent Superintendent begins employment. Ms. Chanley was first approved to serve as the Acting Superintendent in November 2021 while the District conducted a search for a permanent Superintendent. The term of Ms. Chanley's employment contract was originally slated to end February 1, 2022, but it was extended for a three-month period through May 11, 2022. On May 5, 2022, after hearing public comment, the Board moved into Executive Session where they privately discussed Resolution A. The Board then returned from Executive Session and publicly voted to approve Resolution A. Board Members Katie Fabiano and Kate Rattner recused themselves from the vote. Michele Arminio abstained. Paul Rutsky voted no. Board President Chrissy Skurbe, Board Vice President Karen Kierman, and Board Members Kathleen Belko, Gazala Bohra, Ken Chiarella, and Adi Nikitinski all voted yes.

REQUESTED RELIEF

Plaintiff asks this Court to order that the May 5, 2022 votes on Resolution A was invalid and in contravention of the School Ethics Act. Plaintiff also asks this Court to void the votes on Resolution A and award Plaintiff attorneys' fees and costs of suit.

PLAINTIFF'S ARGUMENT

Plaintiff argues that the School Ethics Act require Board Members Skurbe, Nikitinsky, and Chiarella to recuse themselves from the discussion and voting on Resolution A. Plaintiff claims Skurbe, Nikitinsky, and Chiarella have conflicts of interest under School Ethics laws, and by discussing and voting on Resolution A they violated N.J.S.A. 18A:12-24.1(b), (c), and (f). Plaintiff argues that Skurbe has a close personal friendship with Acting Superintendent Chanley, which included Chanley helping Skurbe create a Parent Staff Association ("PSA") at Monroe Township Middle School. Plaintiff also points to Facebook messages between Bierman and Brian Fabiano that discuss Skurbe allegedly guiding Chanley in her position. Plaintiff further argues that Nikitinsky and Chiarella also have a close friendship with Chanley. Plaintiff submits pictures of Chanley, Skurbe, Nikitinsky, and Chiarella together at the First Communion celebration for Skurbe's son. Ex. C. Nikitinsky has a further conflict, Plaintiff claims, because Chanley promoted Nikitinsky's personal business, Dot Designing and the Orange Media Group, while she was acting as Chief School Administrator.

Plaintiff separately argues that Bierman should have also recused herself from the Executive Session discussion and the public vote on Resolution A because she paid Chanley's husband for life-coach services [REDACTED] in 2021. Plaintiff points to the Board's vote on Chanley's employment on November 17, 2021, in which Bierman recused herself based on this conflict. Plaintiff claims that Bierman's conflict has not been resolved, and Bierman knew that voting in favor of Chanley in the May 5, 2022 vote was improper.

Lastly, Plaintiff claims that Skurbe, Nikitinsky, and Chiarella have "acted in collusion to stall and thwart the District's search for a permanent Superintendent with the motive of installing Chanley to the permanent position." Plaintiff posits that on February 16, 2022, Skurbe told the public that the application process for the Superintendent search had been closed since November 23, 2021. Plaintiff claims Skurbe failed to disclose that the New Jersey Acting Commissioner of Education had set a deadline of May 12, 2022 for the District to employ a permanent Superintendent. On March 15, 2022, the Board voted to dissolve the Ad Hoc Committee formed to review Superintendent applications. The Board then allegedly directed the Board Attorney to seek a third extension from the Commissioner of Education to fill the permanent position. In April of 2022, the Board requested that the New Jersey School Boards Association assist in compiling resumes of Superintendent candidates. Plaintiff argues that Skurbe, Nikitinsky, Chiarella, and Bierman have purposefully stalled the Superintendent search waiting for Chanley to obtain the required educational credits so she can become the permanent Superintendent.

DEFENDANT'S ARGUMENT

Defendant filed a Motion to Dismiss or, in the alternative, to consolidate. Defendant argues first that this matter should be dismissed because the Plaintiff lacks standing. Second, Defendant claims that this matter should be dismissed because this Court lacks subject matter jurisdiction to determine violations of the School Ethics Act and Code of Ethics. Defendants propose that this Court invoke the doctrine of primary jurisdiction and defer this matter and the separate matter regarding Resolution B to the School Ethics Commission, which is already hearing eight pending ethics charges regarding some of the same allegations as here. These pending actions include:

- 1) C03-21, filed February 11, 2021, captioned Sarah A. Aziz, CPA v. Adi Nikitisnky;
- 2) C75-21, filed November 8, 2021, captioned Steven Riback v Christine Skurbe;
- 3) C82-21, filed November 18, 2021, captioned Sarah A. Aziz v. Kenneth Chiarella;
- 4) C10-22, filed January 19, 2022, captioned Sarah A. Aziz v. Adi Nikitinsky;
- 5) C37-22, filed April 1, 2022, captioned Brian Fabiano v. Christine Skurbe;
- 6) C50-22, filed April 29, 2022, captioned Katie Fabiano v. Christine Skurbe;
- 7) C53-22, filed May 2, 2022, captioned Kathleen Leonard v. Kenneth Chiarella;
- 8) C56-22, filed May 10, 2022, captioned Sarah Aziz v. Adi Nikitisnky, Ken Chiarella, Christine Skurbe, Karen Bierman.

Aside from standing and jurisdiction, Defendant further argues that Plaintiff fails to allege any disqualifying conflicts sufficient to invalidate either Resolution A. If this Court does not

dismiss the verified complaint, then Defendant requests that this matter be consolidated with the Resolution B matter because they involve common questions of fact and law and arise out the same board meeting.

PLAINTIFF’S REPLY

In reply to Defendant’s opposition and in opposition to Defendant’s Motion to Dismiss, Plaintiff argues that Plaintiff has standing to institute this matter as a taxpayer. Further, Plaintiff argues that she, and all other taxpayers of Monroe, have suffered harm from the ultra vires deliberation and votes on Resolutions A, which Plaintiff claims continues to negatively impact the way the district is run. Plaintiff cites New Jersey’s traditionally liberal approach to standing.

Plaintiff further argues that this Court has jurisdiction to hear these matters and is the only tribunal that can award the relief Plaintiff seeks—namely, declaring that Resolution A is invalid and setting aside the votes. Although there are several outstanding ethics matters against the Board Members involved here, Plaintiff argues that no ethics charges were filed regarding this matter specifically. For that reason, Plaintiff claims, there is no danger of piecemeal adjudication.

As to the merits, Plaintiff maintains that she has alleged facts sufficient to establish conflicts of interest here because the circumstances show that there existed a likelihood to tempt the Board Members to depart from their sworn public duties. Plaintiff claims that each of the Board Members here have direct personal interests in the Resolutions. Board Member Bierman had allegedly recused herself from voting on Chanley’s employment in November of 2021 due to Bierman hiring Chanley’s spouse for life coaching services for her child. For that reason, Plaintiff argues, Bierman knew she had a conflict on Resolution A and should have recused herself again. Plaintiff also argues that Nikitinsky has a direct pecuniary interest in Resolution A because he would allegedly receive direct financial gain from Chanley’s promotions of his business. Plaintiff further claims that Skurbe, Nitikinsky, and Chiarella’s close personal friendships with Chanley constitute conflicts of interest that necessitated recusals from the deliberation and vote on Resolution A.

Plaintiff neither joins nor opposes Defendant’s request to consolidate this matter with the Resolution B matter. Plaintiff notes that consolidation would offer some efficiency, but that efficiency may be outweighed by potential for confusion over particular facts.

Lastly, Plaintiff notes that the Board of Education has scheduled a meeting for July 20, 2022 in which the Board Members allegedly intend to deliberate and vote to appoint Chanley as the permanent Superintendent of Schools. Plaintiff requests that this Court direct Defendant that no vote be held and no contract be entered into until this matter is adjudicated.

DEFENDANT’S REPLY

In reply, Defendant reiterates its argument that this Court must dismiss Plaintiff’s verified complaint because it is an “unabashedly meritless attempt” to “overturn official government action

with which plaintiff personally disagrees while circumventing the jurisdiction of this State's educational agencies." In terms of standing, Defendant claims that Plaintiff never certified that she is actually a Monroe taxpayer, only that she is a resident. Further, Defendant argues that even if Plaintiff provided sufficient evidence of being a Monroe taxpayer, she does not explain with any specificity how the vote on Resolution A negatively impacts the district. Defendant notes that neither the School Ethics Act nor the Code of Ethics for Board Members contain a private right of action for citizens to sue.

Regarding jurisdiction, Defendant argues that Plaintiff concedes that the instant action is based solely on alleged violations of the School Ethics Act or the Ethics for School Board Members, which rests within the expertise of the School Ethics Commission. Defendant claims that of the eight pending SEC actions dealing with the Board, one of them involves the allegedly improper friendship between Nitikinsky and Chanley. Defendant asserts that Plaintiff does not explain how the eight pending SEC actions are irrelevant to this matter. Therefore, Defendant posits, this Court rendering a decision on this matter would disrupt the SEC's exclusive jurisdiction and run the risk of duplicitous, anomalous, or contradictory results.

Defendant further argues that Plaintiff does not alleged facts that establish a disqualifying conflict for any of the involved Board Members. Defendant also opposes Plaintiff's new request for this Court to preliminary restrain any future action on Chanley's contract. Defendant argues that not only is this request improper in its reply brief, but it is also futile under the doctrine of necessity. Defendant explains that even if this Court granted Plaintiff's requested relief, the doctrine of necessity would allow Board Members to vote on Chanley's contract notwithstanding any conflicts of interest.

ANALYSIS

The New Jersey School Ethics Act stands for the proposition that "[i]n our representative form of government it is essential that the conduct of members of local boards of education and local school administrators hold the respect and confidence of the people." N.J.S.A. 18A:12-22(a). For that reason, "board members and administrators must avoid conduct which is in violation of their public trust or which creates a justifiable impression among the public that such trust is being violated." Id. The School Ethics Act states, in relevant part, that:

- 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;
- 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;
- 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;

[. . .]

- 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;

[. . .]

- 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;

N.J.S.A. 18A:12-24. Plaintiff's verified complaint rests on the argument that four Board Members violated the above provisions of this act by discussing and voting on Resolution A. Defendant filed a motion to dismiss for failure to state a claim under R. 4:5-2(e). Before getting to the merits of Plaintiff's argument, however, this Court must first deal with Defendant's arguments as to jurisdiction.

I. Subject Matter Jurisdiction

Defendant claims that under the doctrine of primary jurisdiction, this Court should defer this matter until the School Ethics Commission (SEC) has the first opportunity to resolve the issue with their administrative expertise. Defendant points to eight pending actions with the SEC, one of which was filed against every Board Member at issue here. In her Verified Complaint, Plaintiff attached a previous SEC decision in which the SEC analyzed Nikitinsky's alleged pecuniary relationship between his company and the Monroe schools, but did not mention the role of Chanley in that relationship.

The doctrine of primary jurisdiction is "concerned with promoting proper relationships between the courts and administrative agencies charged with particular regulatory duties." Boss v. Rockland Electric Co., 95 N.J. 33, 40 (1983) (quoting United States v. Western Pac. R. Co., 352 U.S. 59, 63-64 (1956)). In considering whether to invoke the doctrine of primary jurisdiction, the Court considers "1) whether the matter at issue is within the conventional experience of judges; 2) whether the matter is peculiarly within the agency's discretion, or requires agency expertise; 3) whether inconsistent rulings might pose the danger of disrupting the statutory scheme; and 4) whether prior application has been made to the agency." Boldt v. Correspondence Management, Inc., 320 N.J. Super. 74, 85 (App. Div. 1999) (citing IPCO Safety Corp. v. Worldcom, Inc., 944 F. Supp. 352, 356 (D.N.J. 1996)). The doctrine of primary jurisdiction aims to "avoid piecemeal adjudication or duplicative, anomalous or contradictory results" and in these instances, it is appropriate "for a court to defer in its jurisdictional exercise, even if only temporarily, while the

administrative agency with the primary interest sorts out the issues and the claims.” Archway Programs, Inc. v. Pemberton Tp. Bd. of Educ., 352 N.J. Super 420, 425 (App. Div. 2002).

The School Ethics Act states that “[t]he commissioner shall have jurisdiction to hear and determine, without cost to the parties, all controversies and disputes arising under the school laws, excepting those governing higher education, or under the rules of the State board or of the commissioner.” N.J.S.A. 18A:6-9. Although the Court has found that the Legislature did not give the Commissioner of Education “exclusive jurisdiction” over these controversies, Roxbury Tp. Bd. of Educ. v. West Milford Bd. of Educ., 283 N.J. Super. 505, 519 (App. Div. 1995), it has found that the Commissioner has “primary jurisdiction to hear and determine all controversies arising under the school laws.” Bower v. Bd. of Educ., 149 N.J. 416, 420 (1997) (citing N.J.S.A. 18A:6-9; Dore v. Board of Educ., 185 N.J. Super. 447, 452 (App. Div. 1982)). The Court has invoked the doctrine of primary jurisdiction even when the question was not raised by either party. Bower, 149 N.J. at 420. The Courts have further noted its “institutional respect” for the Department of Education’s “first-instance-jurisdiction” and the Commissioner’s “plenary” authority over these types of cases. Archway Programs, 352 N.J. Super at 425 (citing Abbott v. Burke (I), 100 N.J. 269, 301 (1985)). Overall, when the “resolution of a contested legal issue properly brought before a court necessarily turns on factual issues within the special province of an administrative agency, the court should refer the factual issues to that agency.” Boss v. Rockland Electric Co., 95 N.J. 33, 42 (1983).

Here, as Defendant argues., Plaintiff’s claims arise entirely under the School Ethics Act and the Ethics for School Board Members. Further, this matter turns on factual issues rather than questions of law. These factual controversies are squarely within the expertise of the Department of Education, the Commissioner, and the SEC. The eight pending SEC actions all deal with the four Board Members at issue, and the SEC’s determinations in those actions would undoubtedly have an impact on the outcome of this matter. If this Court were to rule on this matter while the SEC handles those eight actions separately, it runs the very plausible risk of “piecemeal adjudication or duplicative, anomalous or contradictory results.” Archway Programs, 352 N.J. Super at 425. Plaintiff primarily argues that invoking the doctrine of primary jurisdiction is not proper because this Court is the only venue that can provide Plaintiff her requested relief, namely invalidating the contested Members’ votes and overturning the result. However, the proper course of action for this Court in invoking primary jurisdiction is not to dismiss the matter outright, but to refer the matter to the SEC and defer judgment until the SEC decides the related actions.

For these reasons, Defendant’s Motion to Dismiss is **DENIED** without prejudice, and the matter is referred to the Commissioner of Education and the School Ethics Commission. The matter will be **STAYED** until the School Ethics Commission decides whether to exercise jurisdiction in this matter, and until the other related matters are resolved. The remainder of the Parties’ arguments need not be addressed at this time.

Larkins, Jeannette

From: Brian Fabiano [REDACTED]
Sent: Friday, August 26, 2022 3:25 PM
To: Whalen, Kathryn
Cc: Allen-McMillan, Angelica COMMISSIONER; Bunt, Julie; Schiff, Jorden
Subject: Re: [EXTERNAL] Fw: C65-22 Abeyance

Ms. Whalen,

While I appreciate your time in drafting this email, you have again not provided any correlation between the Nikitinsky case. In fact, I was able to read the court case that Ms. Isaac's filed and I believe that case does not overlap with the Nikitinsky case either, outside of perhaps Mr. Nikitinsky. As you are aware, the Isaacs complaint includes multiple board members and my complaint (c65-22) does not include Mr. Nikitinsky at all. Delaying the commissions process for the other board members involved in SEC complaints is nothing more than a "free pass" given by this commission. It's no surprise that some of these board members have ending terms and will never have to face justice in their private roles.

So you are also aware, I had a chance to speak with the Deputy Attorney General in the Nikitinsky case (c03-21) and she said that the ALJ in that case has not even set a date for that hearing. As you can see, that case is over 18 months old now and it could be another one year before that is settled. In the meantime, given the nature of the complaints that you are putting into Abeyance, the tax payers of Monroe are having to foot the bill of conflicted contracts that are in the hundred's of thousands of dollars. Who will reimburse the tax payers when these cases are adjudicated in years to come? While I do not expect the commission's stance to change on this, I do hope that the Commissioner of Education and the Governors office will see how the negligence in delays here are costing hard working tax payers a lot of money and also hurting the children.

This will not go away, even in abeyance.

Thanks,
Brian

On Friday, August 26, 2022 at 02:49:56 PM EDT, Whalen, Kathryn <kathryn.whelen@doe.nj.gov> wrote:

Good afternoon, Mr. Fabiano.

The correspondence sent to you on August 23, 2022, from the School Ethics Commission (SEC) indicated that two matters, namely *I/M/O Adi Nikitinsky*, Monroe Township Board of Education, Middlesex County, Docket No. C03-21. and *Lillian Isaacs v. Monroe Township Board of Education*, New Jersey Superior Court, Middlesex County, Law Division, Docket Nos. MID-L-2704-22/MID-L-2709-22, must be fully and finally adjudicated before your matter, docketed as C65-22 by the SEC, could proceed. The latter matter, *Lillian Isaacs v. Monroe Township Board of Education*, New Jersey Superior Court, Middlesex County, Law Division, Docket Nos. MID-L-2704-22/MID-L-2709-22, cannot proceed unless and until the former matter, *I/M/O Adi Nikitinsky*, Monroe Township Board of Education, Middlesex County, Docket No. C03-21), is fully and finally resolved. Any such, your matter requires full and final resolution of both matters.

Please let me know if you have any other questions, and I hope this answers your inquiry.

Have a nice weekend.

Best,

Kathy



Kathryn A. Whalen, Esq.

Director, Office of School Ethics; Director, Office of Equal Employment Opportunity Officer; EEO/AA Officer;
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From: Brian Fabiano [REDACTED]
Sent: Thursday, August 25, 2022 12:24 PM
To: Whalen, Kathryn <Kathryn.Whalen@doe.nj.gov>
Cc: Allen-McMillan, Angelica COMMISSIONER <Angelica.Allen-McMillan@doe.nj.gov>; Bunt, Julie <Julie.Bunt@doe.nj.gov>; Schiff, Jorden <Jorden.Scxxxx@xxx.xx.xxx>
Subject: Re: [EXTERNAL] Fw: C65-22 Abeyance

Hi Ms. Whalen,

Can you or the commission explain to me how my complaint against Christine Skurbe for voting conflicted has anything to do with the Nikitinsky case that was filed 18 months ago regarding a separate issue regarding his business and the school PSA? One of two things is occurring here, the SEC doesn't understand the facts of the two complaints OR you are

purposely giving Ms. Skurbe a “pass” on this complaint. Answers must be given because you have yet to show the correlation. These are two VERY different issues.

Please provide the connection.

Thanks,

Brian

[Sent from Yahoo Mail for iPhone](#)

On Thursday, August 25, 2022, 12:13 PM, Whalen, Kathryn <Kathryn.Whalen@doe.nj.gov> wrote:

Good afternoon, Mr. Fabiano.

Thank you for your email; at this point, I can only reiterate that the School Ethics Commission has made its determination, and your matter is now placed in abeyance due to the actual pendency of two related matters. If you feel that contacting the Governor’s Office or the Commissioner of Education’s office would be of value, please feel free to contact those offices at your convenience.

Best of luck,

Kathy



Kathryn A. Whalen, Esq.

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From: Brian Fabiano [REDACTED]
Sent: Thursday, August 25, 2022 11:51 AM
To: Whalen, Kathryn <Kathryn.Whalen@doe.nj.gov>
Subject: Re: [EXTERNAL] Fw: C65-22 Abeyance

Hello Ms. Whalen,

I would like to discuss this with you when you have a few minutes. The Nikitinsky case has nothing at all to do with my complaint, nothing. My complaint is against a separate board member for an entirely separate violation. I believe that this action by the commission is a way to simply brush this issue under the rug and allow the respondent to continue her actions. I am happy to get in touch with the commissioners office or the governors office if that makes more sense, but I believe that this decision by the commission is inappropriate and is being done to prevent the respondent from being held accountable.

My number is [REDACTED]

Thank you,

Brian

On Thursday, August 25, 2022 at 10:07:49 AM EDT, Whalen, Kathryn <kathryn.whalen@doe.nj.gov> wrote:

Good morning, Mr. Fabiano.

Pursuant to *N.J.S.A. 18A:12-32*, the School Ethics Commission (Commission) “shall not process any complaint, issue a final ruling or issue any advisory opinion on a matter actually pending in any court of law or administrative agency of this State.” After review of the facts/issues pled in your Complaint, and those at issue in both related matters, the Commission determined, in an effort to avoid conflicting or inconsistent decisions or determinations, to hold your matter in abeyance. In short, it is the Commission

determination that there is enough of an overlap between your case and the related matters that placing your matter in abeyance is most appropriate, and warranted by *N.J.S.A. 18A:12-32*.

Thank you,

Kathy



Kathryn A. Whalen, Esq.

Director, Office of School Ethics; Director, Office of Equal Employment Opportunity Officer;
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From: Brian Fabiano [REDACTED] >
Sent: Tuesday, August 23, 2022 1:13 PM
To: Whalen, Kathryn <Kathryn.Whalen@doe.nj.gov>
Subject: [EXTERNAL] Fw: C65-22 Abeyance

*** CAUTION ***

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Ms. Whalen,

I am looking for clarification on the attached Abeyance that I received from the commission earlier today. In the second to last paragraph, there is reference to a case "Adi Nikitinsky". I am wondering why that case has any connection to my complaint? It is my understanding that Mr. Nikitinsky's case is unrelated and my complaint never mentions him at all. Can you please help me better understand the rationale used here in referencing said case.

Thank you,

Brian Fabiano

----- Forwarded Message -----

From: Silvestro, Mary <mary.silvestro@doe.nj.gov>

To: Brian Fabiano <[REDACTED]>; David Rubin <rubinlaw@att.net>

Sent: Tuesday, August 23, 2022 at 11:39:46 AM EDT

Subject: C65-22 Abeyance

Parties:

Attached hereto please find correspondence from the School Ethics Commission in connection with the above-referenced matter.

If you have any questions, or need additional information, please feel free to contact me.

Mary Silvestro

New Jersey Department of Education

Office of School Ethics and Legal Affairs

Phone: 609-376-9115

Fax: 609-633-0279

Email: mary.silvestro@doe.nj.gov

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