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Governor

TAHESHA L. WAY
Lt. Governor

State of New Jersey
DEPARTMENT OF EDUCATION
PO BOX 500
TRENTON, NJ 08625-0500

ANGELICA ALLEN-McMILLAN, Ed.D.
Acting Commissioner

December 5, 2023

Kurt Schwartz, Deputy Clerk
Office of Administrative Law
33 Washington Street
Newark, NJ 07102

RE: KATE RATTNER AND KATIE FABIANO v. CHRISTINE SKURBE, MONROE
TOWNSHIP BOARD OF EDUCATION, MIDDLESEX COUNTY, SCHOOL ETHICS
COMMISSION DOCKET #C29-23

Dear Mr. Schwartz:

Pursuant to N.J.A.C. 6A:28-9.8(a)(3), the School Ethics Commission is transmitting the file in the above-captioned matter for hearing to determine whether the respondent board member violated the Code of Ethics for School Board Members. Pursuant to N.J.S.A. 18A:12-29(b) and N.J.A.C. 6A:28-6.4, the complainant has the burden to factually establish a violation in accordance with the standards set forth in regulation. Please open a file as a contested case and assign an administrative law judge for a hearing.

Thank you.

Very truly yours,

Brigid C. Martens, Director
School Ethics Commission

Enclosures

c: Lester E. Taylor, III, Esquire
David B. Rubin, Esquire

***Before the School Ethics Commission
Docket No.: C29-23
Probable Cause Notice***

**Kate Rattner and Katie Fabiano,
Complainants**

v.

**Christine Skurbe,
Monroe Township Board of Education, Middlesex County,
Respondent**

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on March 10, 2023,¹ by Kate Rattner (Complainant Rattner) and Katie Fabiano (Complainant Fabiano) (collectively, Complainants), alleging that Christine Skurbe (Respondent), a member of the Monroe Township Board of Education (Board), violated the School Ethics Act (Act), *N.J.S.A. 18A:12-21 et seq.* More specifically, the Complaint avers that Respondent violated *N.J.S.A. 18A:12-24.1(a)* (Counts 1-4 and Count 6), *N.J.S.A. 18A:12-24.1(b)* (Count 5), *N.J.S.A. 18A:12-24.1(c)* (Counts 2, 3 and 6), *N.J.S.A. 18A:12-24.1(d)* (Counts 1-6), *N.J.S.A. 18A:12-24.1(e)* (Counts 2-6), *N.J.S.A. 18A:12-24.1(f)* (Counts 2-5), and *N.J.S.A. 18A:12-24.1(i)* (Count 2) of the Code of Ethics for School Board Members (Code). On April 21, 2023, Respondent filed a Written Statement.

The parties were notified by correspondence dated October 10, 2023, that the above-captioned matter would be discussed by the Commission at its meeting on October 17, 2023, in order to make a determination regarding probable cause. Following its discussion on October 17, 2023, the Commission adopted a decision at its meeting on November 28, 2023, finding that there are sufficient facts and circumstances pled in the Complaint and in the Written Statement to lead a reasonable person to believe that *N.J.S.A. 18A:12-24.1(c)* and *N.J.S.A. 18A:12-24.1(e)* were violated as set forth in Counts 2 and 3 of the Complaint, but insufficient facts and circumstances to lead a reasonable person to believe that the remaining allegations in the Complaint constitute a violation of the Act.

Based on its finding of probable cause, the Commission voted to transmit the above-captioned matter to the Office of Administrative Law (OAL) for a plenary hearing where

¹ On March 10, 2023, Complainants filed a deficient Complaint; however, on March 23, 2023, Complainants cured all defects and filed an Amended Complaint that was deemed compliant with the requirements detailed in *N.J.A.C. 6A:28-6.3*.

Complainants shall carry the burden to prove the allegations that Respondent violated *N.J.S.A.* 18A:12-24.1(c) and/or *N.J.S.A.* 18A:12-24.1(e) in Counts 2 and/or 3.

II. Summary of the Pleadings

A. *The Complaint*

In Count 1 of the Complaint, Complainants allege that at the August 17, 2022, Board meeting, Complainant Rattner was on vacation and Complainant Fabiano was excluded from executive session “because the Board needed to discuss a litigation matter in which [Complainant] Fabiano had a conflict of interest.” According to Complainants, during the closed session, the Board also discussed filing an ethics complaint against Complainant Rattner, but despite not being conflicted on the matter, Complainant Fabiano was not invited to return to executive session to discuss the potential ethics complaint. Complainants allege Respondent violated *N.J.S.A.* 18A:12-24.1(a) and *N.J.S.A.* 18A:12-24.1(d) by excluding Complainant Fabiano from the closed session discussion of the potential filing of an ethics complaint during the August 17, 2022, Board meeting.

As to Count 2, Complainants assert that on or about September 13, 2022, Respondent asked Complainant Rattner to attend a meeting with two other Board members so they could update her on the discussions related to the filing of the ethics complaint, which was held during the closed session at the August 17, 2022, meeting. According to Complainants, Respondent informed Complainant Rattner that during the August 17, 2022, closed session, the Board discussed potential ethics concerns Respondent had about Complainant Rattner. Complainants aver Respondent had a copy of a draft of the ethics complaint, but did not permit Complainant Rattner to view it because “it was not finalized.” Complainants allege that when Complainant Rattner inquired about the purpose for the meeting, “Respondent threatened that the ethics complaint would be filed only if [Complainant] Rattner did not resign from her position as a Board member.” Complainants further allege, “Respondent also impliedly threatened [Complainant Rattner’s husband’s] employment, stating that if the ethics complaint were filed, it would ‘bring your husband into this.’” Complainants allege that Complainant Rattner refused to submit to Respondent’s threat, and on November 16, 2022, the Board voted to authorize Respondent to file ethics charges against Complainant Rattner. Complainants assert that by “threatening to file ethics charges against [Complainant] Rattner—and, by extension, threatening [her husband]—unless [Complainant] Rattner resigned from her Board position,” Respondent violated *N.J.S.A.* 18A:12-24.1(a), *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(d), *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).

In Count 3, Complainants allege that after the August 17, 2022, Board meeting, Respondent “engaged the services of the Board attorney to conduct research and analysis into whether [Complainant] Rattner violated the Code in some capacity.” According to Complainants, prior to November 16, 2022, the Board did not pass a resolution authorizing the use of funds to pursue ethics violations against Complainant Rattner. Therefore, Complainants allege that Respondent “took it upon herself to expend Board funds to pursue her personal vendetta against [Complainant] Rattner.” Complainants assert that by failing to obtain proper authorization from the Board prior to engaging the services of the Board attorney, Respondent

violated *N.J.S.A. 18A:12-24.1(a)*, *N.J.S.A. 18A:12-24.1(c)*, *N.J.S.A. 18A:12-24.1(d)*, *N.J.S.A. 18A:12-24.1(e)*, and *N.J.S.A. 18A:12-24.1(f)*.

As to Count 4, Complainants allege that during the November 16, 2022, Board meeting, the Board voted to authorize Respondent (as Board President) to pursue ethics violations against Complainant Rattner. According to Complainants, Respondent had a “personal stake” in the filing of ethics charges because Complainant Rattner had been involved in an ethics complaint filed by Complainant Fabiano’s spouse against Respondent, and therefore, should have abstained from voting to authorize the ethics charges against Complainant Rattner. Complainants contend that “[i]f Respondent had properly recused herself from that vote, the resolution to authorize her to file the ethics complaint against [Complainant] Rattner would not have passed.” Complainants assert Respondent’s failure to recuse herself resulted in Respondent advancing her “personal interests in retaliating” against Complainant Rattner in violation of *N.J.S.A. 18A:12-24.1(a)*, *N.J.S.A. 18A:12-24.1(d)*, *N.J.S.A. 18A:12-24.1(e)*, and *N.J.S.A. 18A:12-24.1(f)*.

Regarding Count 5, Complainants assert that Respondent violated the Code by using her position as the Board President to harass the Oak Tree-Applegarth Parent-Teachers Association (PTA) which culminated in the resignation of some of its members. Complainants assert that on or about September 2022, Respondent contacted the sitting PTA President to secure a PTA position on a committee. Complainants further assert on or about September 19, 2022, a New Jersey PTA Field Service team member sent Respondent an email explaining that while she understood Respondent’s eagerness to join a committee, she requested that Respondent give the PTA “a hot second to get themselves set up.” The team member further noted that Respondent was “repeatedly disrespect[ing]” the PTA members’ responses to her demands to get involved. According to Complainants, Respondent sent an email to the PTA leadership on November 18, 2022, “emphasizing her displeasure” with the PTA and that she hoped it would “improve under new leadership.” Complainants contend, on December 16, 2022, after enduring harassment and intimidation from Respondent for several months, the PTA President, the PTA Vice President, the PTA Treasurer, and another PTA member all resigned from the PTA via separate letters, citing Respondent’s harassing behavior as the reason for their resignation. Complainants assert that Respondent violated *N.J.S.A. 18A:12-24.1(b)*, *N.J.S.A. 18A:12-24.1(d)*, *N.J.S.A. 18A:12-24.1(e)*, and *N.J.S.A. 18A:12-24.1(f)* by using her position as Board President to harass and intimidate the PTA members, causing them to resign, in order to secure herself a PTA position.

As to Count 6, Complainants assert that on or about January 12, 2023, the Board held a special meeting to vote on resolutions pertaining to New Jersey’s approval and funding of the Board’s representation. Complainants further assert that despite multiple Board members indicating their desire to discuss the matter further, Respondent unilaterally “refused to allow them to participate in discussion” on these issues. Complainants allege that the Board Vice President ignored the Board members and proceeded to make a motion to call the vote. Complainants contend that despite the motion not being seconded, Respondent ended discussions and asked for a roll call. Complainants assert that by ignoring her fellow Board members and proceeding on a motion, which was not seconded, Respondent violated *N.J.S.A. 18A:12-24.1(a)*, *N.J.S.A. 18A:12-24.1(c)*, *N.J.S.A. 18A:12-24.1(d)*, and *N.J.S.A. 18A:12-24.1(e)*.

B. *Written Statement*

In her written statement, Respondent asserts Count 1 is “defective on its face.” Respondent argues that Complainant Fabiano’s recusal from executive session was based on the advice of Board counsel and was not Respondent’s decision. Respondent contends, with respect to the alleged violation of *N.J.S.A. 18A:12-24.1(a)*, Complainants have not presented a “final decision from any court of law or administrative agency” as required under *N.J.A.C. 6A:28-6.4(a)(1)*. Additionally, as to the alleged violation of *N.J.S.A. 18A:12-24.1(d)*, Respondent argues “this provision . . . targets Board members’ improper involvement in the day-to-day operations of the district, not the internal workings of the board itself,” and Complainants did not provide any evidence that Respondent gave a direct order to school personnel or became involved in activities that are the responsibility of school personnel.

Regarding Count 2, Respondent asserts that she was justified in warning Complainant Rattner that the Board would file an ethics complaint against her if she did not resign since “the Board was well within its rights to alert [Complainant] Rattner to their concerns about her behavior over the past year, and to present her with a choice.” Respondent maintains that boards are free to pursue disciplinary actions against a member, provided the member violated the Act, and the Complaint is lodged with the Commission. Respondent contends that Complainants failed to provide any legal authority that requires a draft of the ethics complaint be provided to Complainant Rattner in advance of filing. Additionally, Respondent argues that she did not make a threat against Complainant Rattner’s husband’s job. Instead, Respondent maintains that the comment that Complainant Rattner’s husband would be “[brought] into this” was referencing Complainant Rattner’s “repeated attempts to inject herself” in her husband’s employment matters. Thus, Respondent asserts that her statement was not a threat but was to notify Complainant Rattner in advance as a “courtesy” to provide an opportunity to avoid embarrassment. Accordingly, Respondent argues Complainants have not presented any evidence to support violations of *N.J.S.A. 18A:12-24.1(a)*, *N.J.S.A. 18A:12-24.1(c)*, *N.J.S.A. 18A:12-24.1(d)*, *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)*.

As to Count 3, Respondent asserts that Complainants failed to cite to any legal authority indicating that a Board resolution is required every time legal advice is sought from the Board’s attorney. Respondent argues that Board policy 0174, “Duties of Board Attorney,” authorizes certain individuals, including the Board President, to request services or advice from the Board attorney. According to Respondent, five other Board members were involved in the decision to investigate the information surrounding the possible filing of an ethics complaint against Complainant Rattner. Additionally, Respondent asserts that there is no probable cause for Complainants’ allegations from an evidentiary standpoint since, by their own admission, neither was present at the August 2022 closed session discussion. Respondent further asserts that Complainants failed to provide evidence refuting that the Board collectively asked the Board attorney to research possible ethics violations against Complainant Rattner. As such, Respondent contends that Complainants failed to present any evidence that Respondent violated *N.J.S.A. 18A:12-24.1(a)*, *N.J.S.A. 18A:12-24.1(c)*, *N.J.S.A. 18A:12-24.1(d)*, *N.J.S.A. 18A:12-24.1(e)*, and/or *N.J.S.A. 18A:12-24.1(f)*.

Regarding Count 4, Respondent argues that this Count is also premised on two “demonstrably false” assumptions. The first is that just as Complainant Fabiano recused herself from discussion and action on the ethics complaint against Complainant Rattner, Respondent should have also recused, since the same discussion involved Complainant Rattner’s involvement in an ethics case to which Respondent herself was a party. Respondent asserts that Complainants have not provided any facts that would support this inference. According to Respondent, the filing of ethics charges against Complainant Rattner could not have affected the course of the proceedings in the case filed by Complainant Fabiano’s husband against Respondent, so Respondent could not have benefitted in any way. Additionally, Respondent asserts that since the ethics case against Complainant Rattner was filed in Respondent’s name, “solely ‘in her capacity as President of the [Board],’ it was effectively the Board filing the complaint, not respondent personally.” Respondent argues the second faulty premise is that the motion to authorize the complaint against Complainant Rattner would have failed without Respondent’s vote. According to Respondent, the vote only required a simple majority, and not an affirmative vote of the entire membership of the Board. Respondent further contends that the minutes of the November 16, 2022, meeting show that six of the nine Board members present voted in favor of the resolution, so even if Respondent recused herself, there still would have been a majority of those present in favor of filing the ethics complaint against Complainant Rattner.

As to Count 5, Respondent contends she did not use her position on the Board to harass the members of the PTA into resigning. Respondent asserts that all her interactions with the PTA were in her capacity as a parent of an Oak Tree School student, and as a member of the PTA herself. Respondent further asserts that all emails to the PTA were sent from her personal email address, identified her as a PTA member, did not reference her Board membership, and were devoid of any harassment. Respondent maintains that none of the emails attached to the Complaint support the notion that Respondent harassed Complainants. On the contrary, Respondent states that the December 21, 2022, email from the principals of the Oak Tree and Applegarth Schools refutes it. Respondent also asserts that the Commission, via Advisory Opinion A07-00, specifically allows Board members to participate in PTAs, and even in leadership roles. As such, Respondent contends Complainants failed to present evidence of a violation of the Code.

With respect to Count 6, Respondent contends that a video recording of the Board’s meeting on January 12, 2023, proves that the Board’s discussion pertaining to New Jersey’s approval and funding of the Board’s representation ended only after the Board Vice President called a motion to vote to end the discussions and after another Board member seconded the motion. Respondent asserts that the Board member stated, “You beat me to it.” Respondent further asserts that although the Board member did not use the usual jargon of saying “I second the motion,” the video demonstrates that the context in which the Board member made her statement was for the purpose of seconding the motion. Respondent argues that if Complainants had concerns about the process, they should have raised it at that time, but they did not. According to Respondent, the Board is not legally bound to follow the letter of Robert’s Rules since there is no statute or regulation explicitly requiring it. As such, Respondent contends that Complainants have failed to present evidence that Respondent violated *N.J.S.A. 18A:12-24.1(a)*, *N.J.S.A. 18A:12-24.1(c)*, *N.J.S.A. 18A:12-24.1(d)*, and/or *N.J.S.A. 18A:12-24.1(e)*.

III. Analysis

This matter is before the Commission for a determination of probable cause pursuant to *N.J.A.C.* 6A:28-9.7. 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. Pursuant to *N.J.A.C.* 6A:28-9.7(a), probable cause "shall be found when the facts and circumstances presented in the complaint and written statement would lead a reasonable person to believe that the Act has been violated."

Alleged Violations of the Act

Complainants submit that Respondent violated *N.J.S.A.* 18A:12-24.1(a) (Counts 1-4 and Count 6), *N.J.S.A.* 18A:12-24.1(b) (Count 5), *N.J.S.A.* 18A:12-24.1(c) (Counts 2, 3 and 6), *N.J.S.A.* 18A:12-24.1(d) (Counts 1-6), *N.J.S.A.* 18A:12-24.1(e) (Counts 2-6), *N.J.S.A.* 18A:12-24.1(f) (Counts 2-5), and *N.J.S.A.* 18A:12-24.1(i) (Count 2). These provisions of the Code provide:

- a. I will uphold and enforce all laws, rules and regulations of the State Board of Education, and court orders pertaining to schools. Desired changes shall be brought about only through legal and ethical procedures.
- b. I will make decisions in terms of the educational welfare of children and will seek to develop and maintain public schools that meet the individual needs of all children regardless of their ability, race, creed, sex, or social standing.
- 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.
- d. I will carry out my responsibility, not to administer the schools, but, together with my fellow board members, to see that they are well run.
- 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.

Pursuant to *N.J.A.C. 6A:28-6.4(a)*, a violation(s) of *N.J.S.A. 18A:12-24.1(a)*, *N.J.S.A. 18A:12-24.1(b)*, *N.J.S.A. 18A:12-24.1(c)*, *N.J.S.A. 18A:12-24.1(d)*, *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)* need to be supported by certain factual evidence, more specifically:

1. Factual evidence of a violation of *N.J.S.A. 18A:12-24.1(a)* shall include a copy of a final decision from any court of law or administrative agency of this State demonstrating that Respondent failed to enforce all laws, rules and regulations of the State Board of Education, and/or court orders pertaining to schools or that Respondent brought about changes through illegal or unethical procedures.
2. Factual evidence of a violation of *N.J.S.A. 18A:12-24.1(b)* shall include evidence that Respondent willfully made a decision contrary to the educational welfare of children, or evidence that Respondent took deliberate action to obstruct the programs and policies designed to meet the individual needs of all children, regardless of their ability, race, color, creed or social standing.
3. Factual evidence of a violation of *N.J.S.A. 18A:12-24.1(c)* shall include evidence that Respondent 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'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.
4. Factual evidence of a violation of *N.J.S.A. 18A:12-24.1(d)* shall include, but not be limited to, evidence that Respondent gave a direct order to school personnel or became directly involved in activities or functions that are the responsibility of school personnel or the day-to-day administration of the school district or charter school.
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 her 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.

Count 1

N.J.S.A. 18A:12-24.1(a) and N.J.S.A. 18A:12-24.1(d)

In Count 1, Complainants argue that Respondent violated *N.J.S.A. 18A:12-24.1(a)* and *N.J.S.A. 18A:12-24.1(d)* by excluding Complainant Fabiano from closed session during the August 17, 2022, Board meeting when, after the Board discussed a matter in which she had a conflict of interest, Complainant Fabiano was not invited to return to executive session for the discussion about a potential ethics complaint against Complainant Rattner. Respondent counters that Complainant Fabiano's recusal from executive session was not her decision, and was instead based on the advice of Board counsel.

Following its assessment, the Commission finds that there are insufficient facts and circumstances presented in the Complaint and Written Statement to lead a reasonable person to believe that *N.J.S.A. 18A:12-24.1(a)* and/or *N.J.S.A. 18A:12-24.1(d)* were violated. As to *N.J.S.A. 18A:12-24.1(a)* despite being required by *N.J.A.C. 6A:28-6.4(a)(1)*, the Commission finds that Complainants have not provided a copy of a final decision from any court of law or other administrative agency demonstrating or specifically finding that Respondent violated a specific law, rule, or regulation when she engaged in any of the acts/conduct set forth in the Complaint. Without the required final decision(s), the Commission must dismiss the alleged violation of *N.J.S.A. 18A:12-24.1(a)*. With respect to *N.J.S.A. 18A:12-24.1(d)*, assuming, *arguendo*, that it was Respondent (and not Board counsel) who advised Complainant Fabiano not to attend executive session and/or did not invite her to return at the end of the discussion, Complainants have not demonstrated that Respondent gave a direct order to school personnel, as Complainant Fabiano is not school personnel. Additionally, the Complaint does not allege facts indicating that Respondent became directly involved in the activities or functions that are the responsibility of school personnel or the day-to-day operation of the Monroe Township School District (District). Accordingly, and pursuant to *N.J.A.C. 6A:28-9.7(b)*, the Commission dismisses the claimed violations of *N.J.S.A. 18A:12-24.1(a)* and *N.J.S.A. 18A:12-24.1(d)* in Count 1.

Count 2

***N.J.S.A. 18A:12-24.1(a), N.J.S.A. 18A:12-24.1(c), N.J.S.A. 18A:12-24.1(d),
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)***

In Count 2, Complainants contend that Respondent violated *N.J.S.A. 18A:12-24.1(a)*, *N.J.S.A. 18A:12-24.1(c)*, *N.J.S.A. 18A:12-24.1(d)*, *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)* when she threatened Complainant Rattner that Respondent would only file an ethics complaint if Complainant Rattner did not resign from the Board. Additionally, Complainants allege that Respondent also threatened Complainant Rattner's husband's employment in the District, by indicating that if an ethics complaint were filed, it would "bring your husband into this." In response, Respondent argues that the Board was authorized to present Complainant Fabiano with the choice of resigning or facing ethics charges. Respondent also maintains that her comment about Respondent's husband was not a threat, and

was instead a “courtesy” to provide an opportunity to avoid embarrassment given Respondent’s “repeated attempts to inject herself” in her husband’s employment matters.

Based on its review, the Commission finds that there are sufficient facts and circumstances presented in the Complaint and Written Statement to lead a reasonable person to believe that *N.J.S.A. 18A:12-24.1(c)* and/or *N.J.S.A. 18A:12-24.1(e)* were violated. If Complainants can establish that Respondent provided Complainant Rattner with an ultimatum that she would not file ethics charges if Complainant Rattner resigned from the Board, and/or that Respondent attempted to persuade Complainant Rattner to resign from the Board by implying that her husband’s job would be impacted, such conduct could be considered action beyond the scope of her duties that, by its nature, has the potential to compromise the Board, and a violation of *N.J.S.A. 18A:12-24.1(e)* may be sustained. Additionally, if Complainants demonstrate such conduct, and can also establish that Respondent’s meeting with Complainant Rattner was in her role as a Board member, it may be action unrelated to her duties, and a violation of *N.J.S.A. 18A:12-24.1(c)* may be supported.

However, following its assessment, the Commission finds that there are insufficient facts and circumstances presented in the Complaint and Written Statement to lead a reasonable person to believe that *N.J.S.A. 18A:12-24.1(a)*, *N.J.S.A. 18A:12-24.1(d)*, *N.J.S.A. 18A:12-24.1(f)*, and/or *N.J.S.A. 18A:12-24.1(i)* were violated. Complainants have not provided a copy of a final decision from any court of law or other administrative agency demonstrating or specifically finding that Respondent violated a specific law, rule, or regulation when she engaged in any of the acts/conduct set forth in the Complaint, as required to demonstrate a violation of *N.J.S.A. 18A:12-24.1(a)*. Complainants fail to set forth facts relating to how Respondent’s communications with Complainant Rattner involving the intent to file an ethics complaint unless Complainant resigns, and any alleged threats made to Complainant Rattner’s husband during the conversation, constitute a direct order to school personnel or involve the day-to-day administration of the school, as Complainant Rattner is not school personnel (*N.J.S.A. 18A:12-24.1(d)*); were made on behalf of, or at the request of, a special interest group or political party, or how she used the schools to acquire a benefit (*N.J.S.A. 18A:12-24.1(f)*); and/or how Respondent undermined, compromised or harmed school personnel, as Complainant Rattner is not school personnel (*N.J.S.A. 18A:12-24.1(i)*). Therefore, and pursuant to *N.J.A.C. 6A:28-9.7(b)*, the Commission dismisses the alleged violations of *N.J.S.A. 18A:12-24.1(a)*, *N.J.S.A. 18A:12-24.1(d)*, *N.J.S.A. 18A:12-24.1(f)*, and *N.J.S.A. 18A:12-24.1(i)* in Count 2.

Count 3

***N.J.S.A. 18A:12-24.1(a), N.J.S.A. 18A:12-24.1(c), N.J.S.A. 18A:12-24.1(d),
N.J.S.A. 18A:12-24.1(e), and N.J.S.A. 18A:12-24.1(f)***

In Count 3, Complainants argue that Respondent violated *N.J.S.A. 18A:12-24.1(a)*, *N.J.S.A. 18A:12-24.1(c)*, *N.J.S.A. 18A:12-24.1(d)*, *N.J.S.A. 18A:12-24.1(e)*, and *N.J.S.A. 18A:12-24.1(f)* when she “took it upon herself to expend Board funds to pursue her personal vendetta against [Complainant] Rattner” by engaging the services of the Board attorney without first obtaining authorization from the Board. Respondent counters that, as Board President, she is authorized to request services from the Board attorney according to Board policy.

After analyzing the pleadings, the Commission finds that there are sufficient facts and circumstances presented in the Complaint and Written Statement to lead a reasonable person to believe that *N.J.S.A. 18A:12-24.1(c)* and/or *N.J.S.A. 18A:12-24.1(e)* were violated. The Commission notes that the request for legal services concerned an individual (Complainant Rattner) who was indirectly involved in an ethics case against Respondent and there appears to be a level of animosity between the two. Further, the legal services were requested of, and conducted by, an individual charged with representing the entity (the Board), and not its President to the detriment of other individual members, and the legal services led to the filing of a separate ethics complaint against Complainant Rattner. If, as Complainants allege, Respondent “took it upon herself” to request the services of the Board attorney to pursue a “personal vendetta,” and then presented it to the Board and had the Board vote on filing an ethics complaint against another member of the Board, such behavior could be seen as official action unrelated to her duties in violation of *N.J.S.A. 18A:12-24.1(c)*. Additionally, if Complainants can demonstrate that Respondent “took it upon herself” to request the services of the Board attorney for the personal reason of filing ethics charges against Complainant Rattner, and the Board incurred costs in connection with the request, a violation of *N.J.S.A. 18A:12-24.1(e)* may be substantiated.

Nevertheless, following its assessment, the Commission finds that there are insufficient facts and circumstances presented in the Complaint and Written Statement to lead a reasonable person to believe that *N.J.S.A. 18A:12-24.1(a)*, *N.J.S.A. 18A:12-24.1(d)*, and/or *N.J.S.A. 18A:12-24.1(f)* were violated. Complainants have not provided a copy of a final decision from any court of law or other administrative agency demonstrating or specifically finding that Respondent violated a specific law, rule, or regulation when she engaged in any of the acts/conduct set forth in the Complaint, as required to demonstrate a violation of *N.J.S.A. 18A:12-24.1(a)*. Regarding *N.J.S.A. 18A:12-24.1(d)* and *N.J.S.A. 18A:12-24.1(f)*, Complainants fail to demonstrate how requesting the services of the Board attorney involves a direct order to school personnel or the day-to-day administration of the District, or how such a request (which, notably, Complainants allege Respondent made on her own) constitutes action on behalf of, or at the request of, a special interest group or political party. Consequently, and pursuant to *N.J.A.C. 6A:28-9.7(b)*, the Commission dismisses the alleged violation(s) of *N.J.S.A. 18A:12-24.1(a)*, *N.J.S.A. 18A:12-24.1(d)*, and *N.J.S.A. 18A:12-24.1(f)* in Count 3.

Count 4

***N.J.S.A. 18A:12-24.1(a), N.J.S.A. 18A:12-24.1(d), N.J.S.A. 18A:12-24.1(e),
and N.J.S.A. 18A:12-24.1(f)***

In Count 4, Complainants contend that Respondent violated *N.J.S.A. 18A:12-24.1(a)*, *N.J.S.A. 18A:12-24.1(d)*, *N.J.S.A. 18A:12-24.1(e)*, and *N.J.S.A. 18A:12-24.1(f)* by failing to recuse herself from the Board’s November 16, 2022, vote to authorize Respondent (as Board President) to pursue ethics violations against Complainant Rattner because she had “personal interests in retaliating” against Complainant Rattner. Complainants also contend that without Respondent’s vote, the resolution would not have passed. Respondent counters that she was not required to recuse herself from the vote as the filing of ethics charges would not impact the pending ethics complaint filed by Complainant Fabiano’s husband against Respondent. Additionally, Respondent asserts that since the ethics case against Complainant Rattner was filed

in Respondent's name, "solely 'in her capacity as President of the [Board],' it was effectively the Board filing the complaint, not respondent personally." Respondent also asserts that even without Respondent's vote, a majority of the Board approved the Resolution.

As a preliminary matter, the Commission wishes to make clear the framework for its analysis: a Board cannot file ethics charges. Even if "the Board" voted to approve and/or adopted a resolution authorizing Respondent to file an ethics complaint against Complainant Rattner, the Act is clear that only "[a] person" may file an ethics complaint with the Commission. Consequently, regardless of whether the Board "authorized" or directed Respondent to file an ethics complaint, the fact remains that she, and *she alone*, is the only named Complainant in that matter, and thus, it is *her* complaint.

Based on its review, and with the above framework in mind, the Commission finds that there are insufficient facts and circumstances presented in the Complaint and Written Statement to lead a reasonable person to believe that *N.J.S.A. 18A:12-24.1(a)*, *N.J.S.A. 18A:12-24.1(d)*, *N.J.S.A. 18A:12-24.1(e)*, and/or *N.J.S.A. 18A:12-24.1(f)* were violated. Respondent is permitted to file ethics charges against a member of the Board, with or without the Board's knowledge or approval. In other words, regardless of whether the Board supported the filing of an ethics complaint against Complainant Rattner, Respondent was still permitted to file the ethics complaint. As such, whether Respondent had a personal interest in filing the ethics complaint is not pertinent, as she would naturally be invested in a matter where she feels compelled to file allegations of an ethics violation. Consequently, and pursuant to *N.J.A.C. 6A:28-9.7(b)*, the Commission dismisses the purported violations of *N.J.S.A. 18A:12-24.1(a)*, *N.J.S.A. 18A:12-24.1(d)*, *N.J.S.A. 18A:12-24.1(e)*, and *N.J.S.A. 18A:12-24.1(f)* in Count 4.

Count 5

***N.J.S.A. 18A:12-24.1(b), N.J.S.A. 18A:12-24.1(d), N.J.S.A. 18A:12-24.1(e),
and N.J.S.A. 18A:12-24.1(f)***

In Count 5, Complainants allege Respondent violated *N.J.S.A. 18A:12-24.1(b)*, *N.J.S.A. 18A:12-24.1(d)*, *N.J.S.A. 18A:12-24.1(e)*, and *N.J.S.A. 18A:12-24.1(f)* by using her position as Board President to harass and intimidate the PTA members, causing them to resign, in order to secure herself a PTA position. Respondent contends that all her interactions with the PTA were in her capacity as a parent, and as a member of the PTA herself. Respondent further contends that all emails to the PTA were sent from her personal email address, identified her as a PTA member, did not reference her Board membership, and were devoid of any harassment.

After review, the Commission finds that there are insufficient facts and circumstances presented in the Complaint and Written Statement to lead a reasonable person to believe that *N.J.S.A. 18A:12-24.1(b)*, *N.J.S.A. 18A:12-24.1(d)*, *N.J.S.A. 18A:12-24.1(e)*, and/or *N.J.S.A. 18A:12-24.1(f)* were violated. The Commission has previously advised that serving on the Board does not preclude a Board member from volunteering for activities that support their children within the District without violating the Act. *See Advisory Opinion A15-18; Advisory Opinion A07-00*. Accordingly, Respondent's participation in the PTA is separate from her position as a Board member. Respondent communicated with the PTA in her capacity as a parent, from her personal email address, and did not invoke her Board membership. Even assuming, *arguendo*,

that Respondent's emails were overbearing, such communication on a personal matter would not violate the Act. Therefore, and pursuant to *N.J.A.C. 6A:28-9.7(b)*, the Commission dismisses the alleged violations of *N.J.S.A. 18A:12-24.1(b)*, *N.J.S.A. 18A:12-24.1(d)*, *N.J.S.A. 18A:12-24.1(e)*, and *N.J.S.A. 18A:12-24.1(f)* in Count 5.

Count 6

***N.J.S.A. 18A:12-24.1(a)*, *N.J.S.A. 18A:12-24.1(c)*, *N.J.S.A. 18A:12-24.1(d)*,
and *N.J.S.A. 18A:12-24.1(e)***

In Count 6, Complainants assert that Respondent violated *N.J.S.A. 18A:12-24.1(a)*, *N.J.S.A. 18A:12-24.1(c)*, *N.J.S.A. 18A:12-24.1(d)*, and *N.J.S.A. 18A:12-24.1(e)* when, at the Board's special meeting on January 12, 2023, Respondent proceeded on a motion to call the vote that was not seconded, and unilaterally prevented other Board members from continuing the discussion. Respondent counters that a video recording of the Board's meeting proves that the Board's discussion ended only after the Board Vice President called a motion to vote to end the discussions and after another Board member seconded the motion by stating, "You beat me to it."

Based on its review, the Commission finds that there are insufficient facts and circumstances presented in the Complaint and Written Statement to lead a reasonable person to believe that *N.J.S.A. 18A:12-24.1(a)*, *N.J.S.A. 18A:12-24.1(c)*, *N.J.S.A. 18A:12-24.1(d)*, and/or *N.J.S.A. 18A:12-24.1(e)* were violated. Whether Respondent proceeded with a roll call after a Board member acknowledged her consent to second the motion without formally using the word "second" does not amount to an ethics violation. Even if Respondent proceeded with a roll call without anyone seconding the motion, Complainants have not demonstrated that Respondent violated the Act. Complainants have not provided a copy of a final decision from any court of law or other administrative agency demonstrating or specifically finding that Respondent violated a specific law, rule, or regulation when she engaged in any of the acts/conduct set forth in the Complaint, as required to demonstrate a violation of *N.J.S.A. 18A:12-24.1(a)*. With respect to *N.J.S.A. 18A:12-24.1(c)*, Complainants have not established that Respondent took official action to effectuate policies or plans without consulting those affected. Respondent merely proceeded with a roll call. The individual votes from the Board members, not Respondent's actions in running the meeting, would determine the outcome of the vote at issue. Additionally, if Complainants disagreed with the process, the time to speak up was at the meeting when it occurred by either not voting or alerting the Board that a second was needed, not by filing an ethics complaint after the fact. Complainants have failed to present any evidence of a violation of *N.J.S.A. 18A:12-24.1(d)* as it was Respondent's job as Board President to preside over the meeting, and the allegations do not involve a direct order to school personnel or the day-to-day operations of the school. Finally, as to a violation of *N.J.S.A. 18A:12-24.1(e)*, Respondent's official actions in running the Board meeting is not action outside of the scope of her duties, nor does it have the potential to compromise the Board as the full Board had the opportunity to cast a vote. Accordingly, and pursuant to *N.J.A.C. 6A:28-9.7(b)*, the Commission dismisses the alleged violation(s) of *N.J.S.A. 18A:12-24.1(a)*, *N.J.S.A. 18A:12-24.1(c)*, *N.J.S.A. 18A:12-24.1(d)*, and *N.J.S.A. 18A:12-24.1(e)*.

IV. Decision

In accordance with *N.J.S.A.* 18A:12-29(b), and for the reasons detailed herein, the Commission hereby notifies Complainants and Respondent that there are sufficient facts and circumstances pled in the Complaint and in the Written Statement to lead a reasonable person to believe that *N.J.S.A.* 18A:12-24.1(c) and *N.J.S.A.* 18A:12-24.1(e) were violated in Counts 2 and 3, but insufficient facts and circumstances to believe that the remaining allegations in the Complaint constitute a violation of the Act.

Pursuant to *N.J.A.C.* 6A:28-9.8(a)(3), the Commission transmits the above-captioned matter to the OAL for a plenary hearing, where Complainants shall carry the burden to factually establish that Respondent violated *N.J.S.A.* 18A:12-24.1(c) and/or *N.J.S.A.* 18A:12-24.1(e) in Counts 2 and/or 3. In order to prevail, Complainants must satisfy the burden of proof as articulated in *N.J.A.C.* 6A:28-6.4(a), specifically:

3. Factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(c) shall include evidence that Respondent 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'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.

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 her duties such that, by its nature, had the potential to compromise the board.

The plenary hearing shall be conducted in accordance with the rules of the OAL. *N.J.A.C.* 1:1 *et seq.* The OAL will notify the parties when the remaining allegations in this matter will be heard.



Robert W. Bender, Chairperson

Mailing Date: November 28, 2023

***Resolution Adopting Decision
in Connection with C29-23***

Whereas, at its meeting on October 17, 2023, the School Ethics Commission (Commission) considered the Complaint and Written Statement submitted in connection with the above-referenced matter; and

Whereas, at its meeting on October 17, 2023, the Commission discussed finding that the facts and circumstances presented in the Complaint and Written Statement would lead a reasonable person to believe that *N.J.S.A. 18A:12-24.1(c)* and *N.J.S.A. 18A:12-24.1(e)* in Counts 2 and 3 were violated; and

Whereas, at its meeting on October 17, 2023, and pursuant to *N.J.A.C. 6A:28-9.8(a)(3)*, the Commission discussed transmitting the within matter to the Office of Administrative Law for a plenary hearing where Complainants shall carry the burden to prove that Respondent violated the cited provisions of the Code of Ethics for School Board Members; and

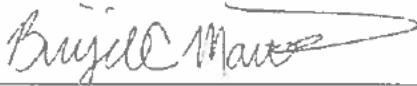
Whereas, at its meeting on November 28, 2023, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on October 28, 2023; and

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 November 28, 2023.



Brigid C. Martens, Director
School Ethics Commission

Attorneys for Complainants Kate Rattner and Katie Fabiano

COMPLAINT

BACKGROUND

1. Complainants are current elected Members of the Monroe Township Board of Education in Middlesex County, New Jersey (the “Board”).
2. Respondent Christine Skurbe is also a Board Member and is the current Board President.
3. Respondent currently has pending against Ms. Rattner an ethics complaint with the School Ethics Commission titled Christine Skurbe v. Kate Rattner, bearing docket number C115-22 (the “Rattner Matter”).
4. Over the past several months, Respondent has engaged in a pattern of unethical and unlawful behavior targeting Complainants and others, in violation of the Code of Ethics for School Board Members, N.J.S.A. 18A:12-24.1, et seq. (hereafter, the “Code”).
5. Respondent is a respondent in at least one other School Ethics Commission matter, entitled Brian Fabiano v. Christine Skurbe and bearing docket number C65-22 (the “Fabiano Matter”).
6. On or about July 27, 2022, Ms. Rattner signed a certification in support of the complainant Brian Fabiano’s submission in response to Respondent’s motion to dismiss in the Fabiano Matter.
7. Respondent maintains a personal animus against Ms. Rattner for supporting an ethics complaint against her.
8. Respondent maintains a personal animus against Ms. Fabiano because of her husband’s ethics complaint against her in the Fabiano Matter.

9. Respondent has consistently abused her authority as the Board President to pursue her personal animus against Complainants and others, including the filing of the Amended Complaint against Ms. Rattner in the Rattner Matter.

COUNT I

RESPONDENT VIOLATED THE CODE BY BARRING MS. FABIANO FROM PARTICIPATING IN THE AUGUST 17, 2022 MEETING

10. Complainants incorporate by reference, as if wholly set forth herein, the previous allegations of the Complaint.

11. On or about August 17, 2022, the Board held its regularly scheduled meeting, which included a closed session portion pursuant to N.J.S.A. 10:4-12.

12. Ms. Rattner was on vacation at the time and was unable to attend the meeting.

13. Prior to entering the closed session portion of the meeting, Respondent told Ms. Fabiano that she could not participate in the closed session because the Board needed to discuss a litigation matter in which Ms. Fabiano had a conflict of interest.

14. During closed session, the Board also discussed and explored preparing an ethics complaint against Ms. Rattner, which would later result in the Amended Complaint filed in the case bearing docket number C115-22.

15. Ms. Fabiano was not invited to return into closed session to discuss this potential ethics complaint against Ms. Rattner.

16. Ms. Fabiano learned about her unlawful exclusion from this portion of the closed session meeting after she was told by Ms. Rattner on September 13, 2022, who had learned of the closed session meeting that day.

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

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

19. By excluding Ms. Fabiano from a portion of the August 17, 2022 Board meeting’s closed session, Respondent violated N.J.S.A. 18A:12-24.1(a) and (d).

COUNT II

RESPONDENT VIOLATED THE CODE BY THREATENING MS. RATTNER’S HUSBAND’S EMPLOYMENT IF SHE DID NOT RESIGN

20. Complainants incorporate by reference, as if wholly set forth herein, the previous allegations of the Complaint.

21. On September 13, 2022, several weeks after the Board discussed preparing an ethics complaint against Ms. Rattner, Respondent asked Ms. Rattner to attend a meeting with two (2) other Board Members—Kenneth Chiarella and Karen Bierman—to update her on a “discussion” held in closed session at the August 17, 2022 meeting.

22. Respondent told Ms. Rattner that during closed session during the August 17, 2022 meeting, the Board had discussed potential ethics concerns that Respondent had discussed with the Board attorney.

23. Respondent had with her at this informal September 13, 2022 meeting a document which, upon information and belief, was a draft of the forthcoming ethics complaint against Ms. Rattner.

24. Respondent did not permit Ms. Rattner to view the document because, in Respondent’s words, it was not finalized.

25. When asked why Respondent asked to have this meeting if Ms. Rattner was unable to either see the document or discuss it, Respondent threatened that the ethics complaint would be filed only if Ms. Rattner did not resign from her position as a Board Member.

26. Furthermore, Ms. Rattner's husband, David Rattner, is employed by the Board as a music teacher.

27. During this informal meeting, Respondent also impliedly threatened Mr. Rattner's employment, stating that if the ethics complaint were filed, it would "bring your husband into this."

28. Ms. Rattner refused to accede to this threat.

29. Respondent obtained authorization from the Board to pursue the ethics complaint against Ms. Rattner at the November 16, 2022 Board meeting.

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

31. N.J.S.A. 18A:12-24.1(c) provides: "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."

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

33. N.J.S.A. 18A:12-24.1(e) provides: "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."

34. N.J.S.A. 18A:12-24.1(f) provides: “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.”

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

36. By threatening to file ethics charges against Ms. Rattner—and, by extension, David Rattner—unless Ms. Rattner resigned from her Board position, Respondent violated N.J.S.A. 18A:12-24.1(a), (c), (d), (e), (f), and (i).

COUNT III

RESPONDENT VIOLATED THE CODE BY ENGAGING THE BOARD ATTORNEY TO PREPARE ETHICS CHARGES AGAINST MS. RATTNER WITHOUT BOARD AUTHORIZATION

37. Complainants incorporate by reference, as if wholly set forth herein, the previous allegations of the Complaint.

38. After the August 17, 2022 Board meeting, Respondent engaged the services of the Board attorney to conduct research and analysis into whether Ms. Rattner violated the Code in some capacity.

39. The Board never passed a resolution authorizing the use of funds to pursue allegations of ethics violations against Ms. Rattner prior to November 16, 2022, which is when the Board voted to authorize Respondent to file an ethics complaint against Ms. Rattner in her capacity as Board President.

40. Between August 25, 2022 and November 15, 2022, the Board incurred substantial attorneys’ fees for the express purpose of filing an ethics complaint against Ms. Rattner.

41. Prior to the November 16, 2022 meeting, the Board never passed a resolution regarding either the preparation of an ethics complaint against Ms. Rattner, nor authorization of expending funds to pursue same.

42. Respondent took it upon herself to expend Board funds to pursue her personal vendetta against Ms. Rattner.

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

44. N.J.S.A. 18A:12-24.1(c) provides: "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."

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

46. N.J.S.A. 18A:12-24.1(e) provides: "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."

47. N.J.S.A. 18A:12-24.1(f) provides: "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."

48. By failing to receive authorization from the Board prior to engaging the services of the Board attorney to pursue an ethics complaint against a fellow Board member in furtherance of her personal vendetta, Respondent violated N.J.S.A. 18A:12-24.1(a), (c), (d), (e), and (f).

COUNT IV

RESPONDENT VIOLATED THE CODE BY FAILING TO RECUSE HERSELF FROM THE VOTE TO AUTHORIZE AN ETHICS COMPLAINT AGAINST MS. RATTNER

49. Complainants incorporate by reference, as if wholly set forth herein, the previous allegations of the within Complaint.

50. During the November 16, 2022 Board meeting, the Board—with abstention from Ms. Rattner—voted to authorize Respondent, in her capacity as Board President, to pursue the Rattner Matter.

51. Respondent participated in that vote, which passed with the minimum ayes necessary to pass at the November 16, 2022 Board meeting, thus authorizing Respondent to pursue the Rattner Matter.

52. Respondent's Amended Complaint in the Rattner Matter sets forth, in the Eighth Count, allegations regarding Ms. Rattner's participation by way of a signed certification in the Fabiano Matter.

53. Because Respondent had a vested interest against Ms. Rattner's participation in the Fabiano Matter, Respondent should have recused herself from a vote on an ethics complaint against Ms. Rattner for that very issue.

54. If Respondent had properly recused herself from that vote, the resolution to authorize her to file the ethics complaint against Ms. Rattner would not have passed.

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

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

57. N.J.S.A. 18A:12-24.1(e) provides: “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.”

58. N.J.S.A. 18A:12-24.1(f) provides: “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.”

59. By failing to recuse herself from a vote to authorize an ethics complaint against Ms. Rattner—which advanced her personal interests in retaliating against Ms. Rattner—Respondent violated N.J.S.A. 18A:12-24.1(a), (d), (e), and (f).

COUNT V

RESPONDENT VIOLATED THE CODE BY USING HER POSITION AS BOARD PRESIDENT TO HARASS PARENT-TEACHER ASSOCIATION MEMBERS CAUSING THEIR RESIGNATIONS

60. Complainants incorporate by reference, as if wholly set forth herein, the previous allegations of the within Complaint.

61. The Oak Tree-Applegarth Parent-Teachers Association (the “PTA”) is a community organization which operates in activities involved with the Board and its schools, comprised of parents and teachers in the district.

62. In or around September 2022, Respondent, as Board President, sought to become involved with the PTA to the extent she could be assigned a committee position.

63. Respondent reached out to the then-PTA President, Melissa Storey, to secure an assignment to a committee.

64. On or about September 19, 2022, Jennifer D’Antuono, a New Jersey Parent-Teacher Association (“NJPTA”) Field Service team member, sent Respondent an email explaining

that while she understood Respondent was “insistent that [she] wants to be involved[,]” Ms. D’Antuono requested that Respondent give the PTA “a hot second to get themselves set up.”

65. Ms. D’Antuono further noted Respondent was “repeatedly disrespect[ing]” the PTA leadership’s responses to Respondent about getting involved.

66. Ms. D’Antuono refuted Respondent’s earlier claim that the PTA leadership members had “iced [her] out[.]”

67. On November 18, 2022, Respondent sent an email to PTA leadership, including Ms. Storey, emphasizing her displeasure with the PTA, lamenting that she had hoped the PTA “would improve under new leadership.” Respondent reiterated her desire to be the chairperson for the 3rd grade event.

68. After several months of harassing and intimidating PTA leadership members for refusing to accede to Respondent’s demands, on December 16, 2022 the PTA President Melissa Storey, the PTA Vice President Christine Lester, and the PTA Treasurer Mona Goyal, all resigned from their positions via separate letters. A fourth leadership member, Jenan Grant, also resigned by way of letter and impliedly referenced Respondent’s behavior as a reason.

69. In each of their respective letters, Ms. Storey, Ms. Lester, and Ms. Goyal all directly cited Respondent’s harassment as a reason for their resignations.

70. Ms. Lester specifically decried the “abuse” she suffered as a volunteer, and reminded the recipients of her letter—including Respondent—that the PTA was founded “**For-The-Kids.**”

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

72. N.J.S.A. 18A:12-24.1(c) provides: “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.”

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

74. N.J.S.A. 18A:12-24.1(e) provides: “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.”

75. N.J.S.A. 18A:12-24.1(f) provides: “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.”

76. By using her position as Board President to harass and intimate PTA members—which caused them to resign—and secure herself a PTA position, Respondent violated N.J.S.A. 18A:12-24.1(b), (d), (e), and (f).

COUNT VI

RESPONDENT VIOLATED THE ACT BY IMPROPERLY PREVENTING DISCUSSION BY BOARD MEMBERS AT A PUBLIC MEETING

77. Complainants incorporate by reference, as if wholly set forth herein, the previous allegations of the within Complaint.

78. On or about January 12, 2022, the Board held a special meeting to vote on certain resolutions pertaining to New Jersey approval and funding of the Board’s representation.

79. Respondent, as Board President, presided over this meeting.

80. Multiple Board members, including Complainants, had voiced their desire to discuss the matter further, but Respondent refused to allow them to participate in discussion on these issues.

81. Board Vice President, Karen Bierman, ignoring the Board Members' wishes, made a motion to call the vote.

82. No other Board Member seconded the motion.

83. Respondent proceeded to end discussion and ask for a roll call.

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

85. N.J.S.A. 18A:12-24.1(c) provides: "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."

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

87. By ignoring her fellow Board Members and proceeding on a motion which was not seconded by another Board Member, Respondent violated N.J.S.A. 18A:12-24.1(a), (c), (d), and (e).

WHEREFORE, Complainants Kate Rattner and Katie Fabiano, request that the School Ethics Commission find and determine that Respondent Christine Skurbe has violated the School Ethics Act and that she be subject to penalty as the Commission and Commissioner of Education deem equitable and appropriate.

Respectfully submitted,

**FLORIO PERRUCCI STEINHARDT
CAPPELLI TIPTON & TAYLOR, LLC**

Dated: March 10, 2023

By: /s/ David J. Kass
David J. Kass, Esq.

CERTIFICATION UNDER OATH

1. I am a complainant in this matter.
2. The subject matter of this complaint is not pending in any court of law or administrative agency of this State. I will advise the School Ethics Commission if I subsequently become aware that it is pending elsewhere.
3. I certify that the statements contained herein are true. I understand that if any of these statements are willfully false, I am subject to punishment.

Dated: March 10, 2023


Kate Rattner

CERTIFICATION UNDER OATH

1. I am a complainant in this matter.
2. The subject matter of this complaint is not pending in any court of law or administrative agency of this State. I will advise the School Ethics Commission if I subsequently become aware that it is pending elsewhere.
3. I certify that the statements contained herein are true. I understand that if any of these statements are willfully false, I am subject to punishment.

Dated: March 10, 2023


Katie Fabiano



State of New Jersey
DEPARTMENT OF EDUCATION
PO Box 500
TRENTON, NJ 08625-0500

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

ANGELICA ALLEN-McMILLAN, Ed.D.
Acting Commissioner

SCHOOL ETHICS COMMISSION

March 14, 2023

For Complainants

David J. Kass, Esq.
Florio, Perrucci, Steinhart, Cappelli, Tipton, and Taylor, LLC
430 Mountain Avenue, Suite 103
New Providence, New Jersey 07974

SUBJECT: KATE RATTNER AND KATIE FABIANO v. CHRISTINE SKURBE,
MONROE TOWNSHIP BOARD OF EDUCATION, MIDDLESEX
COUNTY, SCHOOL ETHICS COMMISSION DOCKET #C29-23

Dear Counsel:

Please allow this correspondence to acknowledge the School Ethics Commission's (Commission) receipt of your filing on behalf of the named Complainants in connection with the above-captioned matter. In your filing, which was received by the Commission on March 10, 2023, it is alleged that the named Respondent violated the following provisions of the School Ethics Act (Act):

- *N.J.S.A. 18A:12-24.1(a)* and *N.J.S.A. 18A:12-24.1(d)* in Count 1;
- *N.J.S.A. 18A:12-24.1(a)*, *N.J.S.A. 18A:12-24.1(c)*, *N.J.S.A. 18A:12-24.1(d)*, *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)* in Count 2;
- *N.J.S.A. 18A:12-24.1(a)*, *N.J.S.A. 18A:12-24.1(c)*, *N.J.S.A. 18A:12-24.1(d)*, *N.J.S.A. 18A:12-24.1(e)*, and *N.J.S.A. 18A:12-24.1(f)* in Count 3;
- *N.J.S.A. 18A:12-24.1(a)*, *N.J.S.A. 18A:12-24.1(d)*, *N.J.S.A. 18A:12-24.1(e)*, and *N.J.S.A. 18A:12-24.1(f)* in Count 4;
- *N.J.S.A. 18A:12-24.1(b)*, *N.J.S.A. 18A:12-24.1(d)*, *N.J.S.A. 18A:12-24.1(e)*, and *N.J.S.A. 18A:12-24.1(f)* in Count 5; and
- *N.J.S.A. 18A:12-24.1(a)*, *N.J.S.A. 18A:12-24.1(c)*, *N.J.S.A. 18A:12-24.1(d)*, and *N.J.S.A. 18A:12-24.1(e)* in Count 6.

Following review, please be advised that the following *deficiencies* must be addressed **within ten (10) days from receipt¹** of this notice:

- The Complaint does not include a mailed hardcopy of the Complaint and related exhibits for each named Respondent(s). *N.J.A.C. 6A:28-6.2(a)(2)*.
- The Complaint does not include the full name, home address, phone number, and **email address** for each Complainant(s). *N.J.A.C. 6A:28-6.3(b)(1)*.
- The Complaint does not include the full name, home address, phone number, and **email address** for each Respondent(s). *N.J.A.C. 6A:28-6.3(b)(2)*.
- The Complaint does not indicate whether the phone number and/or email address for each Respondent(s) is unknown. *N.J.A.C. 6A:28-6.3(b)(2)*.
- The Complaint does not include evidence in support of the allegations. *N.J.A.C. 6A:28-6.3(b)(5)*.

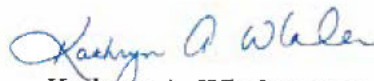
For your reference, [a sample complaint form](#), and [directions for filing a complaint with the Commission](#) on or after March 6, 2023, can be found on the [Commission's website](#).

Your amended filing must either be mailed *or* emailed to the Commission, along with the required number of hardcopies. For ease of reference, the Commission's mailing address is School Ethics Commission, c/o New Jersey Department of Education, P.O. Box 500, Trenton, New Jersey 08625, and the Commission's email address is school.ethics@doe.nj.gov. Once an amended filing conforming to the requirements of *N.J.A.C. 6A:28-6.2* is received, the Commission will serve the named Respondent with the Complaint.

Subject to the exceptions set forth at *N.J.A.C. 6A:28-6.6(g)*, the Commission shall hold all information confidential regarding any pending matter until the Commission finds that a school official has violated the Act, or until such time that the above-captioned matter is settled, withdrawn or dismissed.

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

Sincerely,



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

¹ If mailed, "receipt" shall be deemed to be three (3) days from the date of this notice. If sent electronically, "receipt" shall be deemed to be the same date of this notice.

BACKGROUND

1. Complainants are current elected Members of the Monroe Township Board of Education in Middlesex County, New Jersey (the "Board").
2. Respondent Christine Skurbe is also a Board Member and is the current Board President.
3. Respondent currently has pending against Ms. Rattner an ethics complaint with the School Ethics Commission titled Christine Skurbe v. Kate Rattner, bearing docket number C115-22 (the "Rattner Matter"). See Certification of Kate Rattner ("Rattner Cert.") ¶ 3.
4. Over the past several months, Respondent has engaged in a pattern of unethical and unlawful behavior targeting Complainants and others, in violation of the Code of Ethics for School Board Members, N.J.S.A. 18A:12-24.1, et seq. (hereafter, the "Code").
5. Respondent is a respondent in at least one other School Ethics Commission matter, entitled Brian Fabiano v. Christine Skurbe and bearing docket number C65-22 (the "Fabiano Matter"). Rattner Cert. ¶ 4.
6. On or about July 27, 2022, Ms. Rattner signed a certification in support of the complainant Brian Fabiano's submission in response to Respondent's motion to dismiss in the Fabiano Matter. Rattner Cert. ¶ 6.
7. Respondent maintains a personal animus against Ms. Rattner for supporting an ethics complaint against her.
8. Respondent maintains a personal animus against Ms. Fabiano because of her husband's ethics complaint against her in the Fabiano Matter. See Katie Fabiano Certification ("Fabiano Cert.") ¶ 5.

9. Respondent has consistently abused her authority as the Board President to pursue her personal animus against Complainants and others, including the filing of the Amended Complaint against Ms. Rattner in the Rattner Matter.

COUNT I

RESPONDENT VIOLATED THE CODE BY BARRING MS. FABIANO FROM PARTICIPATING IN THE AUGUST 17, 2022 MEETING

10. Complainants incorporate by reference, as if wholly set forth herein, the previous allegations of the Complaint.

11. On or about August 17, 2022, the Board held its regularly scheduled meeting, which included a closed session portion pursuant to N.J.S.A. 10:4-12. Rattner Cert. ¶ 8.

12. Ms. Rattner was on vacation at the time and was unable to attend the meeting. Rattner Cert. ¶ 10.

13. Prior to entering the closed session portion of the meeting, Ms. Fabiano was advised that she could not participate in the closed session because the Board needed to discuss a litigation matter in which Ms. Fabiano had a conflict of interest. Fabiano Cert. ¶ 6.

14. During closed session, the Board also discussed and explored preparing an ethics complaint against Ms. Rattner, which would later result in the Amended Complaint filed in the case bearing docket number C115-22. Rattner Cert. ¶ 10.

15. Ms. Fabiano was not invited to return into closed session to discuss this potential ethics complaint against Ms. Rattner. Fabiano Cert. ¶ 7.

16. Ms. Fabiano learned about her unlawful exclusion from this portion of the closed session meeting from Ms. Rattner on September 13, 2022, who had also learned same on that date. Fabiano Cert. ¶ 8.

EXHIBIT K

RE: [External Email]Re: Oaktree-Applegarth PTA Resignations - Investigation request



ⓧ Dawn Graziano <Dawn.Graziano@monroe.k12.nj....> Wednesday, December 21, 2022 at 11:27 AM

To: [REDACTED]; ⓧ Adam Layman; ⓧ Chari Chanley; +13 more ▾

December 21, 2022

To the above e-mail addressees,

We are aware of an e-mail from an anonymous parent that was sent to the Board of Education in Monroe Township and to the State Department of Education alleging harassment on the part of our Superintendent, Mrs. Chari Chanley and our Board of Education President, Mrs. Chrissy Skurba.

Specific to allegations pertaining to Mrs. Chanley, Mrs. Dinsmore and I would like to attest to the fact that we requested a meeting with the state PTA and our officers and scheduled that meeting for Friday, December 2nd at 2 p.m. at Applegarth School. We had been navigating a difficult relationship between our existing PTA officers and some vocal parents since the end of the 2021-2022 school year. At the meeting, we were hoping to encourage our officers to allow the vocal parent group to chair an activity during the school year so they felt more included. This meeting included Lisa Falco and Sharon Roseboro from the state PTA, Mrs. Dinsmore, Mrs. Graziano, Melissa Storey (PTA President), Christine Lester (3rd VP), Jenan Grant (Secretary) and Aimee Benner (2nd VP).

Coincidentally, Mrs. Chanley reached out via telephone a day or two before the December 2nd meeting was to occur, urging us to encourage greater diversity in our PTA, as the vocal parents were contacting her with concerns about a lack of inclusivity. Mrs. Chanley encouraged us to speak up for such inclusivity when she found out about the December 2nd meeting and cautioned that the vocal parents were concerned about racism on the PTA.

As principals, we are unaware of any acts of harassment or bullying on Mrs. Chanley's part, and though she was copied on numerous e-mails from a vocal parent group and our PTA officers prior to the meeting, we have no knowledge of any direct interactions between Mrs. Chanley and our PTA executive board members.

During the course of that meeting, Mrs. Storey announced her intention to resign (she was not forced out) and we later found out that Mrs. Goyal, Mrs. Lester, and Mrs. Grant would be tendering resignations as well. Three of the officers will remain in their positions. Mrs. Dinsmore reached out to the state PTA on our behalf, and we were told new elections would be held at a scheduled January 10th meeting.

Sincerely,

Patricia Dinsmore and Dawn Graziano
Principals, Oak Tree and Applegarth Schools

Dawn Graziano, Principal
Applegarth School

"Education is the kindling of a flame, not the filling of a vessel."
— Socrates



EXHIBIT L

Minutes of the Special Public Meeting of the Monroe Township Board of Education which was held at the Monroe Township High School on January 12, 2023.

The meeting was called to order by Board President Chrissy Skurbe at 7:00 p.m.

ATTENDANCE

Ms. Carmen Alvarez
Ms. Kathleen Belko
Ms. Karen Bierman
Ms. Gazala Bohra
Ms. Gail DiPane
Ms. Katie Fabiano
Ms. Kate Rattner
Ms. Chrissy Skurbe
Mr. Peter Tufano

JAMESBURG BOARD MEMBER REPRESENTATIVE PRESENT

Ms. Michelle Scott

STAFF PRESENT

Ms. Chari Chanley, Superintendent of Schools
Dr. Adam Layman, Assistant Superintendent of Schools
Ms. Laura Allen, Business Administrator/Board Secretary

MEMBERS OF THE PUBLIC – approximately 14

After the Pledge of Allegiance, and the roll call, the Board Secretary read the following statement:

In accordance with the provisions of the New Jersey Open Public Meetings Law, the Monroe Township Board of Education has caused notice of this meeting to be published and electronic notice provided by having the date, time, and place thereof posted January 10, 2023:

1. At all schools,
2. On the District website at <https://www.monroe.k12.nj.us/>,
3. Home News Tribune, and
4. Filed with the Clerk of the Municipality.

Ms. Skurbe read the following statement to provide a better understanding of how the district administration came up with the referendum plan to present to the Board, which was unanimously approved by the Board at the October meeting:

In 2018, the Monroe Township voters failed a referendum for 68.8 million dollars to construct a new middle school that would have altered our district significantly by creating two separate middle schools that would divide the students. That referendum failed.

In 2019, the Monroe Township voters failed another referendum for 146 million dollars to construct a new middle school and a three-story tower addition to the existing High School. Let the truth be known that for many years the community of Monroe as well as ad hoc committees were told by previous administrators and Boards that an addition to the Middle School was not

Minutes of the Special Public Meeting of the Monroe Township Board of Education which was held at the Monroe Township High School on January 12, 2023.

possible. Today we know that it is not only possible, but it would solve the overcrowding there without creating a completely second middle school in our town. Neither of these two failed referendums had any money allocated to the maintenance or repairs of the Applegarth School, that were so desperately needed, and it wasn't something that nobody spoke about, many residents and parents came to board meeting after board meeting and asked why the overcrowding at Applegarth and Oak Tree was not being addressed as well as the condition of the Applegarth School. Not since 2001 did any Monroe Township referendum include renovations or maintenance items at the Applegarth School. For way too many years and for whatever reasons the district and previous boards did not make Applegarth School a priority to upkeep the way they did across town with the Barclay Brook School. Not many residents know that Applegarth and Barclay Brook Schools were built at the same time, they were called School #1 and School #2 and are historic icons of our towns' history. The only difference today is that Barclay Brook has been continuously maintained and renovated throughout the years and Applegarth has not. There was asbestos removal and cosmetic alterations made when it went from a middle school to an elementary school. But now it is time to finally renovate Applegarth School the way it needs to be and add an addition that will not only solve the overcrowding in the school but will allow the third graders at Oak Tree to move across to Applegarth, which will not only alleviate the overcrowding in Oak Tree but will allow the students who are currently bussed across town for services that cannot be offered at Oak Tree School, because of space, to return back to their home school where they belong. After the failed referendum in 2019, the administration and the Board began having discussions about the next steps. In early 2020, the Board began looking into additions with modular construction to keep costs down since that was a major concern of taxpayers. The Board toured a school in Edison that had recently used modular construction, there was much discussion over modulars at that time. When Covid hit in 2020, the Board decided to suspend any discussion of the next referendum. In 2021, the Board reopened discussions of next steps in the referendum process to address the needs of the district. Applegarth Elementary School was added to the discussion as the growth continued at Oak Tree School and Applegarth School continued to see the ageing effects and the issues that could no longer be ignored. The Board toured a school in Franklin Township that SSP Architects was involved in because the costs seemed very reasonable, and the Board thought they could build the same here. SSP went through a costs analysis and estimated a cost for a new school, and it was significantly higher than the one that they created in Franklin for a variety of reasons. But what they did for us was a study of Applegarth School and it was their expert professional opinion that Applegarth could be renovated and have an addition added to it. The administration recommended bringing DIGroup Architecture into the discussions at that point as they have been architects for Monroe projects including the High School construction and knew our district very well. There were months and months of discussions at BG&T meetings over the next year about developing this referendum plan that was unanimously approved by the Board. The administration held a Townhall Meeting in 2022 to gather feedback from the residents and move forward with their plans. Again, in October the Board unanimously voted to approve the recommendation of this referendum to move this forward to the Department of Education for approval and a request for their funding for these projects. We received that approval this week along with the letters explaining their calculations of their funding and tonight the Board is being asked by the administration to approve the next step in the process. We have 3 resolutions to vote on tonight. One to authorize a special election; one to update the Long Range Facility Plan to include information that was inadvertently left off; and one to accept the funding the State is

Minutes of the Special Public Meeting of the Monroe Township Board of Education which was held at the Monroe Township High School on January 12, 2023.

going to provide Monroe Township for the referendum. This is what the Board is voting on tonight. The referendum plan has been approved and at this point it cannot be changed.

PUBLIC FORUM

Doug Poye, Monroe Township – regarding the Applegarth project, Mr. Poye stated that the information indicates that there are no unhoused students, yet classrooms are being added to that school. Although he understands the reasons why, Mr. Poye stated that the public would benefit from an explanation. Next, Mr. Poye inquired if the 5 spaces that are being constructed into classrooms are in addition to the 12 classrooms to make it a total of 17 classrooms. Mr. Poye stated that there is no mention of what is happening with the boiler and suggested that the Board make that very clear. Next, Mr. Poye inquired if the sketches of the Middle School in the back of the room accurately reflect the additions. Mr. Poye stated that there are more than 3 times as many unhoused students in the High School than the Middle School and that may be confusing for the public and suggested some clarification be made. Mr. Poye suggested that the Board provide an explanation on the State of New Jersey Debt Service Aid and provide the expected tax impact for the homeowners. Lastly, Mr. Poye inquired if board members are allowed to advocate or discourage the passage of the referendum.

REFERENDUM DISCUSSION/RESOLUTION

A motion was made by Mr. Tufano and seconded by Ms. Bohra to approve Items A-C by consent roll call.

Ms. Alvarez inquired if the vote would be a 10-member or 9-member vote. Ms. Skurbe responded that it would be a 10-member vote.

Regarding the October vote that Ms. Skurbe referenced earlier, Ms. DiPane requested an explanation of why the election was moved from April to March. Ms. Chanley explained that there are 6 dates that the Department of Education allow districts to go out for referendum, of those six dates, the district working collaboratively with DiGroup, selected April instead of March to allow for a few additional weeks. While Mr. Tague was speaking with someone from the Township it was revealed that a referendum could not be held in April unless the Township was holding an election. After administration had discussions with the Board Attorney the choices were to move it to March or push it to September. Next, Ms. DiPane requested further clarification on Ms. Chanley's comment about the dates and why it couldn't be held in April. Ms. Skurbe explained that there is a statute that provides the dates when a referendum can be held. Ms. Skurbe added that a referendum can only be held in April if the Township is conducting an election.

Next, Ms. Bohra stated that they were all blindsided by it not being able to be held in April. Ms. Bohra provided some history from February 2022 when the Board started the plan to put a referendum out. Ms. Bohra thanked administration and DiGroup Architecture for all the work they put into making the deadline for a March referendum.

Ms. Bierman called the vote.

Roll call to approve Items A-C 6-4-0-0-0. Motion carried with Ms. Alvarez, Ms. DiPane, Ms. Fabiano, and Ms. Rattner voting yes and Ms. Scott voting yes as it pertains to the High School.

Minutes of the Special Public Meeting of the Monroe Township Board of Education which was held at the Monroe Township High School on January 12, 2023.

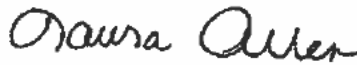
NEXT PUBLIC MEETING

Ms. Skurbe stated that the next public meeting of the Monroe Township Board of Education will convene at 6:30 p.m. on Wednesday, January 25, 2023.

ADJOURNMENT

A motion was made by Ms. Belko and seconded by Ms. Bierman that the meeting be adjourned. Motion carried. The public meeting adjourned at 7:40 p.m.

Respectfully submitted,



Laura Allen, CPA

Business Administrator/Board Secretary

The video recording of this meeting of the Monroe Township Board of Education can be found on the district website or <https://monroetv.viebit.com/index.php?folder=Board+of+Education>



Thursday, January 12, 2023
MONROE TOWNSHIP BOARD OF EDUCATION SPECIAL MEETING AGENDA

PLEASE TURN OFF ALL CELL PHONES DURING THE MEETING
ALL INDIVIDUALS SITTING AT THE BOARD TABLE SHOULD HAVE THEIR PHONES PUT AWAY

MONROE TOWNSHIP HIGH SCHOOL
200 SCHOOLHOUSE ROAD
MONROE TOWNSHIP, NJ 08831
7:15 P.M.

Any member of the public may record the proceedings of a public meeting of the Board in a manner that does not interrupt the proceedings, inhibit the conduct of the meeting, or distract Board Members or other observers present at the meeting.

The Board will permit the use of tape recorders, still or movie cameras, or videotape cameras only when notice of such intended use has been given to the Board Secretary one day in advance of the meeting. Any video recording device must be located and operated from inconspicuous locations in the meeting room as determined by the presiding officer of the meeting. The presiding officer may also limit the number of video recording devices if he/she determines the number and position of the video recording devices will be an unnecessary intrusion to the meeting. In this event, preference will be given based on the order in which prior notice requesting to record the meeting was provided to the Board Secretary.

The presiding officer shall determine when any recording device interferes with the conduct of a Board meeting and may order that an interfering device be removed.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Subject	A. BOARD MEMBERS
Meeting	Jan 12, 2023 - MONROE TOWNSHIP BOARD OF EDUCATION SPECIAL MEETING AGENDA
Category	3. ROLL CALL
Type	Information

Ms. Carmen Alvarez
 Ms. Kathleen Belko
 Ms. Karen Bierman
 Ms. Gazala Bohra
 Ms. Gail DiPane
 Ms. Katie Fabiano
 Ms. Kate Rattner
 Ms. Chrissy Skurbe
 Mr. Peter Tufano

JAMESBURG BOARD MEMBER REPRESENTATIVE (See Note 2)
 Ms. Michelle Scott

STUDENT BOARD MEMBERS
 Mr. Shivank Lattupally
 Ms. Hetvi Thakker

4. STATEMENT

Subject **A. STATEMENT**

Meeting Jan 12, 2023 - MONROE TOWNSHIP BOARD OF EDUCATION SPECIAL MEETING AGENDA

Category 4. STATEMENT

Type Information

In accordance with the provisions of the New Jersey Open Public Meetings Law, the Monroe Township Board of Education has caused notice of this meeting to be published and electronic notice provided by having the date, time, and place thereof posted January 10, 2023:

1. At all schools,
2. On the District website at <https://www.monroe.k12.nj.us/>,
3. Home News Tribune, and
4. Filed with the Clerk of the Municipality.

5. PUBLIC FORUM

Subject **A. PUBLIC FORUM (See Note 3)**

Meeting Jan 12, 2023 - MONROE TOWNSHIP BOARD OF EDUCATION SPECIAL MEETING AGENDA

Category 5. PUBLIC FORUM

Type Information

See Note 3.

6. REFERENDUM DISCUSSION/RESOLUTION

Subject **A. Resolution for Special Election and Proposal Question**

Meeting Jan 12, 2023 - MONROE TOWNSHIP BOARD OF EDUCATION SPECIAL MEETING AGENDA

Category 6. REFERENDUM DISCUSSION/RESOLUTION

Type

RESOLUTION

BE IT RESOLVED BY THE BOARD OF EDUCATION (the "Board of Education") OF THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (the "School District"), AS FOLLOWS:

1. A special school election of the legal voters of the School District shall be held on Tuesday, March 14, 2023 from 7:00 o'clock A.M. until 8:00 o'clock P.M., in the School District at the places and for the purposes of (a) the construction of additions to the Monroe Township Middle School and certain renovations to the existing Monroe Township Middle School, (b) the construction of an addition to the Monroe Township High School and certain renovations to the existing Monroe Township High School and (c) the construction of an addition to the Applegarth Elementary School and certain renovations to the existing Applegarth Elementary School
2. The Secretary of the Board of Education is hereby directed to cause the Clerk of the Township of Monroe to publish not less than fifty days before the date of the special school election notices, of the character provided in section 7 of the "Absentee Voting Law (1953)", P.L. 1953, c.211, in a newspaper published in the municipality in which the School District is situated, and if no newspaper is published in such municipality, then in at least one newspaper published in the County of Middlesex and circulating in the Township of Monroe.
3. The Secretary of the Board of Education is hereby directed to cause the Middlesex County Board of Elections to publish notice of the special school election at least ten days before the date of the special school election in a newspaper having the qualifications required by N.J.S.A. 19:12-7 and N.J.S.A. 35:1-2.2.

4. The notice shall be in substantially the following form, and the proposal therein set forth shall be submitted to the voters at the special school election. The hours of opening and closing of the polls shall be as stated in the notice and the polling place or places and polling district or districts therein stated and described are hereby confirmed and established:

**NOTICE OF SPECIAL SCHOOL DISTRICT ELECTION
OF THE BOARD OF EDUCATION OF THE TOWNSHIP OF MONROE,
IN THE COUNTY OF MIDDLESEX, NEW JERSEY
ON TUESDAY, MARCH 14, 2023**

NOTICE IS HEREBY GIVEN to the legal voters of the School District of the Township of Monroe, in the County of Middlesex, New Jersey, that a special school election of the legal voters of the School District will be held on Tuesday, the 14th day of March, 2023, at 7:00 a.m.

The polls will remain open until 8:00 p.m. and as much longer as may be necessary to permit all the legal voters then present to vote and to cast their ballots. The election will be held and all the legal voters of the School District will vote at the respective polling places stated below.

At the said election, there will be submitted the following proposal:

PROPOSAL

The Board of Education of the Township of Monroe, in the County of Middlesex, New Jersey, is authorized to undertake as capital projects for lawful school purposes the following: (a) the construction of additions to the Monroe Township Middle School and the partial renovation with alterations of the existing Monroe Township Middle School; (b) the construction of additions to the Monroe Township High School and the partial renovation with alterations of the existing Monroe Township High School; (c) the construction of an addition to the Applegarth Elementary School and the renovation of the existing Applegarth Elementary with alterations; and (d) at all schools mentioned above, any necessary infrastructure, improvements, upgrades, appurtenances, equipment, furniture and site improvements.

The Board of Education is authorized to expend for the aforesaid purposes, including incidental expenses, the sum not exceeding \$103,627,203 which expenditure shall be funded with bonds of the School District in the principal amount not exceeding \$103,627,203. The State of New Jersey debt service aid percentage will equal up to 40% of the annual debt service due with respect to the final eligible costs of the purposes financed with the bonds. The final eligible costs of said purposes as approved by the Commissioner of Education are \$51,293,339. The additional costs for the project are not eligible for further State support. The Board of Education is authorized to transfer funds among the projects approved at this election

The Applegarth Elementary School project includes \$3,932,500 for school facility construction elements in addition to the facilities efficiency standards developed by the Commissioner of Education. The Monroe Township Middle School and the Monroe Township High School projects include \$0 for school facility construction elements in addition to the facilities efficiency standards development by the Commissioner of Education.

The polling places for the election and their respective polling districts (described by reference to the election districts used at the last General Election in the municipality) are established and have been designated below, and no person shall vote at the election elsewhere than at the polling place designated for the voters of the polling district in which he or she resides.

POLLING PLACE NO. 1

Polling place at Oaktree Elementary School in the School District for legal voters residing within the General Election District Ward No. 1, District 14 and General Election District Ward No. 2, Districts 2 and 10.

POLLING PLACE NO. 2

Polling place at Rossmoor Clubhouse in the School District for legal voters residing within the General Election District Ward No. 1, Districts 2, 3, 4 and 5.

POLLING PLACE NO. 3

Polling place at Clearbrook Cultural Center in the School District for legal voters residing within the General Election District Ward No. 1, Districts 6, 7, 8, 9 and 10.

POLLING PLACE NO. 4

Polling place at Woodland School in the School District for legal voters residing within the General Election District Ward No. 3, Districts 4, 8 and 9.

POLLING PLACE NO. 5

Polling place at Brookside School in the School District for legal voters residing within the General Election District Ward No. 2, Districts 13 and 16 and Ward No. 3, Districts 6 and 12.

POLLING PLACE NO. 6

Polling place at Whittingham Towne Center in the School District for legal voters residing within the General Election District Ward No. 2, Districts 3, 9, 11 and 12.

POLLING PLACE NO. 7

Polling place at Concordia Clubhouse in the School District for legal voters residing within the General Election District Ward No. 2, Districts 5, 6, 7 and 8.

POLLING PLACE NO. 8

Polling place at The Ponds Clubhouse in the School District for legal voters residing within the General Election District Ward No. 2, District 1.

POLLING PLACE NO. 9

Polling place at Monroe Township Fire and EMS Facility in the School District for legal voters residing within the General Election District Ward No. 1, Districts 11 and 12.

POLLING PLACE NO. 10

Polling place at the Monroe First Aid Squad Building in the School District for legal voters residing within the General Election District Ward No. 3, Districts 1 and 3.

POLLING PLACE NO. 11

Polling place at the Monroe Township Community Center in the School District for legal voters residing within the General Election District Ward No. 3, Districts 2, 5 and 7.

POLLING PLACE NO. 12

Polling place at the Monroe Township Public Library in the School District for legal voters residing within the General Election District Ward No. 2, District 4.

POLLING PLACE NO. 13

Polling place at Encore Monroe in the School District for legal voters residing within the General Election District Ward No. 1, District 1.

POLLING PLACE NO. 14

Polling place at Monroe Village in the School District for legal voters residing within the General Election District Ward No. 1, District 15.

POLLING PLACE NO. 15

Polling place at Regency at Monroe Clubhouse in the School District for legal voters residing within the General Election District Ward No. 3, Districts 10 and 11.

POLLING PLACE NO. 16

Polling place at Renaissance at Monroe Community Center in the School District for legal voters residing within the General Election District Ward No. 1, District 16.

POLLING PLACE NO. 17

Polling place at Stonebridge Clubhouse in the School District for legal voters residing within the General Election District Ward No. 2, Districts 14 and 15.

By order of the Board of Education
Laura Allen, Board Secretary

Dated: February __, 2023

5. The Board of Education hereby approves and adopts the proposal set forth in the notice and, subject to the approval of the legal voters of the School District, hereby determines to carry out the same.
6. The Board of Education hereby authorizes the Secretary of the Board of Education to request one additional voting machine for each of the following polling places: (a) Rossmoor Clubhouse, (b) the Brookside School, (c) the Concordia Clubhouse, (d) the Clearbrook Cultural Center and (e) the Whittingham Towne Center for the convenience of the voters pursuant to N.J.S.A. 19:4-12.
7. The Board of Education hereby acknowledges and agrees that, in accordance with N.J.S.A. 18A:24-16 and 18A:24-17, a supplemental debt statement will be prepared as of the date of this resolution by the chief financial officer of the Township of Monroe, being every municipality comprised within the School District, giving effect to the proposed authorization of bonds of the School District in the maximum amount stated in the proposal set forth in the notice and that the supplemental debt statement has been filed in the office of the Clerk of the Township of Monroe and in the office of the Secretary of the Board of Education prior to the adoption of this resolution. The Board of Education hereby directs the Secretary of the Board of Education to have the supplemental debt statement filed in the office of the Division of Local Government Services in the Department of Community Affairs prior to the date of the special school election authorized herein.
8. The Board of Education intends to issue bonds or notes to finance the costs of the project described in the proposal set forth in this resolution. The Board of Education expects that the maximum principal amount of bonds or notes that will be issued to finance the costs of the project described in the proposal will not exceed \$103,627,203. If the Board of Education incurs any such costs prior to the issuance of its bonds or notes, the Board of Education intends to reimburse itself for such expenditures with the proceeds of such bonds or notes.
9. The Board of Education hereby appoints the law firm of McCarter & English, LLP to provide the specialized legal services necessary in connection with the financing of the projects and the authorization, issuance and sale of any bonds or temporary notes therefor, and other appropriate legal services in connection with such financing. The Secretary of the Board of Education is hereby authorized to cause to be printed once, in an official newspaper, the notice required by N.J.S.A. 18A:18A-5(a)(1) in connection with such appointment.
10. This resolution shall take effect immediately.

Adopted: January 12, 2023

Subject	B. Resolution for Minor Amendment to the Long Range Facilities Plan
Meeting	Jan 12, 2023 - MONROE TOWNSHIP BOARD OF EDUCATION SPECIAL MEETING AGENDA
Category	6. REFERENDUM DISCUSSION/RESOLUTION
Type	

RESOLUTION OF THE MONROE TOWNSHIP SCHOOL DISTRICT BOARD OF EDUCATION

The Monroe Township Public School District Board of Education (the "Board"), a regular operating public school district in Middlesex County in the State of New Jersey is endeavoring to make a minor amendment to its current Long Range Facilities Plan (the "Plan") and submit same to the New Jersey Department of Education ("DOE") for review and approval.

As such, the Board hereby authorizes its architect DGroupArchitecture, LLC to prepare a Minor Amendment to the Plan and submit the Plan to the DOE for review and approval.

Subject C. Resolution Approving DOE Numbers

Meeting Jan 12, 2023 - MONROE TOWNSHIP BOARD OF EDUCATION SPECIAL MEETING AGENDA

Category 6. REFERENDUM DISCUSSION/RESOLUTION

Type

RESOLUTION OF THE BOARD OF EDUCATION OF THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX,
NEW JERSEY
AUTHORIZING CERTAIN ACTION WITH RESPECT TO INFORMATION RECEIVED FROM THE NEW JERSEY DEPARTMENT
OF EDUCATION

WHEREAS, the Board of Education of the Township of Monroe, in the County of Middlesex, New Jersey (the "Board") did heretofore submit three applications (collectively, the "Applications") for an elementary school project, a middle school project and a high school project (collectively, the "Projects") pursuant to Section 5 of the Educational Facilities Construction and Financing Act, P.L. 2000, c.72, to the New Jersey Department of Education; and

WHEREAS, the Board has received three letters each dated January 6, 2023 from the New Jersey Department of Education with respect to the Project, copies of which are attached hereto as Exhibit A (collectively, the "Initial Approval Letters"); and

WHEREAS, the Board is required to take certain actions and make certain determinations pursuant to the Initial Approval Letters; and

WHEREAS, the Board hereby desires to authorize such actions and make such determinations as required by the Initial Approval Letters; and

NOW THEREFORE, BE IT RESOLVED BY THE BOARD, AS FOLLOWS:

1. The Board hereby determines not to appeal the New Jersey Department of Education's determination of preliminary eligible costs for the Projects as set forth in the Initial Approval Letters.
2. The Board hereby determines to accept the New Jersey Department of Education's determination that there is no space inconsistent with the facility efficiency standards/programmatic model as set forth in the Initial Approval Letters.
3. The Secretary of the Board is hereby directed to send a certified copy of this Resolution to the New Jersey Department of Education within thirty (30) days from the date of the Initial Approval Letters.
4. This resolution shall take effect immediately.

Adopted: January 12, 2023

File Attachments[Applegarth PEC.pdf \(499 KB\)](#)[High School PEC.pdf \(493 KB\)](#)[Middle School PEC.pdf \(493 KB\)](#)**7. NEXT SCHEDULED BOARD OF EDUCATION MEETING JANUARY 25, 2023**

Subject A. NEXT SCHEDULED BOARD OF EDUCATION MEETING JANUARY 25, 2023

Meeting Jan 12, 2023 - MONROE TOWNSHIP BOARD OF EDUCATION SPECIAL MEETING AGENDA

Category 7. NEXT SCHEDULED BOARD OF EDUCATION MEETING JANUARY 25, 2023

Type

The next scheduled Board of Education Meeting is scheduled for January 25, 2023 6:30 p.m.

8. ADJOURNMENT

Subject A. NOTES

Meeting Jan 12, 2023 - MONROE TOWNSHIP BOARD OF EDUCATION SPECIAL MEETING AGENDA

Category 8. ADJOURNMENT

Type Action

NOTES

Note 1: Any member of the public may record the proceedings of a public meeting of the Board in a manner that does not interrupt the proceedings, inhibit the conduct of the meeting, or distract Board Members or other observers present at the meeting.

The Board will permit the use of tape recorders, still or movie cameras, or videotape cameras only when notice of such intended use has been given to the Board Secretary one day in advance of the meeting. Any video recording device must be located and operated from inconspicuous locations in the meeting room as determined by the presiding officer of the meeting. The presiding officer may also limit the number of video recording devices if he/she determines the number and position of the video recording devices will be an unnecessary intrusion to the meeting. In this event, preference will be given based on the order in which prior notice requesting to record the meeting was provided to the Board Secretary.

The presiding officer shall determine when any recording device interferes with the conduct of a Board meeting and may order that an interfering device be removed.

Note 2: The Jamesburg Representative shall be eligible to vote on only those matters specifically designated in N.J.S.A. 18A:38-8.1, as follows:

1. Tuition to be charged the sending district by the receiving district and the bill lists or contracts for the purchase, operation or maintenance of facilities, equipment and instructional materials to be used in the education of the pupils of the sending district.
2. New capital construction to be utilized by sending district pupils.
3. Appointment, transfer or removal of teaching staff members providing services to pupils of the sending district, including any teaching staff member who is a member of the receiving district's central administrative staff.
4. Addition or deletion of curricular and extracurricular programs involving pupils of the sending district.
5. Any matter directly involving sending district students or programs and services used by them.
6. The annual receiving district budget.
7. Any collectively-negotiated agreement involving employees who provide services used by sending district students.
8. Any individual employee contracts not covered by a collectively-negotiated agreement, if those employees provide or oversee programs or services utilized by sending district students.

9. Any matter concerning governance of the receiving district board of education, including, but not limited to, the selection of board president and vice-president, approval of board bylaws, and the employment of professionals or consultants such as attorneys, architects, engineers, or others who provide services to the receiving district board of education.

In accordance with N.J.S.A. 18A:38-8.1, the Jamesburg Representative is eligible to vote on the items delineated by an asterisk (*) in the Superintendent's and Business Administrator/Board Secretary's Board Action section of the Agenda.

Note 3: Public discussion is confined to this portion of the Agenda unless permission is granted by the Board President prior to the start of the meeting or when the Board is considering a Special Agenda Item that the Board deems appropriate for public participation. Anyone wishing to address the Board is requested to stand and state his/her name and address.

EXHIBIT M

DAVID B. RUBIN, P.C.
450 Main Street
Metuchen, NJ 08840
(732) 767-0440
rubinlaw@att.net
Attorney for Complainant

CHRISTINE SKURBE, in her capacity as
President of the Monroe Township Board of
Education,

Complainant,

v.

KATE RATTNER,

Respondent.

BEFORE THE SCHOOL ETHICS
COMMISSION OF NEW JERSEY

Docket No. C115-22

AMENDED COMPLAINT

Complainant, Christine Skurbe, residing at [REDACTED]

[REDACTED] in her capacity as President of the Monroe Township Board of Education ("the Board"), and with due authority from the Board, requests that the School Ethics Commission consider an amended complaint against Kate Rattner ("Rattner"), whose address is [REDACTED]

in accordance with the authority of the School Ethics Commission to entertain such complaints under *N.J.S.A. 18A:12-21 et seq.*

BACKGROUND

1. Complainant is an elected member of the Monroe Township Board of Education (the "Board") and presently serves as its President. Respondent Kate Rattner was elected to the

Board in the November 2021 annual school election and has served as a member of the Board since January 2022.

2. Over the past year, respondent Rattner has engaged in an ongoing pattern of ethical infractions evidencing patent disregard for the constraints imposed on school board members by the School Ethics Act ("the Act").

3. As alleged herein, during respondent Rattner's first two months on the Board, she already had engaged in repeated instances of ethical misconduct warranting a roughly two-hour meeting by Zoom, on March 3, 2022, with complainant Skurbe, Board Vice President Karen Bierman, respondent Rattner and New Jersey School Boards Association Field Service Representative Mary Ann Friedman, to remind respondent of her ethical responsibilities.

4. Despite repeated admonitions regarding the Act's ethical boundaries, respondent Rattner has continued to flout them, and by all outward indications appears intent on continuing to do so.

5. While some of the alleged unethical behavior herein occurred more than 180 days prior to the filing of this Complaint, the Board itself was not made aware of these previous occurrences until they were brought to light in an executive session discussion during an August 2022 Board meeting, where the Board's General Counsel, Vito Gagliardi, Jr., Esq., was requested to advise the Board on whether respondent's pattern of behavior, to date, warranted the filing of a complaint with the School Ethics Commission.

6. After further consultation with the Board's General Counsel, the Board adopted a resolution at its duly convened meeting of November 16, 2022, supported by eight members of the Board, authorizing Complainant to file the instant Complaint in her capacity as President of the Board.

7. Even if the Commission were to determine that some of the incidents alleged herein are not actionable in themselves because they are time-barred, they are, nevertheless, relevant evidence of: (a) an ongoing pattern of ethical obviousness on respondent's part; and (b) by the district's response to this misbehavior, clear notice to respondent of the appropriate boundaries that she continued to cross in her misconduct that did occur within the past 180 days.

FIRST COUNT

DIRECT COMMUNICATION WITH TEACHING STAFF MEMBERS AND THE TEACHERS' UNION

8. Complainant incorporates by reference, as if wholly set forth herein, the previous allegations of the within Complaint.

9. Respondent Rattner's husband, David Rattner, is a teacher employed in the Monroe Township School District, and a member of the collective negotiations unit represented by the Monroe Township Education Association ("the MTEA"). Accordingly, respondent is conflicted from taking part in votes or other actions affecting her husband's employment relationship, or the terms and conditions of his employment.

10. On January 21, 2022, without authorization from the Board, respondent Rattner sent the following email to the Superintendent, Board President, Assistant Superintendent, and School Business Administrator, annexed as Exhibit A, seeking to have the email sent out to all District staff:

From: Kate Rattner

To:

Chari Chanley;

Chrissy Skurbe;

Adam Layman;

Michael Gorski

Fri 1/21/2022 6:20 PM

Good evening,

I hope you all had a nice week. I recently came across some helpful information regarding loan forgiveness for educators and I would love to share it with our wonderful staff if possible. The information is below, I hope it may be helpful to some!

Wishing you all a well-deserved wonderful weekend!

Good evening,

I am sharing this with any of you who may not be aware that the qualifications for public service student loan forgiveness have been modified until October 2022. I know that there are a lot of people who may not have qualified before that might now be eligible.

In addition, I found out that if you have previously consolidated your loans to a private company, you may be able to reconsolidate to now be eligible for forgiveness.

Specifically for teachers, if you are a member of NEA you receive a free year of premium benefits from Savi, which will work directly with you to assistance with your student loans, whether it is for the loan forgiveness program being offered or something else.

Here is some information for anyone who might benefit! Disclaimer: I am not a financial advisor, just passing along useful information!

<https://www.neamb.com/products/nea-student-debt-navigator>

<https://studentaid.gov/manage-loans/forgiveness-cancellation/public-service?fbclid=IwAR1LN7KyzCROcVF2jWkafs0QVpOxODc0S7ZBgwGt3XTCjFoQ2E3EtYC0xjM>

11. When respondent did not receive a response by her self-declared deadline, without Board authorization she sent the same email to the President of the MTEA, who also did not send the email to staff, as respondent had requested.

12. When the Board President informed respondent of the impropriety and ethical prohibition for a Board member to engage in direct communication with the MTEA President without Board approval, respondent, in the following email she sent to the Board President,

admitted her conduct, but insisted she had done nothing wrong and refused to accept responsibility for her error, implying that she would engage in the same conduct again given similar facts:

DIRECTIVE TO SEND E-MAILS

I have no recollection about what emails you are referring to in regards to directives to send things out unless you are referring to the email I sent regarding student loan forgiveness for teachers. This is another example where I followed the proper channels by emailing Mrs. Chanley (and yourself) on January 21st. I never received confirmation or a reply that my email was even acknowledge, which quite honestly made me feel quite ignored. So nearly two weeks later, I forwarded a link with information about the student loan forgiveness to ONE employee, Ms. Augsbach (who had reached out to all three new board members after being sworn in letting us know that she looked forward to our partnership). I also told her that it was totally her choice whether to share this information with other staff members and if she chose to share this, she could certainly feel free to omit my name so that it would be coming directly from her. Ms. Augsbach both called me and sent an email expressing her appreciation.

I must say that I truly hope that sharing a link to save our wonderful teachers potentially thousands of dollars in student loan payments is something that would be appreciated and not a violation of ethics. And I would certainly hope that as the board president you would defend a fellow board member who is clearly acting in the best interests of staff by sharing this information rather than mentioning the multiple times you've "had to speak to me."

Again, I fully recognize that if I were to force Ms. Augsbach's hand to send this e-mail (or any e-mail), that would be a clear abuse of power. But that is not who am I, and that is not something I would ever do. I believe part of my job as a board of education member is to share resources and explore options, and then the teachers, administration, and staff take it from there to determine whether or not it is something that would be beneficial for our students.

I am not sure if you were trying to scare me by stating that I am breaking the code of ethics with these scenarios but to quell my concerns I spoke with multiple people at the NJSBA, who all assured me that there are no ethics violations in any of these situations.

13. *N.J.S.A. 18A:12-24.1(c)* provides: "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."

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

15. *N.J.S.A.* 18A:12-24.1(e) provides that "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."

16. By communicating directly with MTEA President without Board authorization, respondent Rattner violated *N.J.S.A.* 18A:12-24.1(c), (d) and (e).

SECOND COUNT

USING POSITION AS BOARD MEMBER TO SECURE UNWARRANTED PRIVILEGES FOR HER HUSBAND

17. Complainant incorporates by reference, as if wholly set forth herein, the previous allegations of the within Complaint.

18. The District had agreed to compensate respondent's husband to attend an event run by the Central Jersey Music Educators Association ("CJMEA"), a private organization, at which District students would be present. His compensation was for his role as a chaperone of District students attending the event. Upon information and belief, this commitment created a conflict with a vacation trip respondent had planned for both of them. When respondent's husband informed respondent of this conflict, respondent insisted that he solicit another staff member to take his place in at the CJMEA event. When respondent's husband was not able to obtain a substitute staff member, respondent directly contacted another District teaching staff member to request that he take her husband's place, and do it for free, as he already was going to be there. (The staff member was already going to be at the event as a representative for the

CJMEA and was not being compensated or there representing the Monroe Township School District.)

19. When respondent was initially seated as a member of the Board, both complainant Skurbe, in her capacity as Board President, and the Board's General Counsel, Vito A. Gagliardi, Jr., made respondent aware that she was not permitted to act in any matter or manner that pertained specifically to her husband's employment in the District. Both complainant Skurbe and Gagliardi also had spoken with respondent Rattner on numerous occasions reminding her that, as a Board member, she did not have authority and was not ethically permitted to engage with, direct, or comment upon any staff member, but rather was required to speak with the Superintendent or the Board regarding such matters.

20. On January 27, 2022, without speaking with the Superintendent, respondent Rattner interjected herself into a situation regarding her husband's paid duties, communicating directly with a District teaching staff member, urging him to take her husband's place at an event for which he already was approved to attend and for which he was being compensated. In so acting, respondent provided her husband with an unwarranted benefit and privilege. The contacted staff member was placed in an inherently coercive position of knowing that a Board member was requesting his services directly.

21. Because respondent Rattner had no lawful authority to direct and/or pressure District employees, that employee could have filed a meritorious grievance under the relevant collective bargaining agreement alleging unlawful harassment by the District. Such conduct also could have interfered with the beneficial relationship developed over time between the Board, the Administration, and the MTEA, thereby jeopardizing employee morale and productivity.

22. As a result of this unethical and inherently coercive contact by respondent Rattner, her husband's supervisor was required to intervene and communicate this highly inappropriate and unethical conduct to the Superintendent who, in turn, requested that the Board President again instruct respondent to refrain from becoming involved in any matters concerning her husband. Rather than accept this advice and learn from this incident, respondent falsely denied any involvement.

23. *N.J.S.A. 18A:12-24(b)* of the New Jersey School Ethics Act ("Act") provides that "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[.]"

24. As an elected school board member, Ms. Rattner is a school official and required to comply with the Act.

25. By intervening in District operations in a matter with her husband pressuring teaching staff members to substitute for her husband's District-compensated assignment, respondent Rattner used her official position to attempt to secure unwarranted privileges and/or advantages for her husband, a member of her immediate family.

26. By the aforesaid conduct, respondent Rattner violated *N.J.S.A. 18A:12-24(b)*.

THIRD COUNT

27. Complainant incorporates by reference, as if wholly set forth herein, the previous allegations of the within Complaint.

28. *N.J.S.A. 18A:12-24.1(c)* provides that "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."

29. By intervening in District operations in a matter with her husband, pressuring a teaching staff member to substitute for her husband's District-compensated assignment, respondent Rattner failed to confine her Board action as mandated and did not consult the Board as required.

30. By the aforesaid conduct, respondent Rattner violated *N.J.S.A. 18A:12-24.1(c)*.

FOURTH COUNT

31. Complainant incorporates by reference, as if wholly set forth herein, the previous allegations of the within Complaint.

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

33. By intervening in District operations in a matter with her husband, pressuring a teaching staff member to substitute for her husband's District-compensated assignment, respondent Rattner sought to and did engage in administration of the schools.

34. By the aforesaid conduct, respondent Rattner violated *N.J.S.A. 18A:12-24.1(d)*.

FIFTH COUNT

35. Complainant incorporates by reference, as if wholly set forth herein, the previous allegations of the within Complaint.

36. *N.J.S.A. 18A:12-24.1(e)* provides that "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."

37. By intervening in District operations in a matter with her husband, pressuring a teaching staff member to substitute for her husband's District-compensated assignment, respondent Rattner engaged in private action that could have compromised the District.

38. By the aforesaid conduct, respondent Rattner violated *N.J.S.A. 18A:12-24.1(e)*.

SIXTH COUNT

39. Complainant incorporates by reference, as if wholly set forth herein, the previous allegations of the within Complaint.

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

41. By intervening in District operations in a matter with her husband, pressuring a teaching staff member to provide coverage of her husband's chaperone position, respondent Rattner failed to support and protect school personnel in the proper performance of their duties, instead pressuring a District employee to provide her husband with an unwarranted benefit or advantage.

42. By the aforesaid conduct, respondent Rattner violated *N.J.S.A. 18A:12-24.1(i)*.

SEVENTH COUNT

FAILING TO SUPPORT AND PROTECT SCHOOL PERSONNEL IN THE PROPER PERFORMANCE OF THEIR DUTIES

43. Complainant incorporates by reference, as if wholly set forth herein, the previous allegations of the within Complaint.

44. On February 15, 2022, respondent Rattner sent an email suggesting that District staff were not taking advantage of opportunities available at the Monroe Township Public Library. This statement upset the District Supervisor who had been the District's long-time and

successful liaison to the Library. This action potentially undermined her ability to work and collaborate with the Library going forward. For example, the Library could view any future requests from the Supervisor as merely a reaction to a demand made by a Board member.

45. The email followed a meeting at the Library where respondent Rattner explicitly identified herself as a newly elected Board member, even though she was attending the meeting as a member of the Monroe Cultural Arts Commission.

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

47. As had become respondent Rattner’s *modus operandi*, when confronted with this overreaching behavior on her part, she refused to acknowledge the inappropriateness of her behavior. *See*, emails annexed as Exhibit B.

48. By demeaning the performance of the District Supervisor currently serving as the long-term liaison to the Monroe Township Public Library at a public Board meeting, respondent Rattner violated *N.J.S.A.* 18A:12-24.1(i).

EIGHTH COUNT

REVEALING CONFIDENTIAL INFORMATION PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE

49. Complainant incorporates by reference, as if wholly set forth herein, the previous allegations of the within Complaint.

50. On July 27, 2022, respondent Rattner executed a document entitled CERTIFICATION OF KATE RATTNER (“Certification”), in connection with a School Ethics Act complaint proceeding entitled *Brian Fabiano v. Christine Skurbe*, Docket No. C65-22. Respondent provided a copy of her executed Certification to Brian Fabiano, the complainant in that matter, who attached that Certification as Exhibit “A” to his response to a motion to dismiss

Fabiano's complaint. A copy of Fabiano's response to the motion to dismiss, together with respondent Rattner's Certification, is attached to this Complaint as Exhibit C

51. In the Certification, respondent Rattner recounted in detail a confidential conversation she had had with complainant Skurbe and Board Attorney Vito A. Gagliardi, Jr. In Paragraph 2 of the Certification, respondent Rattner states:

It has come to my attention that my name was brought up in Ms. Skurbe's motion to dismiss. The statements mentioned are inaccurate and I would like to clarify the truth regarding these events. In Section 18, Ms. Skurbe mentions, "Prior to the vote to extend Ms. Chanley in April, Board member Kate Rattner asked for a conference call with Board Attorney Vito Gagliardi, Esq., and me to ask if Board members needed to recuse themselves for various reasons, one being the issue of being friends. The Board Attorney said that just being friends wouldn't cause need to recuse." First of all, my request was to have an individual phone call with our board attorney, Mr. Vito Gagliardi, and I specifically requested Ms. Skurbe not be present. However, Ms. Skurbe demanded that she be allowed to attend the meeting due to her role as board president. While our district policy #0174 states that the board president, superintendent or business administrator are considered the designated contact persons to correspond from our attorney, it does not state that individual board members are exempt from being able to request advice as well. In addition, I contacted the New Jersey School Boards Association to confirm what my rights as a board member were, and I was told that I am legally allowed to have my own conversation with the board attorney without the board president present as long as it was understood that any conversation held was not exclusively privileged and could be shared with other board members. Nonetheless, Ms. Skurbe insisted that she be present, and Mr. Gagliardi was unwilling to have a call without her permission. (Emphasis added)

52. In Paragraph 3 of the Certification, respondent Rattner stated:

It is true that I asked questions regarding conflicts of board members in regards to certain voting matters. However, the actual context that I asked about friendship in regards to board members voting on personnel issues is false. In regards to Ms. Chanley, I only inquired about our board vice-president (Karen Bierman) as she had previously recused herself on the vote for Ms. Chanley as acting superintendent, however had been allowed to be part of the entire superintendent search, other than recusing on the actual vote. As I am a board member who was required to recuse on the superintendent search, other than recusing on the actual vote. As I am a board member who was required to recuse on the superintendent search due to having a spouse that teaches in the district, I was inquiring why she was allowed to be part of the search if she was conflicted regarding the candidate but I was not allowed to be a part of the search or even be updated in regards to

the search. I did not ask about any other board member in regards to Ms. Chanley. My inquiry about Ms. Skurbe was regarding the suspension of our business administrator (Michael Gorski), as I was informed that a few years ago Mr. Gorski had presented Ms. Skurbe with a cease and desist letter due to defamatory language and other issues, and I wanted to ensure that our district would be protecting ourselves and acting in the best interest of our employees and our community as per the code of ethics. In full transparency, I also brought up one additional board member (Ken Chiarella) in regards to the vote regarding Mr. Gorski as I was made aware Mr. Chiarella had filed ethics charges against him few years ago.

53. The highlighted language in the paragraph 2 of the Certification, and the entirety of the quote from paragraph 3 disclosed respondent's detailed version of a conversation complainant Skurbe and respondent Rattner were having during the Board meeting on April 25, 2022, with Board's General Counsel, Vito A. Gagliardi, Jr., which respondent knew or reasonably should have known was subject to the Board's attorney-client privilege or otherwise confidential, and not subject to public disclosure.

54. At no time, prior to respondent Rattner providing a copy of the executed Certification to Fabiano for his use in connection with a response to Skurbe's motion to dismiss, did respondent inform the Board, complainant Skurbe, or the Board's General Counsel that she intended to submit her Certification to Fabiano for his use in connection with his prosecution of an ethics complaint against Skurbe. Neither did respondent Rattner seek the Board's permission to provide Fabiano with the Certification which would have required the Board to decide whether to waive the attorney-client privilege as to the conversation between respondent Rattner, complainant Skurbe, and Gagliardi.

55. Rattner was not a party to the proceeding before the School Ethics Commission, was not legally required to provide the Certification to Fabiano and voluntarily provided Fabiano, a member of the public, the executed Certification containing privileged and confidential information.

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

57. By revealing to the public in her Certification the detailed substance of a confidential and privileged conversation between herself, complainant Skurbe, and the Board Attorney, without Board authorization, respondent needlessly jeopardized the Board's attorney-client privilege and other confidentiality expectations.

58. By the aforesaid conduct, respondent Rattner violated *N.J.S.A. 18A:12-24.1(g)*.

NINTH COUNT

IGNORING CHAIN OF COMMAND

59. Complainant incorporates by reference, as if wholly set forth herein, the previous allegations of the within Complaint.

60. In or about July 2022, respondent Rattner received a message on her Facebook Messenger account from the parent of a student in the District who was requesting that an awards ceremony, at which her child was to be recognized for her accomplishments, be postponed as her daughter would not be able to attend on the scheduled date.

61. Despite being well aware of the proper chain of command, which would have resulted in respondent Rattner referring the parent to her daughter's coach/teacher, respondent instead sent the below message, directing the parent to contact the Superintendent and specifically coaching her on what she should request of the Superintendent, thereby interfering in the administration of the District:

7:35

5G



Hi [REDACTED] first of all, congratulations to your daughter! That is an amazing accomplishment to be recognized as a scholar athlete. I believe that they recognize all of the athletic awards at once, so I don't think her recognition could be postponed. Certainly they could not postpone the entire recognition ceremony, because obviously anyone can have a conflict at any time, but you can try reaching out to administration to ask if they would be willing to recognize your daughter separately at the July meeting. However that is not something I am able to decide that on my own. I would suggest contacting Mrs Chanley and Dr. Layman, as they would be the ones to ultimately decide. Hopefully that helps! And congratulations again on the award and the upcoming graduation!



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

63. By ignoring the established chain of command of which she was well aware, and coaching a parent to contact the Superintendent to ask for special treatment for the parent’s daughter, respondent Rattner violated *N.J.S.A. 18A:12-24.1(d)*.

TENTH COUNT

USING POSITION AS BOARD MEMBER TO SECURE UNWARRANTED PRIVILEGES FOR HER HUSBAND

64. Complainant incorporates by reference, as if wholly set forth herein, the previous allegations of the within Complaint.

65. On December 13, 2022, the Superintendent's confidential secretary, Reeshemah Zielinski, sent Board members an email notifying them of some additional action items being added to the agenda for the Board's next meeting on December 14, 2022. One of those items was acceptance of the resignation of David Rattner, respondent's husband from the stipended extra duty assignment as 7th/8th grade assistant music director at Monroe Township Middle School for the 2022-2023 school year.

66. In response, respondent Rattner sent the following email to Zielinski, with a copy to the complainant as Board President, Superintendent Chari Chanley, and the Assistant Superintendent Adam Layman.

Good evening,

If I can make a friendly recommendation I think it would be advisable to revise item AG to further detail that the resignation is for the musical stipend position. While I would be recusing on this item anyway, here is why I suggest this:

I received six messages from community members this evening (and my husband received a message from a non-music department colleague at the middle school who was unaware of the specific position) very upset and concerned that my husband is being "forced" to resign as a teacher (especially given the public speculation about what occurred at the end of last month's meeting).

I simply explained to the individuals that reached out that the resignation is for a stipend for the musical, and not his teaching position. But it might save everyone some time to clarify this, as one of the community members who reached out also happens to be a parent of a former student of my husband, and he told me that prior to my explanation he and another parent planned to reach out to all current

and former band parents to attend tomorrow's meeting in support of Dave (who is honestly just resigning from the musical as a favor due to overstaffing, as Mr. Moralda could confirm).

Please handle however you would like, however I wanted to make you aware of the communication I received today.

67. When respondent Rattner did not initially receive a response to her email, she sent the following message to her husband's supervisor, Zachary Morolda, District Supervisor, Department for Applied Arts and Careers Technology:

Hello. Zach, I am reaching out as as an acquaintance and Dave's spouse, not as a board member. I wanted to make you aware that I received messages from six community members who were extremely upset that Dave "is resigning from his job as a music teacher" and were convinced he is being forced to do so.

I explained to them that the resignation is only for the stipend for 7th/8th grade musical, but when I looked at the item on the agenda I could understand why people who don't know the specifics were confused.

One of these people is a parent of a former student of Dave's and he shared that he and another parent had planned to reach out to all current and former band parents (which is a big number!) requesting everyone attend tomorrow night's meeting to speak in support of Dave. Now that I explained the situation he no longer plans to do this, but he had said he originally planned to call you tomorrow, so I wanted to make you aware in case you get any other calls.

I did email the business office suggesting they modify the item to detail it is for the stipend for the musical.

All this because Dave tried to help Lisa out lol. I guess no good deed goes unpunished?

68. Despite earlier admonitions regarding involvement in personnel matters involving respondent Rattner's husband, and even despite the filing of the present complaint, respondent has continued to use her Board position and unique access to fellow Board members and the administration, to inject herself into a personnel matter involving her husband.

69. *N.J.S.A. 18A:12-24(b)* of the New Jersey School Ethics Act ("Act") provides that "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[.]"

70. *N.J.S.A. 18A:12-24.1(c)* provides: "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."

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

72. If respondent's husband felt aggrieved by a Board agenda item concerning him, the matter should have been raised by him or the MTEA through appropriate channels, not by respondent using the weight of her Board member office to advocate on his behalf.

73. By once again involving herself in personnel matter implicating her husband, respondent Rattner violated *N.J.S.A. 18A:12-24(b)* and *N.J.S.A. 18A:12-24.1(c)* and (d).

WHEREFORE, complainant Christine Skurbe, in her capacity as President of the Monroe Township Board of Education requests the School Ethics Commission find and determine that the above named Respondent has violated the School Ethics Act and that she be subject to such penalty as the Commission and the Commissioner of Education deem appropriate.

DAVID B. RUBIN, P.C.
Attorney for Complainant

By: 
DAVID B. RUBIN

Dated: December 21, 2022

CERTIFICATION UNDER OATH

1. I am a complainant in this matter.
2. The subject matter of this amended complaint is not pending in any court of law or administrative agency of this State. I will advise the School Ethics Commission if I subsequently become aware that it is pending elsewhere.
3. I certify that the statements contained herein are true. I understand that if any of these statements are willfully false, I am subject to punishment.


CHRISTINE SKURBE

Dated: December 21, 2022

EXHIBIT A

From: Kate Rattner <Kate.Rattner@monroe.k12.nj.us>

Sent: Friday, January 21, 2022 6:20 PM

To: Chari Chanley <Chari.Chanley@Monroe.K12.NJ.US>; Chrissy Skurbe <Chrissy.Skurbe@monroe.k12.nj.us>; Adam Layman <Adam.Layman@Monroe.K12.NJ.US>; Michael Gorski <Michael.Gorski@Monroe.K12.NJ.US>

Subject: Helpful Information for our Teachers

Good evening,

I hope you all had a nice week. I recently came across some helpful information regarding loan forgiveness for educators and I would love to share it with our wonderful staff if possible. The information is below, I hope it may be helpful to some!

Wishing you all a well-deserved wonderful weekend!

Good evening,

I am sharing this with any of you who may not be aware that the qualifications for public service student loan forgiveness have been modified until October 2022. I know that there are a lot of people who may not have qualified before that might now be eligible.

In addition, I found out that if you have previously consolidated your loans to a private company, you may be able to reconsolidate to now be eligible for forgiveness.

Specifically for teachers, if you are a member of NEA you receive a free year of premium benefits from Savi, which will work directly with you to assistance with your student loans, whether it is for the loan forgiveness program being offered or something else.

Here is some information for anyone who might benefit! Disclaimer: I am not a financial advisor, just passing along useful information!

<https://www.neamb.com/products/nea-student-debt-navigator>

<https://studentaid.gov/manage-loans/forgiveness-cancellation/public-service?fbclid=IwAR1LN7KyzCRQcVF2jWkafs0QVpQxQDc0S7ZBgwGl3XTCjFoQ2E3EiYC0xjM>

EXHIBIT B

From: Kate Rattner <Kate.Rattner@monroe.k12.nj.us>
Sent: Wednesday, February 16, 2022 1:03 AM
To: Chrissy Skurbe <Chrissy.Skurbe@monroe.k12.nj.us>
Cc: Karen Bierman <Karen.Bierman@monroe.k12.nj.us>
Subject: Re: Monroe Township Library Contact

Hi Chrissy,

I totally respect and understand what you are saying. I can assure you my intention was not to overstep at all. I promise you I am not walking into those meetings (or any meeting!) exclaiming myself as a board member. Maria Naumik happens to be the chair of that committee and she congratulated me on being sworn in as a BOE member in front of the entire group that was present at the meeting. Natasha then came over after the meeting and introduced herself and mentioned told me she would love to have the library more involved with the school district. I explained to her that I don't make any decisions regarding this but I would be happy to pass along her contact information. So I was just sending along her contact information to those people invited to the curriculum committee meetings (I had replied to one of the meeting invitations). It was never my intent to suggest anyone is not doing their job, etc.

That said I will be more mindful of who is included on emails in the future. I realize that even the best intended emails can be misconstrued in a different perspective.

On Feb 15, 2022, at 8:01 PM, Chrissy Skurbe <chrissy.skurbe@monroe.k12.nj.us> wrote:

Hi Kate -

I know you haven't attended the Governance 1 training yet, but I just want to remind you that you need to be careful when you attend other community meetings that you do not present yourself as representing the Board of Education. It is always welcome to share information but in the future if you want to share information that you think is pertinent with any BoE committee, please share it with the committee and be mindful of who you are copying on your message. In the future, if you want to share contact information with the district, we need to follow the chain of command and sent it to either the Superintendent or Assistant Superintendent depending on the subject. Board members should be mindful of communicating directly with district supervisors or staff and giving a directive or advice for how to better do their job as it can be misconstrued as micromanaging or overstepping their role as a board member.

As I've said before, I applaud your enthusiasm as a new board member. I think Governance 1 will be very helpful in gaining an understanding for the role of a board member.

Have a great evening.

Chrissy

On Feb 15, 2022, at 7:22 PM, Chari Chanley <Chari.Chanley@monroe.k12.nj.us> wrote:

Good Evening Mrs. Ratner,

Thank you so much for reaching out with this information. However, please note Dr. Roselle has been working collaboratively with the library and has offered the following detailed update, so we may all be on the same page. Her current professional relationship is beyond invaluable and we may look to Dr. Roselle for any future Monroe Township Library correspondence.

Stay well.

Good evening,

We have an incredible partnership with the library that we are always looking to build upon and the content of the email is not an accurate representation of the work we do.

Our district has a close partnership with the Monroe Township Public Library. We share programming and Dr. Roselle sits on the Board of Trustees to help facilitate the communication between both organizations. Our summer reading programs, book talks, and shared programming are a few of the collaborative endeavors we are proud to have partnered on. The schools and supervisors work with the youth and teen librarians to help ensure continuity across programs as well.

Natasha Mikulich reached out in the fall and a meeting was held on 11/29 at the public library. Dr. Roselle attended to help facilitate, with Sherri Fatovic, Stephanie Goldberg and Eric Silverman (our PD team) also in attendance. Ms. Mikulich shared some digital tools, particularly Kanopy, that the library wanted to share with teachers. From our end, we had questions about the format and goals of the professional learning, which grade levels and content areas would be targeted, and who would access (students or staff). We made a plan to look at our spring professional learning calendar to try to coordinate some small group trainings, with content area supervisors helping to identify curricular units that could be augmented with this resource. After the meeting, Eric Silverman shared that Kanopy does not meet our district privacy policy standards, and therefore is not a tool that we can endorse or allow teachers to use at this time. We have tabled this work until we can have a closer look at the privacy settings; state testing and other mandatory trainings will also be the priority this spring. We will continue to discuss and look at professional learning opportunities, provided they align with our district's professional learning needs and goals.

Dr. Roselle

Kindly,

Chari R. Chanley, Ed.S.

Acting Superintendent

Monroe Township Schools

chari.chanley@monroe.k12.nj.us

732-521-1500

"Education is not a preparation for life; education is life itself." - John Dewey

SUCCESS IS ALWAYS A TEAM EFFORT!!

The Monroe Public Schools in collaboration with the members of the community shall ensure that all children receive an exemplary education by well trained committed staff in a safe and orderly environment.
Sent via iPhone

<image.png>

On Feb 15, 2022, at 6:21 PM, Kate Rattner
<Kate.Rattner@monroe.k12.nj.us> wrote:

Good evening everyone,

I hope you are all having a nice week. In addition to serving as a board of education member, I also serve on our town's cultural arts commission. At our last CAC meeting I had the pleasure of meeting Natasha, who works at our Monroe Township Library. It had been announced at the meeting that I had been sworn in as a BOE member, so Natasha took the initiative to come up and introduce herself.

She mentioned that she would love to develop a stronger partnership with our school system, perhaps by providing professional development or classroom lessons. I told her I would be happy to forward along her contact information, which is my reason for sending this email.

If you have any questions please feel free to reach out to her. I just wanted to make sure to share her information with the members of the curriculum committee.

Thank you!



image.png
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EXHIBIT C

NAME OF	:	
Brian Fabiano,	:	BEFORE THE SCHOOL
Complainant	:	
v.	:	ETHICS COMMISSION
Christine Skurbe,	:	OF NEW JERSEY
Respondent	:	
Monroe Township Board of Education	:	SCHOOL ETHICS ACT
_____	:	COMPLAINT FORM

I, Brian Fabiano, residing at [REDACTED] request the School Ethics Commission to consider a complaint against the above-named Respondent(s) whose home address is [REDACTED] in accordance with the authority of the School Ethics Commission to entertain such complaints under N.J.S.A. 18A:12-21 et seq.

Response to Motion to Dismiss:

1. Christine Skurbe's Motion to Dismiss is purposely compiled with inaccurate information and non-relevant material, in an attempt divert the commission's attention from her known violations of the school ethics act. Her presentation of altered "facts" and misinformation is intended to deceive the Ethics Commission by "crying victim", instead of addressing and "owning" her actions. Her Motion to Dismiss should be denied.
2. Mr. Rubin who represents Ms. Skurbe open's his introduction with the same deflection as my last unrelated complaint, making false claims about my complaint being a part of a series of community complaints. Ms. Skurbe makes note that she has multiple Ethics Commission cases pending against her but she deflects her own accountability on a community that is "out to get her". Ms. Skurbe is no stranger to the ethics process, with many complaints outstanding, by own admission. While the respondent may not like that many members of the Monroe community follow the BOE and are knowledgeable in the law and what's right and wrong, this is the exact reason why the SEC exists. Ms. Skurbe's "above the law" thought process is likely the sole reason why many members of the public are taking the time to seek the SEC's guidance.
3. While the respondents attorney is being funded, at a large sum I would add, by tax payer dollars, that is not a reason why he shouldn't have actually read my complaint, which is not at all related to another citizen's Superior Court Case in Middlesex County. My complaint

with the SEC seeks to hold Ms. Skurbe accountable for knowingly voting conflicted and violating the ethics act. I was advised by the NJ DOE and the County Executive Superintendent that the SEC was the avenue for my concerns based on the information that I provided them. The unrelated Court Case, filed by Lilian Isaacs, a Senior Citizen in Monroe Township, seeks to have the court overturn a contract and suspension. The Court case originally filed by Ms. Isaacs does not look to hold Ms. Skurbe accountable for ANY violations of Ethics Act. Furthermore, it was more than 30 days after my complaint with the SEC, that Ms. Isaac's complaint was heard by the court. My certification in another citizen's court case was merely a statement of facts that was requested from me and I stand by my certification. Mr. Rubin's attempt to flip the script from his client's wrongdoing and falsely accusing me of violating the commission's process is a desperate "hail mary" in his response to dismiss. While appalling, it is not surprising that Mr. Rubin and his client would take such a desperate approach when they were forced to respond on the last day, of a 10 day extension they received after getting a "WARNING" letter by the SEC for his client's failure to respond within 20 days of the initial complaint filing.

4. Ms. Skurbe falsely claims that community members are "connected" but that couldn't be the furthest from the truth. Many of those who have publicly acknowledged taking actions on her unethical behaviors are not "connected", are not friends, and may not even know each other. What Ms. Skurbe should be concerned about is why so many concerned parents and community members are speaking up and pursuing the commission for the welfare of the children and citizens of Monroe Township. These are community members who have been advised by the State and County that the Ethics Commission is the proper avenue to address the unethical actions of Ms. Skurbe and other board members.

5. As stated previously, Ms. Skurbe tries to cast as herself as "victim" that everyone is "out to get" is a baseless claim. In fact, Ms. Skurbe was part of the board "majority" in 2021 and the vast majority of ethics complaints that she alludes too, have come in 2022. Simply stated, it was when Ms. Skurbe was made President of the board that she decided to take an all-out "wild west" approach, whereby blatantly disregarding the schools ethics act. This Ethics complaint is about Ms. Skurbe helping her "friend through it all" to obtain a lucrative, multi-year contract.

6. Ms. Skurbe describes me as a supporter in the past and that is accurate. What Ms. Skurbe doesn't describe accurately is why I and many others decided to no longer support her. This is not about COVID guidelines or directing anyone what to do, this complaint and the many others against Ms. Skurbe is about uncovering what a Board member is doing unethically and asking the SEC to uphold the oaths that these members take. Ms. Skurbe and her attorney, Mr. Rubin, use "Covid guidelines" as deflection of what the real issues of this complaint are actually about. Whether or not I agreed with Ms. Skurbe's position on Covid guidelines is irrelevant to this complaint and shouldn't provide her carte blanche to "hook her friends up" with lucrative contracts that provide substantial monetary gain. Neither should it afford her any right to disregard the ethics codes prescribed by this commission. Ms. Skurbe's actions speak for themselves and cannot simply be cloaked by erroneous claims that have nothing to do with this complaint whatsoever.

7. Ms. Skurbe in her Motion to dismiss tries to downplay her relationship with Ms. Chanley as merely "work friends". She uses this as a basis to thwart the SEC from understanding the

depth of the relationship that goes well beyond the school system. In my complaint, not only have I given personal knowledge of this deep-rooted relationship, but I have also provided sworn testimony from Ms. Lang, who was a previous school official, and is very knowledgeable of the friendship that Ms. Skurbe and Ms. Chanley hold well beyond the school system.

8. Ms. Skurbe knowingly makes another willfully false statement in paragraph 18 of her motion to dismiss, when she claims board member Kate Rattner arranged for a conference call with the Board Attorney and asked about conflictions due to friendships. The commission can see in (Exhibit A), Board Member Rattner attests that this statement is false and the contents of the call that Ms. Skurbe describes is **FABRICATED**. The reason why Ms. Skurbe did not address her conflict with the boards attorney was because she knew without her vote, her friend would not have the votes needed for confirmation. Knowing that her vote was the swing vote, chose to turn a blind eye to the school ethics act. Given that community members expressed their concerns regarding Ms. Skurbe's confliction, at multiple board meetings, it was well known that the public's perception of Ms. Skurbe's conflict of interest was very real.

Allegations of Complaint:

9. Ms. Skurbe knowingly violated N.J.S.A 18A:12-24 when she used her position as a board member and board president, in charge of the Superintendent hiring process to help her friend secure an extension on Chari Chanley's employment agreement.

10. Ms. Skurbe took to Facebook to promote on her personal page and a district baseball page, a picture saying "friends through it all" which contained multiple photos of Chari Chanley and Ms. Skurbe at a party thrown by Ms. Skurbe. Ms. Skurbe was aware of the concerns throughout the community regarding her close friendship with Ms. Chanley and her Facebook posts furthered the perception of impropriety and her ability to remain impartial on the vote for Superintendent.

11. As in *IMO Rhonda Williams Bembry, Bd. of Educ. of the City of Hackensack* SEC Dkt. No. C49-12 (10/28/14); Comm'r, Agency Dkt. No. 325-10/15 (12/15/14), The Commission adopted the Administrative Law Judge's findings that the board member's participation in the vote regarding the high school principal's reappointment created an appearance of impropriety and that the board member's attempt to have those nine individuals, including her friend, be considered for the principal position **created a justifiable impression of using her position to secure unwarranted privileges and advantages for others.**

12. In Ethics Case, C23-96, the commission concluded, " In determining whether there is a violation of N.J.S.A. 18A:12-24(c), the determinative factor is the public's perception and not the school official's belief as to whether he could participate in a matter objectively. This is different from relying on only an "appearance of impropriety," standard as respondent suggests. The violation is based on an actual relationship that a reasonable person would expect to create a conflict of interest. Thus, Mr. Famularo may have believed that he was voting for the best candidate when he voted for Mr. Reinoso. However, if the public would reasonably expect that the motion and vote were tainted by his personal involvement, then he should have abstained

from the discussion and vote." As in the aforementioned case, Ms. Skurbe's nonchalant boasting of her friendship with Ms. Chanley on Facebook, underscored that her personal involvement in Ms. Chanley's contract could easily and reasonably be perceived as being impaired and lacking objectivity in voting impartially on Ms. Chanley's contract.

13. In SEC advisory opinion A06-08, the commission noted, "The Legislature made it clear that board members "... 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." N.J.S.A. 18A:12-22. If the board member were to participate in your evaluation, it could create a justifiable impression that the public trust was being violated since it would be reasonable for the public to perceive that the board member was using his position to secure an advantage over you as a consequence of your history with the board member. Based on the specific facts presented in this advisory opinion request, the Commission advises that the board member would violate N.J.S.A. 18A:12-24(b) if he were to participate in your evaluation. As such, the board member should abstain from any discussion, activities and votes related to the same." In this case, Ms. Skurbe's personal friendship, extensive work in creating the MTMS PSA with the help of Ms. Chanley, and her work with members of the public to influence the State DOE's decision to approve Chanley created a justifiable impression that the public trust was being violated and Ms. Skurbe's objectivity would be flawed by using her position to secure an advantage for Ms. Chanley over other candidates.

14. In the case of SEC C49-12, The ALJ also found that Respondent Bemby again violated N.J.S.A. 18A:12-24(b) when she insinuated herself in the hiring of an acquaintance of hers. The ALJ found that the respondent attempted to use her position to secure the employment for her friend. Ms. Skurbe used her inside knowledge, being a part of the board, to get a "play by play" on Ms. Chanley's approval with the State and used that to leverage external pressures on the County and State.

15. In the case of SEC C12-94, "The Commission notes that the issue is not whether the comments affected the outcome, but whether a reasonable person would expect that Mr. Kilmurray's independence of judgment was impaired when he was making such comments in a matter in which he had a personal involvement. Mr. Kilmurray had a personal involvement with the sister-in-law's appointment that may reasonably be expected to impair his objectivity. Therefore, the Commission concludes that Mr. Kilmurray violated N.J.S.A. 18A:12-24(c) of the Act when he made comments that clearly indicated his support for the appointment of his sister-in-law."

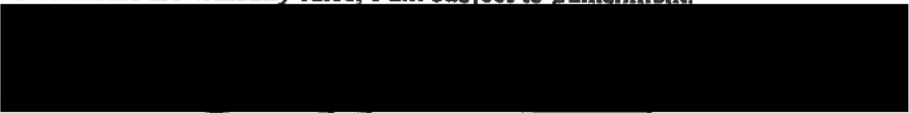
16. SEC A16-00, "The Commission finds that the benefit set forth in the Act need not be financial, otherwise, the personal involvement provision of N.J.S.A. 18A:12-24(c) would be redundant. The Commission considers an involvement to be personal whenever a school official has a relationship that the public may perceive as being predominant to the best interest of the district. Therefore, a benefit can be something of intrinsic value, but no monetary worth." Taking to Facebook on public pages to advertise her relationship with Ms. Chanley, inserting "friends through it all", not only created a justifiable concern amongst the community but also reinforced the importance of the school ethics act and why it must be followed.

17. The facts of this complaint are clear and supported by previous SEC decisions and all of evidence provided to the SEC. Given Ms. Skurbe lied in her response, as proven in the sworn

For Agency Use Only
Docket Number: _C65-22_____

statement of a fellow board member, Kate Rattner, the commission must hold Ms. Skurbe accountable for her actions. Ms. Skurbe's continued disregard for the school ethics act and disregard for the best interests of the community are troubling and cannot continue.

18. I certify that the statements made by me herein are true. I understand that if any of these statements are willfully false, I am subject to punishment.


Brian Fabiano

August 14, 2022

"Exhibit A"

Brian Fabiano	:	BEFORE THE SCHOOL ETHICS
	:	COMMISSION OF NEW JERSEY
Complainant,	:	
	:	Docket No. C65-22
v.	:	
Christine Skurbe,	:	
Respondent.	:	<u>CERTIFICATION OF KATE RATTNER</u>

I, Kate Rattner, certify the following:

1. I am a resident of and member of the community in Monroe Township, Middlesex County, New Jersey.
2. It has come to my attention that my name was brought up in Ms. Skurbe's motion to dismiss. The statements mentioned are inaccurate and I would like to clarify the truth regarding these events. In section 18, Ms. Skurbe mentions, "Prior to the vote to extend Ms. Chanley in April, Board member Kate Rattner asked for a conference call with Board attorney Vito Gagliardi, Esq., and me to ask if Board members needed to recuse themselves for various reasons, one being the issue of being friends. The Board Attorney said that just being friends wouldn't cause need to recuse." First of all, my request was to have an individual phone call with our board attorney, Mr. Vito Gagliardi, and I specifically requested Ms. Skurbe not be present. However, Ms. Skurbe demanded that she be allowed to attend the meeting due to her role as board president. While our district policy #0174 states that the board president, superintendent or business administrator are considered the designated contact persons to correspond from our attorney, it does not state that individual board members are exempt from being able to request advice as well. In addition, I

contacted the New Jersey School Board Association to confirm what my rights as a board member were, and I was told that I am legally allowed to have my own conversation with the board attorney without the board president present as long as it was understood that any conversation held was not exclusively privileged and could be shared with other board members. Nonetheless, Ms. Skurbe insisted that she be present, and Mr. Gagliardi was unwilling to have a call without her permission.

3. It is true that I asked questions regarding conflicts of board members in regards to certain voting matters. However, the actual context that I asked about friendship in regards to board members voting on personnel issues is false. In regards to Ms. Chanley, I only inquired about our board vice-president (Karen Bierman) as she had previously recused herself on the vote for Ms. Chanley as acting superintendent, however had been allowed to be a part of the entire superintendent search, other than recusing on the actual vote. As I am a board member who was required to recuse on the superintendent search due to having a spouse that teaches in the district, I was inquiring why she was allowed to be part of the search if she was conflicted regarding the candidate but I was not allowed to be a part of the search or even be updated in regards to the search. I did not ask about any other board member in regards to Ms. Chanley. My inquiry about Ms. Skurbe was regarding the suspension of our business administrator (Michael Gorski), as I was informed that a few years ago Mr. Gorski had presented Ms. Skurbe with a cease and desist letter due to defamatory language and other issues, and I wanted to ensure that our district would be protecting ourselves and acting in the best interest of our employees and our community as per the code of ethics. In full transparency, I also brought up one

additional board member (Ken Chiarella) in regards to the vote regarding Mr. Gorski as I was made aware Mr. Chiarella had filed ethics charges against him a few years ago.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statement made by me are willingly false, I am subject to punishment.

 7/27/2022
Kate Rattner

4. Attached hereto as **Exhibit B** is a true and accurate copy of invoices from Board counsel containing bills for preparing an ethics complaint against Ms. Rattner, between August 17, 2022 and November 15, 2022.

5. Attached hereto as **Exhibit C** is a true and accurate copy of Melissa Storey's December 16, 2022 letter of resignation from the PTA in which she cites harassment and intimidation from Respondent as a reason.

6. Attached hereto as **Exhibit D** is a true and accurate copy of Jenan Grant's December 16, 2022 letter of resignation from the PTA.

7. Attached hereto as **Exhibit E** is a true and accurate copy of Christine Lester's December 16, 2022 letter of resignation from the PTA in which she cites "intimidation, micromanaging, bulldozing, and gaslighting[]" from Respondent as a reason.

8. Attached hereto as **Exhibit F** is a true and accurate copy of Mona Goyal's December 16, 2022 letter of resignation from the PTA in which she cites Respondent's behavior as a cause.

9. Attached hereto as **Exhibit G** is a true and accurate copy of a September 13, 2022 email from Respondent requesting information on the structure and meeting schedule of the PTA.

10. Attached hereto as **Exhibit H** is a true and accurate copy of September 2022 email chain between PTA leadership and Respondent.

11. Attached hereto as **Exhibit I** is a true and accurate copy of a November 18, 2022 email from Respondent to PTA leadership seeking to secure a position as Chairperson for a PTA event.

12. Attached hereto as **Exhibit J** is a true and accurate copy of a December 20, 2022 email from Respondent to various Board members in response to the mass resignation from PTA officers.

13. Attached hereto as **Exhibit K** is a true and accurate copy of December 21, 2022 email correspondence from the Principals of Oak Tree and Applegarth Schools, acknowledging the mass resignations from the PTA leadership.

14. Attached hereto as **Exhibit L** is a true and accurate copy of the meeting minutes from the January 12, 2023 Board meeting.

15. Attached hereto as **Exhibit M** is a true and accurate copy of the Amended Complaint filed by Respondent against Ms. Rattner in the ethics matter bearing docket number C115-22.

16. I certify that the foregoing statements made are true and I am aware that if any statements made by me are willingly false, I am subject to punishment by law.

**FLORIO, PERRUCCI, STEINHARDT,
CAPPELLI, TIPTON & TAYLOR, LLC**

/s/ David J. Kass
David J. Kass, Esq.
*Attorney for Complainants Kate Rattner and
Katie Fabiano*

Dated: March 22, 2023

FLORIO PERRUCCI STEINHART CAPPELLI TIPTON & TAYLOR LLC

David J. Kass, Esq., Attorney ID No. 309722020

430 Mountain Avenue, Suite 103

New Providence, New Jersey 07974

Phone: (201) 843-5858

Email: dkass@floriolaw.com

Attorneys for Complainants Kate Rattner and Katie Fabiano

KATE RATTNER, and
KATIE FABIANO,

COMPLAINANTS.

V.

CHRISTINE SKURBE,

RESPONDENT.

: BEFORE THE SCHOOL ETHICS
: COMMISSION OF NEW JERSEY

:
: Dkt. No. C29-23

:
: **KATIE FABIANO CERTIFICATION**

I, KATIE FABIANO, of full age certify and say:

1. I am the one of the above captioned Complainants, and an elected member of the Monroe Township Board of Education (hereinafter "the Board") in Middlesex County, New Jersey.

2. Respondent, Christine Skurbe, (hereinafter "Respondent") is also a Board Member and is the current Board President.

3. Respondent is a respondent in at least one other School Ethics Commission matter, entitled Brian Fabiano v. Christine Skurbe and bearing docket number C65-22.

4. Brian Fabiano is my husband.

5. Respondent maintains a personal animus against me because of my husband's ethics complaint against her in the ethics matter referenced in paragraph 4.

6. On August 17, 2022, I was told that I could not participate in the closed session portion of the Board meeting because the Board needed to discuss a litigation matter in which I had a conflict of interest.

7. I was not invited back into the meeting to discuss the complaint against Kate Rattner, despite having no conflict of interest relating to that matter.

8. I learned about my exclusion from this portion of the closed session meeting when I was told by Kate Rattner on September 13, 2022, who had also learned of my exclusion on that date.

9. I certify that the foregoing statements made are true and I am aware that if any statements made by me are willingly false, I am subject to punishment by law.

Date: March 22 2023


Katie Fabiano

FLORIO PERRUCCI STEINHART CAPPELLI TIPTON & TAYLOR LLC

David J. Kass, Esq., Attorney ID No. 309722020

430 Mountain Avenue, Suite 103

New Providence, New Jersey 07974

Phone: (201) 843-5858

Email: dkass@floriolaw.com

Attorneys for Complainants Kate Rattner and Katie Fabiano

KATE RATTNER, and
KATIE FABIANO,

COMPLAINANTS,

V.

CHRISTINE SKURBE,

RESPONDENT.

:
: BEFORE THE SCHOOL ETHICS
: COMMISSION OF NEW JERSEY
:
:
:

: Dkt. No. C29-23
:
:
:

: **KATE RATTNER CERTIFICATION**
:
:
:
:

I, KATE RATTNER, of full age certify and say;

1. I am the one of the above captioned Complainants, and an elected member of the Monroe Township Board of Education (hereinafter "the Board") in Middlesex County, New Jersey.

2. Respondent, Christine Skurbe, (hereinafter "Respondent") is also a Board Member and is the current Board President.

3. Respondent currently has pending against me, an ethics complaint with the School Ethics Commission titled Christine Skurbe v. Kate Rattner, bearing docket number C115-22.

4. Respondent is a respondent in at least one other School Ethics Commission matter, entitled Brian Fabiano v. Christine Skurbe and bearing docket number C65-22 (the "Fabiano Matter").

5. On or about July 27, 2022, I signed a certification in support of the complainant Brian Fabiano's submission in response to Respondent's motion to dismiss in the Fabiano Matter.

6. Respondent maintains a personal animus against me for supporting that ethics complaint against her.

7. Respondent has consistently abused her authority as the Board President to pursue her personal animus against Complainants and others.

8. On or about August 17, 2022, the Board held its regularly scheduled meeting, which included a closed session portion pursuant to N.J.S.A. 10:4-12.

9. I was on vacation at the time and was therefore unable to attend the meeting, but would have attended virtually but for Respondent's assurance that nothing major would be happening.

10. During the closed session portion of the August 17, 2022 meeting, the Board also discussed and explored preparing an ethics complaint against me, which would later manifest in the case bearing docket number C115-22.

11. On September 13, 2022, Respondent asked me to attend a meeting with two (2) other Board Members—Kenneth Chiarella and Karen Bierman—to update her on a "discussion" held in closed session at the August 17, 2022 meeting.

12. Respondent told me that during closed session during the August 17, 2022 meeting, the Board had discussed potential ethics concerns that Respondent had discussed with the Board attorney.

13. Respondent had with her at this informal September 13, 2022 meeting a document which was a draft of the forthcoming ethics complaint against me.

14. Respondent did not permit me to view the document because, in her words, it was not finalized.

15. When I asked why Respondent asked to have this meeting if I was unable to either see the document or discuss it, Respondent threatened that the ethics complaint would be filed only if I did not resign from my position as a Board Member.

16. Respondent also impliedly threatened my husband's employment, stating that if the ethics complaint were filed, it would "bring your husband into this."

17. My husband, David Rattner, is a music teacher, employed by the District.

18. I did not resign my seat on the Board.

19. Respondent obtained authorization from the Board to pursue the ethics complaint against Ms. Rattner at the November 16, 2022 Board meeting.

20. Between the August 17, 2022 and November 16, 2022 Board meetings, Respondent engaged the services of the Board attorney to conduct research and analysis into whether I violated the Code in some capacity.

21. Respondent did not receive authorization from the Board prior to engaging the Board attorney's services for this purpose.

22. Respondent took it upon herself to expend Board funds to pursue her personal vendetta against me.

23. During the November 16, 2022 Board meeting, the Board—with abstention from myself—voted to authorize Respondent, in her capacity as Board President, to pursue the complaint against me.

24. Respondent participated in that vote, which passed with the minimum ayes necessary to pass at the November 16, 2022 Board meeting.

25. Respondent should have recused herself and, if she had done so, the matter would not have passed.

26. On January 12, 2023, the Board held a special meeting, over which Respondent presided.

27. Multiple Board members, including myself, wanted to discuss the pending matters further, but Respondent refused to continue discussion.

28. The Vice President, Karen Bierman, made a motion to call the vote, but no one seconded the motion.

29. Respondent proceeded to end discussion and ask for a roll call.

30. I certify that the foregoing statements made are true and I am aware that if any statements made by me are willingly false, I am subject to punishment by law.

Date: March ²¹, 2023


Kate Rattner

CERTIFICATION OF MAILING

I certify that on March 22, 2023, I caused one (1) copy of the Complaint with certifications and respectful exhibits to be forwarded to Respondent, via Certified Mail.

VIA CERTIFIED MAIL

Christine Skurbe
21 Preakness Drive
Monroe Township New Jersey 08831
Phone: 732-841-8527
Email: Chrissy.Skurbe@Monroe.K12.Nj.Us

**FLORIO PERRUCCI STEINHARDT
CAPPELLI TIPTON & TAYLOR LLC**

March 22, 2023

By: /s/ David J. Kass, Esq.
David J. Kass, Esq.



State of New Jersey

DEPARTMENT OF EDUCATION

PO Box 500

TRENTON, NJ 08625-0500

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

ANGELICA ALLEN-McMILLAN, Ed.D.
Acting Commissioner

SCHOOL ETHICS COMMISSION

March 23, 2023

For Complainants

David J. Kass, Esq.

Florio, Perrucci, Steinhart, Cappelli, Tipton, and Taylor, LLC

430 Mountain Avenue, Suite 103

New Providence, New Jersey 07974

For Respondent

Christine Skurbe



SUBJECT: KATE RATTNER AND KATIE FABIANO v. CHRISTINE SKURBE,
MONROE TOWNSHIP BOARD OF EDUCATION, MIDDLESEX
COUNTY, SCHOOL ETHICS COMMISSION DOCKET #C29-23

Dear Parties:

Please allow this correspondence to acknowledge the School Ethics Commission's (Commission) receipt of a filing by the named Complainants in connection with the above-captioned matter. In the Amended **Complaint**,¹ which was received by the Commission on March 23, 2023, it is contended that the named Respondent violated the following provisions of the School Ethics Act (Act):

- *N.J.S.A. 18A:12-24.1(a)* and *N.J.S.A. 18A:12-24.1(d)* of the Code of Ethics for School Board Members (Code) in Count 1;
- *N.J.S.A. 18A:12-24.1(a)*, *N.J.S.A. 18A:12-24.1(c)*, *N.J.S.A. 18A:12-24.1(d)*, *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 in Count 2;

¹ Complainants initially filed a deficient Complaint on March 10, 2023. Therefore, and pursuant to *N.J.A.C. 6A:28-6.7*, the initial filing date of March 10, 2023, will be used for the purpose of determining timeliness pursuant to *N.J.A.C. 28-6.5*.

- *N.J.S.A. 18A:12-24.1(a), N.J.S.A. 18A:12-24.1(c), N.J.S.A. 18A:12-24.1(d), N.J.S.A. 18A:12-24.1(e) and N.J.S.A. 18A:12-24.1(f)* of the Code in Count 3;
- *N.J.S.A. 18A:12-24.1(a), N.J.S.A. 18A:12-24.1(d), N.J.S.A. 18A:12-24.1(e) and N.J.S.A. 18A:12-24.1(f)* of the Code in Count 4;
- *N.J.S.A. 18A:12-24.1(b), N.J.S.A. 18A:12-24.1(c), N.J.S.A. 18A:12-24.1(d), N.J.S.A. 18A:12-24.1(e) and N.J.S.A. 18A:12-24.1(f)* of the Code in Count 5; and
- *N.J.S.A. 18A:12-24.1(a), N.J.S.A. 18A:12-24.1(c), N.J.S.A. 18A:12-24.1(d) and N.J.S.A. 18A:12-24.1(e)* of the Code in Count 6.

Respondent shall have **twenty (20) days from receipt²** of the Complaint within which to file a **Written Statement** in accordance with *N.J.A.C. 6A:28-7 et seq.*

Pursuant to *N.J.A.C. 6A:28-7.2*, a Written Statement shall:

1. Fully and completely advise the parties and the Commission as to the nature of Respondent's defenses for each allegation, including any grounds upon which dismissal should be granted.
2. Admit or deny each allegation set forth in the Complaint with specificity. Denials shall fairly meet the substance of the allegations being denied. If Respondent intends in good faith to deny only part of an allegation, Respondent shall specify which parts are true, and deny only the remainder.
3. Be signed by Respondent, and Respondent shall certify as to the accuracy of the Written Statement.

In the Written Statement, Respondent may allege that the Complaint is frivolous pursuant to the standard set forth in *N.J.S.A. 18A:12-29(e)*. If Respondent asserts that the Complaint is frivolous, Complainants shall then have twenty (20) days from receipt of the frivolous allegation within which to file a response to the frivolous allegation **only**. *N.J.A.C. 6A:28-7.2(b)*.

Respondent's Written Statement must either be mailed **or** emailed to the Commission and to the named Complainants, along with proof of service conforming to the requirements set forth in *N.J.A.C. 6A:28-1.7*. For ease of reference, the Commission's mailing address is School Ethics Commission, c/o New Jersey Department of Education, P.O. Box 500, Trenton, New Jersey 08625, and the Commission's email address is school.ethics@doe.nj.gov.

After Respondent files a Written Statement, and Complainants file a response to an allegation of frivolous filing (if asserted by Respondent), the Commission shall decide, by majority vote, whether **probable cause** exists for the allegations in the Complaint. Probable cause shall be

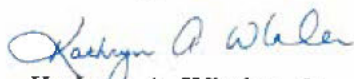
² If mailed, "receipt" shall be deemed to be three (3) days from the date of this notice. If sent electronically, "receipt" shall be deemed to be the same date of this notice.

found when the facts and circumstances presented in the Complaint and Written Statement would lead a reasonable person to believe that the Act has been violated. If the Commission does not find probable cause, the above-captioned matter will be dismissed. If the Commission finds probable cause for the allegations in the Complaint, the above-captioned matter shall be processed in accordance with *N.J.A.C. 6A:28-9.8*.

Subject to the exceptions set forth at *N.J.A.C. 6A:28-6.6(g)*, the Commission shall hold all information confidential regarding any pending matter until the Commission finds that a school official has violated the Act, or until such time that the above-captioned matter is settled, withdrawn or dismissed.

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

Sincerely,

A handwritten signature in blue ink that reads "Kathryn A. Whalen".

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

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April 21, 2023

KATHRYN A. WHALEN, DIRECTOR
SCHOOL ETHICS COMMISSION
c/o New Jersey Department of Education
P. O. Box 500
Trenton, New Jersey 08625-0500

Re: Kate Rattner and Katie Fabiano v. Christine Skurbe,
Monroe Township Board of Education, Middlesex County,
School Ethics Commission Docket #C29-23

Dear Ms. Whalen:

Enclosed please find a certification of respondent Christine Skurbe addressing the allegations in the complaint in this matter. Please also accept this position statement on respondent's behalf.

Introductory Statement

It should be clear to the Commission that the complaint in this case is a tactical maneuver by Ms. Rattner to distract attention from the one recently filed by respondent against her on behalf of the Monroe Township Board of Education in *Skurbe v. Rattner*, C115-22. Ms. Fabiano, her co-complainant in this matter,

already has filed one meritless complaint against respondent, which the Commission dismissed out of hand last year with this warning:

[T]he Commission is not a medium through which vendettas, quarrels, grudges, and sour grapes are to be filed. The filing of Complaints which are designed solely to ‘settle the score’ unnecessarily delay the processing of other Complaints which concern behavior and conduct that may actually violate the Act. [*Fabiano v. Skurbe*, C50-22.]

Undaunted by the Commission’s rebuke, she has now joined forces with Ms. Rattner to file yet another meritless complaint.

The complaint in this matter was originally filed on March 10, 2023, and thus is governed by the Commission’s recently-revised regulations that heighten the obligations of complainants at the complaint-filing stage. Under the current version of the regulations, *see N.J.A.C. 6A:28-6.3(b)(5) and (6)*, complainants must include with their complaints the “evidence” required by *N.J.A.C. 6A:28-6.4(a)* to substantiate a claim the respondent violated any provision of the Code of Ethics for School Board Members.¹ As we will show, the complaint is deficient on its face for failure to allege facts that make out a violation of the Code, and for failure to provide *any* of the evidence required by the Commission’s regulations.

¹ As the comments to the proposed revisions to the regulations make clear, it is not necessary for complainants to include *all* evidence they may wish to rely on to prove their case at hearing, especially evidence in the hands of third parties unobtainable without a subpoena, but they nevertheless require submission of *enough* evidence to support a finding of probable cause. *See* 55 N.J.R. 359(b), Comment and Response No. 28 (March 6, 2023).

Count I

Count I accuses respondent of violating *N.J.S.A.* 18A:12-24.1(a) and (d) by excluding Ms. Fabiano from a portion of the August 17, 2022 Board meeting closed session. This Count is defective on its face for several reasons.

To begin with, this Count nowhere accuses respondent herself of doing anything. As Ms. Skurbe explains in her certification, Ms. Fabiano's recusal resulted from her conversation with the Board's General Counsel, Vito Gagliardi, Jr., Esq., because the anticipated discussion involved Ms. Rattner's involvement in an ethics proceeding brought by Ms. Fabiano's husband. Ms. Skurbe happened to agree with Mr. Gagliardi's advice but was not responsible for it.

Additionally, to prove a violation of *N.J.S.A.* 18A:12-24.1(a), the complainants must present

a copy of a final decision from any court of law or administrative agency of this State demonstrating that the respondent(s) failed to enforce all laws, rules, and regulations of the State Board of Education, and/or court orders pertaining to schools or that the respondent brought about changes through illegal or unethical procedures. [*N.J.A.C.* 6A:28-6.4(a)(1).]

The purpose of this requirement is to assure that a preliminary finding of unlawful conduct is made by another tribunal first, before a charge of *N.J.S.A.* 18A:12-24.1(a) can be brought. The complainants have presented no such evidence, which is hardly surprising as there has been no such "final decision from

any court of law or administrative agency.” This deficiency is fatal. *See Morgan v. Andrews*, C04-22 (August 23, 2022).

The charge under *N.J.S.A.* 18A:12-24.1(d) is also deficient, as this provision of the Code of Ethics targets Board members’ improper involvement in the day-to-day operations of the district, not the internal workings of the Board itself. What’s more, the complainants have presented no evidence that respondent “gave a direct order to school personnel or became directly involved in activities or functions that are the responsibility of school personnel or the day-to-day administration of the school district” as required by *N.J.A.C.* 6A:28-6.4(a)(4).

Count II

The gist of Count II is that respondent and two fellow Board members told Ms. Rattner that the Board would file an ethics complaint against her if she did not resign. There is no allegation that this so-called “threat” was itself unethical, nor could there be. School boards are free to pursue disciplinary action against a member believed to have acted improperly, as long as any allegations constituting a violation of the School Ethics Act are lodged exclusively with the School Ethics Commission. *See Castriotta v. Board of Education of the Township of Roxbury*, OAL Dkt. No. EDU 09217-10, Agency Dkt. No. 139-7/10 (May 18, 2011), *rev’d and remanded on other grounds*, 427 N.J. Super. 592 (App. Div. 2012).

Thus, the Board was well within its rights to alert Ms. Rattner to their concerns about her behavior over the past year, and to present her with a choice. By affording her the courtesy of advance notice instead of blindsiding her with an already-filed complaint, respondent and her fellow Board members acted entirely appropriately.

The complainants claim that respondent violated *N.J.S.A.* 18A:12-24.1(a), (c), (d), (e), (f) and (i) by not providing Ms. Rattner with a draft of the ethics complaint during their meeting, and by “threatening” Ms. Rattner’s husband. These allegations are meritless on their face. The complainants have cited no legal authority obligating respondent to provide Ms. Rattner with the complaint in advance of its filing, and we are satisfied there is none.

Furthermore, even assuming the accuracy of the quote attributed to respondent about Ms. Rattner’s husband, it was not a threat to his employment relationship. As Ms. Skurbe explains in her certification, Ms. Rattner’s husband enjoyed all the legal protections of a fully-tenured teaching staff member so his employment could not have been in any jeopardy. Respondent merely apprised Ms. Rattner – again, as an advance-notice courtesy to her - that the complaint, if filed, would disclose Ms. Rattner’s repeated attempts to inject herself into matters concerning her husband’s employment, and to give her the opportunity to avoid

that embarrassment to her, and to him. To that extent, Ms. Rattner's husband certainly would be "[brought] into this," but no more.

Once again, the complainants allege a violation of *N.J.S.A.* 18A:12-24.1(a) without the presenting a "final decision" required by *N.J.A.C.* 6A:28-6.4(a)(1). Similarly, the complainants allege a violation of *N.J.S.A.* 18A:12-24.1(c) without presenting any of the evidence required by *N.J.A.C.* 6A:28-6.4(a)(3).² The charge under *N.J.S.A.* 18A:12-24.1(d) suffers from the same infirmity as in Count I since the behavior here also involves interactions among Board members, not the day-to-day operations of the district. Nor have complainants presented any of the evidence mandated by *N.J.A.C.* 6A:28-6.4(a) (4), requiring "a direct order to school personnel or became directly involved in activities or functions that are the responsibility of school personnel or the day-to-day administration of the school district[.]"

The charge under *N.J.S.A.* 18A:12-24.1(e) is also deficient for lack of any of the evidence required by *N.J.A.C.* 6A:28-6.4(a)(5), *i.e.*, "personal promises or . . . action beyond the scope of the respondent's duties such that, by its nature, had the

² *N.J.A.C.* 6A:28-6.4(a)(3) provides: "Factual evidence of a violation of *N.J.S.A.* 18A:12-24.1.c shall include evidence that the respondent(s) took official action to effectuate policies and plans without consulting those affected by such policies and plans, or took action that was unrelated to the respondent's duty to: i. Develop the general rules and principles that guide the management of the school district, the charter school, or the renaissance school project; ii. Formulate the programs and methods to effectuate the goals of the school district, the charter school, or the renaissance school project; or iii. Ascertain the value or liability of a policy."

potential to compromise the district board of education[.]” By all accounts, respondent and her two fellow Board members were acting at the behest of the Board and with their knowledge and authority. The charges under *N.J.S.A.* 18A:12-24.1(f) and (i) fare no better, as the complainants have presented none of the evidence required by *N.J.A.C.* 6A:28-6.4(a)(6)³ or (9).⁴

Count III

Count III accuses respondent of violating *N.J.S.A.* 18A:12-24.1(a), (c), (d), (e) and (f) by personally “engag[ing]” the Board’s general counsel “[a]fter the August 17, 2022, meeting,” to research whether Ms. Rattner’s conduct violated the School Ethics Act, and to draft an ethics complaint, without “authorization from the Board.” This allegation is also deficient on its face.

The premise of this Count is that respondent must have acted without Board authorization because “[t]he Board never passed a resolution authorizing the use of funds” for the Board’s counsel to look into the ethicality of Ms. Rattner’s behavior. For starters, complainants have cited no legal authority for their contention that a

³ *N.J.A.C.* 6A:28-6.4(a)(6) provides: “Factual evidence of a violation of *N.J.S.A.* 18A:12-24.1.f shall include evidence that the respondent(s) 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 the respondent(s) used the schools to acquire some benefit for the respondent(s), a member of the respondent’s immediate family or a friend.”

⁴ *N.J.A.C.* 6A:28-6.4(a)(9) provides: “Factual evidence of a violation of *N.J.S.A.* 18A:12-24.1.i shall include evidence that the respondent(s) took deliberate action that resulted in undermining, opposing, compromising, or harming school personnel in the proper performance of their duties.

Board resolution is required each time legal advice is sought from the Board's attorney, and there is none. The Board had previously adopted Policy 0174, "Duties of Board Attorney," accessible on the district's website at <https://tinyurl.com/2p9832fu>, providing as follows:

The Board of Education authorizes the Superintendent of Schools, Superintendent of Schools' designee, School Business Administrator/Board Secretary, **and the Board President** as designated contact persons to request services or advice from contracted legal counsel. (Emphasis added.)

In this particular case, it was not just the Board President who requested the attorney to look into the matter, but the Board as a whole. This is evident from the certification signed by five other Board members in opposition to dismissal of the complaint in *Skurbe v. Rattner*, C115-22, establishing that, at the August 2022 Board meeting, they, along with respondent, **all** asked Mr. Gagliardi's firm to advise them on the ethical implications of Ms. Rattner's behavior and later, with one exception, authorized his firm to draft a complaint.⁵

⁵ See Certification of Katie Belko, Kenneth Chiarella, Adi Nikitinsky, Gazala Bohra and Michelle Scott in *Skurbe v. Rattner*, C115-22, at ¶ 2: "... While Ms. Skurbe may have been personally aware of some of the alleged unethical behavior alleged in the complaint occurring more than 180 days before the complaint was filed, and Vice President Karen Bierman to a lesser extent, the rest of the Board, including all of the undersigned, were entirely unaware of these previous occurrences until they were brought to light in an executive session discussion during our August 2022 Board meeting. At that time, **we** asked the Board's General Counsel, Vito Gagliardi, Jr., Esq., to advise the Board on whether respondent's pattern of behavior, to date, warranted the filing of a complaint with the School Ethics Commission. Based on the advice he subsequently gave us, **we** (with exception of Gazala Bohra, who abstained) authorized Ms. Skurbe to move forward with the complaint -- again, in her capacity as Board President and on the Board's behalf." (Emphasis added.)

Also, there is no probable cause for the complainants' allegations about what occurred during the August 2022 closed session discussion from an evidential standpoint because, by their own admission, neither was present for it. Ms. Fabiano recused herself, and Ms. Rattner was absent from the meeting entirely. Thus, there is not a scintilla of competent evidence in the record to refute the sworn representation of a majority of the Board that they collectively asked the Board attorney to research the matter, to advise them on their options, and ultimately to prepare a draft complaint.

Once again, the complainants allege a violation of *N.J.S.A.* 18A:12-24.1(a) without the presenting a "final decision" required by *N.J.A.C.* 6A:28-6.4(a)(1). Similarly, the complainants allege a violation of *N.J.S.A.* 18A:12-24.1(c) without presenting any of the evidence required by *N.J.A.C.* 6A:28-6.4(a)(3).

The charge under *N.J.S.A.* 18A:12-24.1(d) suffers from the same infirmity as in Counts I and II since the behavior here also involves interactions among Board members, not the day-to-day operations of the district. Nor have complainants presented any of the evidence mandated by *N.J.A.C.* 6A:28-6.4(a) (4), requiring "a direct order to school personnel or became directly involved in activities or functions that are the responsibility of school personnel or the day-to-day administration of the school district[.]"

The charge under *N.J.S.A.* 18A:12-24.1(e) is also deficient for lack of any of the evidence required by *N.J.A.C.* 6A:28-6.4(a)(5), *i.e.*, “personal promises or . . . action beyond the scope of the respondent’s duties such that, by its nature, had the potential to compromise the district board of education[.]” As we have established, it was the Board itself that sought the legal advice at issue here. The charge under *N.J.S.A.* 18A:12-24.1(f) also fails, as the complainants have presented none of the evidence required by *N.J.A.C.* 6A:28-6.4(a)(6).

Count IV

Count IV accuses respondent of violating *N.J.S.A.* 18A:12-24.1(a), (d), (e) and (f) by voting to authorize the filing of the complaint against Ms. Rattner in *Skurbe v. Rattner*, C115-22. This Count is defective as well, as the complainants once again have not produced any of the evidence required by *N.J.A.C.* 6A:28-6.4(a).

This Count is also premised on two assumptions that are demonstrably false. The first is that just as Ms. Fabiano recused herself from discussion and action on the ethics complaint against Ms. Rattner, respondent should have as well since the same discussion involved Ms. Rattner’s involvement in the *Fabiano v. Skurbe* case to which respondent herself was a party. The complainants have alleged no facts that would support such an inference. The filing of the complaint in *Skurbe v. Rattner* could not possibly have affected the course of the proceedings in the

Fabiano matter, so there was no benefit respondent could conceivably gain. And since the complaint in *Skurbe v. Rattner* was filed in respondent's name solely "in her capacity as President of the Monroe Township Board of Education," it was effectively the Board filing the complaint, not respondent personally.

Respondent's conduct is markedly distinguishable from that of Ms. Rattner in other respects as well. The ethical infraction alleged against Ms. Rattner in *Skurbe v. Rattner* was not that she supported Mr. Fabiano's complaint, but that in doing so she violated *N.J.S.A. 18A:12-24.1(g)* by unethically disclosing confidential attorney-client communications. For all the Board or its attorney knew at the time, Ms. Fabiano might also have been a witness to communications between her husband and Ms. Rattner that led to that breach of confidentiality, which would have been another reason for Ms. Fabiano to recuse herself from the Board's discussion. There is no equivalency between the two situations.

The second faulty premise is that the motion to authorize the complaint against Ms. Rattner would have failed without respondent's vote. That's wrong because it assumes, incorrectly, that the resolution at issue here required an affirmative vote of the entire membership of Board. As the New Jersey courts have recognized, the general rule is that votes by school boards require only a simple majority of the quorum present unless Title 18A explicitly mandates a super-majority vote, such as with personnel matters governed by *N.J.S.A. 18A:27-4.1*.

See Matawan Regional Teachers Ass'n v. Matawan-Aberdeen Regional School Dist. Bd. of Educ. 233 N.J. Super 504, 506-508 (App. Div. 1988). There is no such requirement with respect to a vote to authorize an ethics complaint against a member of the Board, so the general rule applies.

According to the minutes of the November 16, 2022, meeting, accessible on the district's website at tinyurl.com/ycknrey9, nine Board members were present, including the representative from the Jamesburg School District that sends some of its students to Monroe. Ms. Fabiano was absent. The Board resolution at issue appears at page nine of those minutes:

A motion was made by Mr. Chiarella and seconded by Mr. Nikitinsky that the members of the Monroe Township Board of Education authorize and direct the President of the Board of Education to file, as the complainant, a School Ethics Act Complaint, as discussed in executive session and authorize David Rubin to represent the Board President in the aforementioned matter based on his current rate structure with the Board. The Board President, the Superintendent of Schools, and the Board counsel hereby are authorized and directed to take all necessary and appropriate steps to implement this action of the Board. Roll call 6-1-1-1-1. Motion carried with Ms. Arminio voting no, Ms. Bohra abstaining, and Ms. Rattner recusing.

Six of the nine Board members present voted in favor of the resolution. Had respondent recused herself, there still would have been five votes in favor, constituting a majority of those present.

Count V

Count V accuses respondent of violating *N.J.S.A. 18A;12-24.1(b), (c), (d), (e) and (f)* by using her Board position to harass the leadership of the Oak Tree-Applegarth PTA into resigning. Once again, this Count is deficient on its face.

As respondent explains in her certification, any of her interactions with the PTA were solely in her capacity as a parent of an Oak Tree School student, and a member of the PTA herself. A review of respondent's emails attached to the complaint confirm that they were all sent from her personal email address, identified herself as an Oak Tree parent, dealt exclusively with matters relating to her membership in that PTA, and in no way invoked the weight of her Board membership. Nor is there anything on the face of respondent's emails that could in any way be reasonably perceived as harassing.

The Commission has held that Board members may participate in PTAs, even in leadership roles, *see* A07-00 (May 23, 2000), and there is no competent evidence before the Commission giving rise to an inference that respondent crossed any of the lines set down in that Advisory Opinion. All the Commission has before it are the conclusory, self-serving claims by the resigning officers that they subjectively felt harassed by the Superintendent and respondent. None of the emails attached to the complaint support that assertion, the December 21, 2022 email from the Principals attached to respondent's certification squarely refutes it,

and respondent's certification explains these officers' longstanding grudge against her.

In our discussion of the earlier Counts, we cited the evidence required by *N.J.A.C. 6A:28-6.4(a)* to establish each of these statutory violations. Once again, the complainants have presented *none* of this evidence in their complaint.

Count VI

Count VI accuses respondent of violating *N.J.S.A. 18A:12-24.1(a), (c), (d)* and (e) by "end[ing] discussion and ask[ing] for a roll call" without awaiting a second to Vice President Bierman's "motion to call the vote." A video recording of the entire meeting is accessible on the district website at <https://monroetv.viebit.com/player.php?hash=KAaIRhGkGteZ>. At 24:07, after considerable discussion about the issue on the floor, Ms. Bierman called the question. Immediately afterward, Board member Katie Belko can plainly be heard to say, "You beat me to it."

Ms. Belko did not explicitly say "I second the motion," but in the context of the discussion at hand respondent reasonably interpreted her remark as such. It cannot seriously be disputed that "You beat me to it," while not in the precise jargon of Robert's Rules, effectively served the purpose of a second, that is, to assure that at least one other member of the body supports further consideration of the matter. If the complainants or any other Board member believed that a vote was

premature for lack of a second, they could, and should, have raised a point of order. They did not, nor did they raise any procedural concerns about the vote at any time after that, until two months later when they filed their complaint in this matter as payback for the one against Ms. Rattner in *Skurbe v. Rattner*, C115-22.

As a threshold matter, the complaint assumes the Board was legally bound to follow the letter of Robert's Rules of Order. Unlike the State Board of Education or the School Ethics Commission, for which the State Board's regulations explicitly require adherence to Robert's Rules, *see N.J.A.C. 6A:1-2.1* (State Board), 6A:28-2.3 (School Ethics Commission), there is no statute or regulation explicitly requiring school boards to do so. That requirement is self-imposed by Board policy,⁶ and to the extent this Count alleges a violation of that policy it is beyond the scope of the Commission's jurisdiction. *See Aiello v. Gottlieb*, OAL Dkt. No. EEC 00214-11, Agency Dkt. No. C26-10 (Initial Decision July 13, 2012), *adopted* (Commission August 29, 2012)("[Complainant's] objections that respondent may have violated . . . Robert's Rules of Order do not set forth a claim under the Code of Ethics and, consequently, are beyond the scope of the Commission's jurisdiction.").

⁶ District Policy 0164, accessible on the district's website at <https://tinyurl.com/2p8rtzpx>, provides that "Roberts' Rules of Order, Newly Revised, shall govern the Board of Education in its deliberations and acts in all cases in which it is not inconsistent with statutes of the State of New Jersey, rules of the State Board of Education, or these bylaws."

Even assuming for argument's sake the complaint alleged that respondent violated the School Ethics Act in some other way, as with the earlier Counts this one is deficient as well for lack of any of the specific elements required by *N.J.S.A.* 18A:12-24.1(a), (c), (d) and (e), or any of the supporting evidence required by the Commission's regulations. In particular, there is no "final decision" required by *N.J.A.C.* 6A:28-6.4(a)(1). The charge under *N.J.S.A.* 18A:12-24.1(d) is also defective on its face, as this provision of the Code of Ethics focuses on board members' improper involvement in the day-to-day operations of the district, not the internal workings of the board itself. What's more, the complainants have presented no evidence that respondent "gave a direct order to school personnel or became directly involved in activities or functions that are the responsibility of school personnel or the day-to-day administration of the school district" as required by *N.J.A.C.* 6A:28-6.4(a)(4).

The charge under *N.J.S.A.* 18A:12-24.1(e) is also deficient for lack of any of the evidence required by *N.J.A.C.* 6A:28-6.4(a)(5), *i.e.*, "personal promises or . . . action beyond the scope of the respondent's duties such that, by its nature, had the potential to compromise the district board of education[.]" The charge under

N.J.S.A. 18A:12-24.1(f) also fails because the complainants have presented none of the evidence required by *N.J.A.C.* 6A:28-6.4(a)(6)⁷

Conclusion

For the reasons presented above, the complaint should be administratively dismissed pursuant to *N.J.A.C.* 6A:28-9.2(a)(5) and (7) for failing to meet the requirements of *N.J.A.C.* 6A:28-6.3 or to state a violation of the School Ethics Act. Alternatively, the complaint should be dismissed pursuant to *N.J.A.C.* 6:28-9.7(b) for lack of probable cause.

Respectfully,

David B. Rubin

DBR:lg

Enc.

cc: David Kass, Esq.

⁷ *N.J.A.C.* 6A:28-6.4(a)(6) provides: "Factual evidence of a violation of *N.J.S.A.* 18A:12-24.1.f shall include evidence that the respondent(s) 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 the respondent(s) used the schools to acquire some benefit for the respondent(s), a member of the respondent's immediate family or a friend."

DAVID B. RUBIN, P.C.

Attorney at Law

450 Main Street

Metuchen, New Jersey 08840

(732) 767-0440

rubinlaw@att.net

Attorney for Respondent

KATE RATTNER and
KATIE FABIANO,

Complainants,

v.

CHRISTINE SKURBE,

: BEFORE THE SCHOOL ETHICS
: COMMISSION OF NEW JERSEY

:

:

: Docket No. C29-23

:

:

:

:

:

:

CERTIFICATION OF
CHRISTINE SKURBE

1. I am the respondent in this matter and make this certification in response to the complaint.

2. I am currently President of the Monroe Township Board of Education. As alleged in their complaint, I am also a respondent in other proceedings before the School Ethics Commission. What the complainants fail to mention is that these complaints are a coordinated effort by critics of the current Board majority to load up the Commission's docket with as many complaints as possible against me, other Board members and our Superintendent, then post incendiary messages on social

media on almost a daily basis complaining about how many ethics complaints are pending against us.

3. In the paragraphs below, I will present the facts relevant to each of the Counts alleged against me.

Count I

4. As I understand the allegations in this Count, Ms. Fabiano claims she was improperly excluded from a portion of the Board's closed session discussion on August 17, 2022. This is untrue.

5. I have no self-executing power to exclude her or anyone else from a closed session. At the meeting in question, before going into closed session, our Board Attorney, Vito Gagliardi, Jr., Esq., informed Ms. Fabiano about what was going to be discussed and she recused herself. I was not responsible for giving that advice, although in my view it was entirely appropriate because the issues to be discussed included Ms. Rattner's involvement in an ethics proceeding brought by Ms. Fabiano's husband, Brian Fabiano.

6. Ms. Fabiano also recused herself from voting on the ethics complaint when the Board formally approved the filing of it in November 2022. She never raised any concern about being excluded from anything about it until now, only after the Board, in my name as President, filed the ethics complaint against Ms. Rattner.

Count II

7. In our closed session discussion at the August 17, 2022 Board meeting, a majority of the Board reached a consensus that Ms. Rattner was unable or unwilling to honor her responsibilities under the School Ethics Act and should be asked to resign voluntarily. We did not want to incur the expense and inconvenience of pursuing ethics charges against her if that could be avoided, which is why the Board asked Mr. Chiarella, Ms. Bierman and me to meet with Ms. Rattner to alert her that if she was not willing to resign the Board intended to file an ethics complaint against her. We were under no obligation to afford her that courtesy, but felt it was in her interest as well as ours to try and resolve this matter without a public spectacle.

8. I did not “threaten” Ms. Rattner or her husband, who is a longtime, tenured employee in the district. Again, in fairness to her, we alerted her that if we were forced to file the ethics complaint, it would include references to her attempt to influence her husband’s supervisor regarding her husband’s employment matters. We never threatened her husband. In fact, it was Ms. Rattner’s husband who asked his supervisor to ask the Superintendent to ask me to advise Ms. Rattner on her proper role as a Board member. That was in January 2022 when she contacted her husband's colleague about the CJMEA event addressed in the ethics complaint against her.

Count III

9. At the closed session of our August 17, 2022 Board meeting, the Board discussed with our attorney, Mr. Gagliardi, Ms. Rattner's pattern of unethical behavior and requested his guidance on whether there were legitimate grounds for a complaint with the School Ethics Commission. The Board does not adopt formal resolutions asking our attorney to research and advise us on matters of concern to us nor, to my knowledge, is there any requirement that we do so.

10. As my attorney will explain in his accompanying brief, the Board as a whole, not just me, asked Mr. Gagliardi to look into the matter and advise us on our options and, subsequently, authorized him to begin drafting the ethics complaint. Even if I were the one who made the request myself, which I wasn't, the Board had previously adopted Policy 0174, "Duties of Board Attorney," accessible on the district's website at <https://tinyurl.com/2p9832fu>, providing as follows:

The Board of Education authorizes the Superintendent of Schools, Superintendent of Schools' designee, School Business Administrator/Board Secretary, *and the Board President* as designated contact persons to request services or advice from contracted legal counsel. (Emphasis added.)

Count IV

11. I did not need to recuse myself from this vote, which was based on a year-long pattern of behavior by Ms. Rattner. The Board Attorney, Mr. Gagliardi,

was present at the meeting where this was discussed and voted upon, and if he thought I should have recused myself, knowing the entire history of what was going on, he would have advised me to. That did not occur.

12. I will leave it to my attorney to explain why there was no equivalence between my involvement and Ms. Fabiano's, but one important distinction is that that the complaint against Mr. Rattner was filed on behalf of the Board as whole.

13. It is also clear that my vote was not the deciding factor in the resolution passing. As I understand it, all that was required was a majority of the quorum present for the meeting, not the "super-majority" vote required for certain Board actions under Title 18A. There were six votes in favor, one against and one abstention. Had I recused myself, there still would have been five votes which were sufficient for the resolution to pass.

Count V

14. Approximately 13 years ago, I started the Oak Tree PTA when the school opened and was the President of that organization for six years. There were some conflicts between some of the officers and me at the time, and they have carried out a vendetta against me ever since.

15. One of these officers, Christine Lester, was still serving in that capacity when I came back to Oak Tree School with my youngest son, who is now in the 3rd grade there. She has spread lies about me to the rest of the PTA officers,

and they refused to allow me to participate in any PTA events even though I was a member.

16. When my son attended Kindergarten during the 2019-2020 school year, the COVID-19 pandemic arrived and we only had in-person schooling until mid-March 2020, before I was elected to the Board. I did voice my concerns as a parent to the Principal that year about not being allowed to participate in my son's school because of this woman.

17. Once school got back to in-person, I met some other parents who also felt they were being excluded from the PTA and not allowed to volunteer. One in particular was Roshni Shah. She brought it to the Principal's attention and also spoke at a public Board of Education meeting about it after I became Board President. After that, the parents in charge of the PTA became even nastier to her, and she was really feeling discriminated against as an Indian woman.

18. Ms. Shah reached out to the Superintendent to say that if this harassment was not taken seriously she would take legal recourse. Ms. Chanley informed me of this because I was the Board President and told me she was going to have a meeting with her Principals over the matter. The Principal at Applegarth and Oak Tree Schools told Ms. Chanley that they already had scheduled a meeting with the PTA officers and the New Jersey PTA leadership to address these issues.

19. As I understand it, the Principals told the PTA officers that they had to be inclusive and allow all parents who are paid members to equally participate. The President of the PTA, Melissa Storey, threw her hands up and said she was done and walked out. She quit that day and three other officers sent in resignation letters blaming me and Ms. Chanley for them resigning, stating that we harassed and bullied them.

20. I had always used my personal email in any communications with the Principal. I never directed the Principal to do anything, and I voiced my concern as a parent being excluded from events that I as a member should have been allowed to be part of. In fact, while all of this PTA drama was going on, Ms. Storey applied to the district to be a paraprofessional and I even voted to approve it.

21. The letters relied on by the complainants were sent to the Board of Education by one of the PTA officers who asked the Board to investigate. The Board declined their request, so now Ms. Rattner and Ms. Fabiano are trying to exploit those letters for some tactical advantage in this case. In a December 21, 2022, email to the entire Board (including Ms. Rattner and Ms. Fabiano) and others, annexed to my certification, the Principals of Oak Tree and Applegarth Schools unequivocally explained that the PTA officers were not forced out of their positions, nor were they subject to any bullying or intimidation.

Count VI

22. A video recording of the entire meeting is accessible on the district website at <https://monroetv.viebit.com/player.php?hash=KAaIRhGkGteZ>. At 24:07, after considerable discussion about the issue on the floor, Ms. Bierman called the question. Immediately afterward, Board member Katie Belko can plainly be heard to say, "You beat me to it," which I took to be a second for purposes of proceeding to a vote on the matter as she was clearly indicating support for proceeding with the motion.

23. If Ms. Rattner, Ms. Fabiano or any other member of the Board felt that the motion was out of order for lack of a second, they could and should have raised the issue at that time instead of remaining silent for two months which, in itself, shows that this objection is not made in good faith.

Certification

24. I certify that the statements made by me herein are true. I understand that if any of these statements are willfully false, I am subject to punishment.



CHRISTINE SKURBE

Dated: April 26, 2023

From: Dawn Graziano <Dawn.Graziano@monroe.k12.nj.us>

Sent: Wednesday, December 21, 2022 11:27:13 AM

To: [REDACTED]

; Adam Layman <Adam.Layman@Monroe.K12.NJ.US>; Chari Chanley <Chari.Chanley@Monroe.K12.NJ.US>; Patricia Dinsmore <Patricia.Dinsmore@monroe.k12.nj.us>; Chrissy Skurbe <Chrissy.Skurbe@monroe.k12.nj.us>; Karen Bierman <Karen.Bierman@monroe.k12.nj.us>; Michele Arminio <Michele.Arminio@Monroe.K12.NJ.US>; Kathleen Belko <Kathleen.Belko@monroe.k12.nj.us>; Gazala Bohra <Gazala.Bohra@monroe.k12.nj.us>; Ken Chiarella <Ken.Chiarella@monroe.k12.nj.us>; Katie Fabiano <Katie.Fabiano@monroe.k12.nj.us>; Adi Nikitinsky <Adi.Nikitinsky@monroe.k12.nj.us>; Kate Rattner <Kate.Rattner@monroe.k12.nj.us>; Michelle Scott <Michelle.Scott@monroe.k12.nj.us>
Cc: kyle.anderson@doe.nj.gov <kyle.anderson@doe.nj.gov>; angelica.allen-mcmillan@doe.nj.gov <angelica.allen-mcmillan@doe.nj.gov>

Subject: RE: [External Email]Re: Oaktree-Applegarth PTA Resignations - Investigation request

December 21, 2022

To the above e-mail addressees,

We are aware of an e-mail from an anonymous parent that was sent to the Board of Education in Monroe Township and to the State Department of Education alleging harassment on the part of our Superintendent, Mrs. Chari Chanley and our Board of Education President, Mrs. Chrissy Skurbe.

Specific to allegations pertaining to Mrs. Chanley, Mrs. Dinsmore and I would like to attest to the fact that we requested a meeting with the state PTA and our officers and scheduled that meeting for Friday, December 2nd at 2 p.m. at Applegarth School. We had been navigating a difficult relationship between our existing PTA officers and some vocal parents since the end of the 2021-2022 school year. At the meeting, we were hoping to encourage our officers to allow the vocal parent group to chair an activity during the school year so they felt more included. This meeting included Lisa Falco and Sharon Roseboro from the state PTA, Mrs. Dinsmore, Mrs. Graziano, Melissa Storey (PTA President), Christine Lester (3rd VP), Jenan Grant (Secretary) and Aimee Benner (2nd VP).

Coincidentally, Mrs. Chanley reached out via telephone a day or two before the December 2nd meeting was to occur, urging us to encourage greater diversity in our PTA, as the vocal parents were contacting her with concerns about a lack of inclusivity. Mrs. Chanley encouraged us to speak up for such inclusivity when she found out about the December 2nd meeting and cautioned that the vocal parents were concerned about racism on the PTA.

As principals, we are unaware of any acts of harassment or bullying on Mrs. Chanley's part, and though she was copied on numerous e-mails from a vocal parent group and our PTA officers prior to the meeting, we have no knowledge of any direct interactions between Mrs. Chanley and our PTA executive board members.

During the course of that meeting, Mrs. Storey announced her intention to resign (she was not forced out) and we later found out that Mrs. Goyal, Mrs. Lester, and Mrs. Grant would be tendering resignations as well. Three of the officers will remain in their positions. Mrs. Dinsmore reached out to the state PTA on our behalf, and we were told new elections would be held at a scheduled January 10th meeting.

Sincerely,

Patricia Dinsmore and Dawn Graziano

Principals, Oak Tree and Applegarth Schools



State of New Jersey
DEPARTMENT OF EDUCATION
PO Box 500
TRENTON, NJ 08625-0500

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

ANGELICA ALLEN-McMILLAN, Ed.D.
Acting Commissioner

SCHOOL ETHICS COMMISSION

April 21, 2023

For Complainants

David J. Kass, Esquire
Florio, Perrucci, Steinhart, Cappelli, Tipton, and Taylor, LLC
430 Mountain Avenue, Suite 103
New Providence, New Jersey 07974

For Respondent

David B. Rubin, Esquire
450 Main Street
Metuchen, New Jersey 08840

SUBJECT: KATE RATTNER AND KATIE FABIANO v. CHRISTINE SKURBE,
MONROE TOWNSHIP BOARD OF EDUCATION, MIDDLESEX
COUNTY, SCHOOL ETHICS COMMISSION DOCKET #C29-23

Dear Parties:

Please allow this correspondence to acknowledge the School Ethics Commission's (Commission) receipt of a filing by the named Respondent in connection with the above-captioned matter. More specifically, on April 21, 2023, Respondent filed a **Written Statement**. At this time, neither party is permitted to submit further filings with the Commission.

Subject to the exceptions set forth at *N.J.A.C. 6A:28-6.6(g)*, the Commission shall hold all information confidential regarding any pending matter until the Commission finds that a school official has violated the Act, or until such time that the above-captioned matter is settled, withdrawn or dismissed.

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

Sincerely,

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

www.nj.gov/education



PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

State of New Jersey
DEPARTMENT OF EDUCATION
PO BOX 500
TRENTON, NJ 08625-0500

ANGELICA ALLEN-McMILLAN, Ed.D.
Acting Commissioner

SCHOOL ETHICS COMMISSION

October 10, 2023

For Complainants

Lester E. Taylor, III, Esquire
Florio, Perrucci, Steinhart, Cappelli, Tipton, and Taylor, LLC
430 Mountain Avenue, Suite 103
New Providence, New Jersey 07974

For Respondent

David B. Rubin, Esquire
450 Main Street
Metuchen, New Jersey 08840

SUBJECT: KATE RATTNER AND KATIE FABIANO v. CHRISTINE SKURBE,
MONROE TOWNSHIP BOARD OF EDUCATION, MIDDLESEX
COUNTY, SCHOOL ETHICS COMMISSION DOCKET #C29-23

Dear Parties:

Please be advised that the above-captioned matter will be discussed by the School Ethics Commission (Commission) at its meeting on October 17, 2023. At this meeting, the Commission will discuss whether ***probable cause*** exists for the allegations in the Complaint. ***Probable cause*** shall be found when the facts and circumstances presented in the Complaint and Written Statement would lead a reasonable person to believe that the School Ethics Act has been violated.

The Commission's meeting will take place at the New Jersey Department of Education, 100 Riverview Plaza, Trenton, New Jersey 08625. *Although you are permitted to attend public session, please note that this is **not** an opportunity to discuss or to otherwise publicly litigate the merits of the case.* Further, the Commission's review and discussion of this matter will take place in Executive Session.

Following its meeting on October 17, 2023, it is anticipated that the Commission will adopt a decision at its ***next*** regularly scheduled monthly meeting thereafter. Once adopted by the Commission, the parties shall be duly notified of the Commission's decision (in writing) and will be advised as to how the above-captioned matter will be processed.

Subject to the exceptions set forth at *N.J.A.C. 6A:28-6.6(g)*, the Commission shall hold all information confidential regarding any pending matter until the Commission finds that a school official has violated the Act, or until such time that the above-captioned matter is settled, withdrawn or dismissed.

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

Sincerely,



Brigida C. Martens, Acting Director
School Ethics Commission