



State of New Jersey  
OFFICE OF ADMINISTRATIVE LAW  
9 Quakerbridge Plaza  
P.O. Box 049  
Trenton, New Jersey 08625-0049  
(609) 438-6316

Barry E. Moscovitz  
Acting Director and Chief  
Administrative Law Judge

Candice Hendricks  
Assistant Director

May 29, 2025

By E-mail: [opra+request-76862-706ad663@requests.opramachine.com](mailto:opra+request-76862-706ad663@requests.opramachine.com)

Anonymous

Re: OPRA Request

Dear Requestor:

The Office of Administrative Law ("OAL") received your request under the Open Public Records Act on May 28, 2025. You requested:

*"Copy of May 2025 decision made by Administrative Law Judge, Mary Ann Bogan in the case, Christine Skurbe et al vs Monroe Township Board of Education related to the hearing that took place on Friday, May 23, 2025."*

In response to your request, please see attached responsive records.

Sincerely,

/s/Candice G. Hendricks  
OPRA Custodian/Assistant Director  
Judicial Standards and Procedures



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**ORDER ON**  
**EMERGENT RELIEF**

**ERIC MAROZINE,**

Petitioner,

v.

**BOARD OF EDUCATION OF TOWNSHIP**

**OF MONROE,**

Respondent.

OAL DKT. NO. EDU 08244-25

AGENCY DKT. NO. 135-5/25

**(CONSOLIDATED)**

AND

**PRADEEP MELAM,**

Petitioner,

v.

**BOARD OF EDUCATION OF TOWNSHIP**

**OF MONROE,**

Respondent.

OAL DKT. NO. EDU 08550-25

AGENCY DKT. NO. 141-5/25

AND

**ROSHNI SHAH,**

Petitioner,

v.

**BOARD OF EDUCATION OF TOWNSHIP**

**OF MONROE,**

Respondent.

OAL DKT. NO. EDU 08973-25

AGENCY DKT. NO. 150-5/25

AND

**CRISTINA BOLUSI ZAWACKI,**

Petitioner,

v.

**BOARD OF EDUCATION OF TOWNSHIP  
OF MONROE,**

Respondent.

OAL DKT. NO. EDU 08580-25

AGENCY DKT. NO. 148-5/25

AND

**CHRISTINE SKURBE,**

Petitioner,

v.

**BOARD OF EDUCATION OF TOWNSHIP  
OF MONROE,**

Respondent.

OAL DKT. NO. EDU 08593-25

AGENCY DKT. NO. 138-5/25

---

**Eric Marozine, Pradeep Melam, Roshni Shah, Cristina Bolusi Zawacki, and  
Christine Skurbe, petitioners, pro se**

**Rita F. Barone, Esq., Robert M. Tosti<sup>1</sup>, Esq. for respondent (Flanagan, Barone  
& O'Brien, LLC, attorneys)**

BEFORE **MARY ANN BOGAN, ALJ:**

**STATEMENT OF THE CASE AND PROCEDURAL HISTORY**

Petitioners Eric Marozine, Pradeep Melam, Roshni Shah, Cristina Bolusi Zawacki, and Christine Skurbe (petitioners) filed a Verified Petition of Appeal (Petition)

---

<sup>1</sup> Appeared for oral argument on May 23, 2025.

and Motion for Emergent Relief with the Commissioner of Education. The Office of Controversies and Disputes of the Department of Education (Department) transmitted the contested case to the Office of Administrative Law, where it was filed on May 14, 2025.

The petitioners demand the immediate reinstatement by the Monroe School District Board of Education (Board) of Dr. Chari Chanley, Superintendent of the Monroe School District, based on violations of due process, board policy, and law. The respondent Board, in opposition, contends among other assertions that petitioners lack standing to bring a claim as the decision to place Dr. Chanley on paid administrative leave is a confidential personnel matter between the Board and Dr. Chanley.

Oral argument was heard on May 23, 2025.

### **FACTUAL DISCUSSION**

During the May 5, 2025, Board meeting, the Board placed Dr. Chanley on administrative leave with pay after the evaluation of the superintendent during executive session. Petitioners, who are residents, taxpayers, and parents of children who attend the District schools, allege that the Board took improper action when it considered Dr. Chanley's employment status, placed Dr. Chanley on paid administrative leave, and did not follow proper procedures. Specifically, the petitioners state the Board placed Dr. Chanley on leave based solely on "what we heard here tonight" and did not provide Dr. Chanley with prior notice or an opportunity to respond, did not properly document and investigate the matter, violated Dr. Chanley's due process rights, and did not follow District policy 0164, Conduct of Board meeting, or the Roberts Rules of Order. The petitioners also seek relief from the Board's arbitrary and capricious decision to remove Dr. Chanley and its pattern of swiftly removing high-performing administrators. The Board in its action has abused its authority, demoralized the school, impacted the District's ability to attract talented educators, and caused the loss of experienced leaders. The petitioners further assert, Dr. Chanley's absence materially affected the District because she has the most experience and is "deep into" projects that are timely and complex. For example, these projects include, under the leadership of Dr. Chanley,

the establishment of a full day kindergarten. Petitioners maintain this project is now on hold and will not be started as previously planned. Dr. Chanley was also working on school travel safety issues and working to restore the operations of a District school. Furthermore, the petitioners find that the Board's action to place the interim superintendent into the role of the superintendent is insufficient to administrate the District schools.<sup>2</sup>

The Board maintains this is a confidential personnel matter between the employing Board of Education and an employee superintendent in which the Board took action to place Dr. Chanley on paid administrative leave. The Board points out that this action is not a final personnel action for Dr. Chanley, who continues to "enjoy[] contractual tenure."

### **LEGAL ANALYSIS AND CONCLUSION**

As a threshold matter, a party must have standing to bring a claim before the Commissioner of Education. New Jersey follows a "liberal approach on the issue of standing." Crescent Park Tenants Ass'n v. Realty Equity Corp. of N.Y., 58 N.J. 98, 101, 107–11 (1971). Even under this approach, though, standing is limited to "situations where the litigant's concern with the subject matter evidence[s] a sufficient stake and real adverseness," preventing litigation by those who are "merely interlopers or strangers to the dispute." Id. at 107.

The petitioners argue that they have standing because a petitioner is a former Board president who has knowledge of the previous Board actions, and because all petitioners are residents and parents of school children who have knowledge of the Board's actions and are affected by the consequences of the Board's actions, especially the Board's pattern of removing administrators, without cause.

---

<sup>2</sup> In a late post-hearing submission, the petitioners state the Board did not appoint an interim superintendent because the appointment of the assistant superintendent to also serve as superintendent is inconsistent with the scope of the assistant superintendent's main role to shape academic policy and curriculum. Whereas the "role of [the superintendent encompasses a broader scope, including operational management, fiscal oversight, strategic planning, community relations, and governance with the Board of Education." The Board in its response states this response demonstrates the "speculative nature of the relief sought here."

The respondent states that the petitioners lack standing to bring this action. Respondents rely upon Loigman v. Twp of Middletown, 297 N.J. Super. 287 (App. Div. 1997). In Loigman, the plaintiff taxpayer sought to enforce a collective bargaining agreement between a Police Union and the Township. In addition to holding that this taxpayer lacked standing to enforce a public sector labor agreement, the court also noted that parents do not have standing in a case involving striking schoolteachers. While the court recognizes as I do that parents have a legitimate concern in the outcome of disputes such as a case involving striking teachers and, like here, changes in who administers the schools that their children attend in the community where they reside and pay taxes, the petitioners' interest does not provide legal standing to bring this action.

The Board further relies on Joly v. Palmieri, OAL Dkt. No. EDU 03000-25 decided May 8, 2025, to demonstrate that a similar motion has already been decided. In Joly, a board member was denied requested emergent relief to set aside an executive county superintendent's decision to appoint a Board president.

I **CONCLUDE** that the petitioners herein cannot bring an action on behalf of an employee personnel issue that an administrator may have with the District.

Under N.J.S.A. 18A:6-9, the Commissioner's jurisdiction is defined, and is limited to, "controversies and disputes arising under the school laws." In Dunellen Board of Education v. Dunellen Education Association, 64 N.J. 17, 23 (1973), the New Jersey Supreme Court concluded that "the Legislature enacted provisions entrusting school supervision and management to local school boards . . . subject to the supervisory control [of] . . . the State Commissioner of Education."

The regulations governing such disputes before the Commissioner of Education provide that "[w]here the subject matter of the controversy is a particular course of action by a district board of education or any other party subject to the jurisdiction of the Commissioner, the petitioner may include with the petition of appeal, a separate motion for emergent relief or a stay of that action pending the Commissioner's final decision in

the contested case.” N.J.A.C. 6A:3-1.6(a). The regulations further provide that the Commissioner may “[t]ransmit the motion to the OAL for immediate hearing on the motion.” N.J.A.C. 6A:3-1.6(c)(3).

As set forth in N.J.A.C. 1:6A-12.1(e), N.J.A.C. 6A:3-1.6(b) and N.J.A.C. 6A:14-2.7(s), an application for emergent relief will be granted only if it meets the following four requirements:

1. The petitioner will suffer irreparable harm if the requested relief is not granted;
2. The legal right underlying the petitioner’s claim is settled;
3. The petitioner has a likelihood of prevailing on the merits of the underlying claim; and
4. When the equities and interests of the parties are balanced, the petitioner will suffer greater harm than the respondent will suffer if the requested relief is not granted.

The moving party must demonstrate each element “clearly and convincingly.” Waste Management of N.J. v. Union County Utilities Authority, 399 N.J. Super. 508, 520 (App. Div. 2008). Emergent relief is designed “to ‘prevent some threatening, irreparable mischief, which should be averted until opportunity is afforded for a full and deliberate investigation of the case.’” Crowe v. DeGioia, 90 N.J. 126, 132 (citation omitted) (1982); see also N.J.A.C. 1:1-12.6(b) (citing Crowe, 90 N.J. 126, which echoes the regulatory standard for this extraordinary relief). It is well established that a moving party has the burden of proving each of the four elements of emergent relief.

Turning to the first criteria, it is well settled that relief should not be granted except “when necessary to prevent irreparable harm.” Crowe, 90 N.J. at 126. In this regard, harm is generally considered irreparable if it cannot be adequately redressed by monetary damages. Id. at 132–33. Moreover, the harm must be substantial and immediate. Judice’s Sunshine Pontiac, Inc. v. Gen. Motors Corp., 418 F. Supp. 1212, 1218 (D.N.J. 1976) (citation omitted). More than a risk of irreparable harm must be demonstrated. Cont’l Grp., Inc. v. Amoco Chems. Corp., 614 F.2d 351, 359 (3d Circ.

1980). The requisite for injunctive relief is a “clear showing of immediate irreparable injury,” or a “presently existing actual threat; (an injunction) may not be used simply to eliminate a possibility of a remote future injury, or a future invasion of rights, be those rights protected by statute or by the common law.” Ibid. (citation omitted.)

In this case, there is no immediate or irreparable harm. It also has not been ascertained what harm has been caused since the superintendent has not been terminated and any harm that may be incurred is speculative. Currently the superintendent is on paid leave with the possibility of either party or both parties taking further action.

For the foregoing reasons, I **CONCLUDE** that petitioners have not demonstrated that they will suffer irreparable harm if the requested emergent relief is not granted.

Although all four standards for emergent relief must be met, the three remaining prongs of the standards for emergent relief will be addressed.

The second requirement is that emergent relief “should be withheld when the legal right underlying plaintiff’s claim is unsettled.” Crowe, 90 N.J. at 133 (citing Citizens Coach Co. v. Camden Horse R.R. Co., 29 N.J. Eq. 299, 304–305). The petitioners assert that the Board took action that is procedurally deficient. Here the legal right underlying petitioners’ claim is not settled. Even if the Board may have violated Dr. Chanley’s due process rights, there is no settled legal right to allow parents to intervene in a personnel matter between the superintendent and the Board.

For the foregoing reasons, I **CONCLUDE** that petitioners did not demonstrate that the legal right to enjoin the Board from placing Dr. Chanley on paid administrative leave is settled.

Under the third emergent relief prong, “a plaintiff must make a preliminary showing of a reasonable probability of ultimate success on the merits.” Crowe, 90 N.J. at 133 (citing Ideal Laundry Co. v. Gugliemone, 107 N.J. Eq. 108, 115–16 (E. & A. 1930)). Here, the likelihood of petitioners’ success on the merits is unclear.

The decisions of local governmental bodies, such as school boards of education, carry the presumption of validity and a showing of arbitrary, capricious, or unreasonable action. Palamar Constr., Inc. v. Pennsauken, 196 N.J. Super. 241, 250 (App. Div. 1983). The burden of proving that the action of the governmental agency was arbitrary and capricious lies with the petitioner. J.M. by his guardian D.M. v. Hunterdon Cent. Reg'l High Sch. Dist., 96 N.J.A.R. 2d (EDU) 415, 419 (December 4, 1995), Comm'r. (January 18, 1996).

For the foregoing reasons, I **CONCLUDE** that petitioners have not demonstrated a likelihood of success on the merits.

The final requirement relates to the equities and interests of the parties. Crowe, 90 N.J. at 134. The petitioners have not demonstrated that when the equities and interests are balanced, petitioners will suffer greater harm than the Board if the relief is not granted. N.J.A.C. 6A:3-1.6(b)(4).

Furthermore, petitioners' varied claims stating that the Board's actions violated the open public meetings act, caused ethical violations against various board members, violated procedural due process, and violated the evaluation and personnel procedures are subject to different venues and preclude this forum from making a decision herein.

I **CONCLUDE** that petitioners would not suffer greater harm than the District if the requested emergent relief is not granted. Accordingly, I **CONCLUDE** that the petitioners did not satisfy all four requirements for emergent relief.

Therefore, I **CONCLUDE** that petitioners' request for emergent relief be **DENIED**.

### **ORDER**

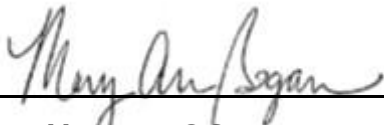
For the foregoing reasons set forth above, it is hereby **ORDERED** that petitioners' request for emergent relief is **DENIED**.

This order on application for emergency relief shall remain in effect until the Commission makes a decision as to whether or not it will return the case for a decision on the merits in this matter.

This order on application for emergency relief may be adopted, modified or rejected by **ACTING COMMISSIONER OF THE DEPARTMENT OF EDUCATION**, who/which by law is authorized to make a final decision in this matter. The final decision shall be issued without undue delay, but no later than forty-five days following the entry of this order. If **ACTING COMMISSIONER OF THE DEPARTMENT OF EDUCATION** does not adopt, modify or reject this order within forty-five days, this recommended order shall become a final decision on the issue of emergent relief in accordance with N.J.S.A. 52:14B-10.

May 27, 2025

DATE

  
\_\_\_\_\_  
MARY ANN BOGAN, ALJ

MAB/nn

c: Clerk OAL-T