



SCIARRILLO CORNELL  
MERLINO, MCKEEVER & OSBORNE, LLC  
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December 8, 2016

*Sent via Electronic Mail (jmonge@mongecapital.com)*

Jeffrey Monge  
Township of Union Board of Education  
2369 Morris Avenue  
Union, New Jersey 07083

**Re: Union Township Board of Education  
Letter of December 7, 2016**


Dear Jeff,

Enclosed is the September 18, 2016, letter which has been revised and also has attached the Clarification set forth in the September 29, 2016 edition of the Union County Local Source.

Please contact me if you have any questions.

Thank you.

Very truly yours,  
SCIARRILLO, CORNELL, MERLINO, McKEEVER & OSBORNE, LLC

  
Paul E. Griggs  
PEG/klb  
Enclosure

cc: Gregory A. Tatum, Superintendent (via electronic mail [gtatum@twpunionschools.org](mailto:gtatum@twpunionschools.org))  
Vito Nufrio, President (via electronic mail [vito.nufrio523@gmail.com](mailto:vito.nufrio523@gmail.com))  
Gregory Brennan, SBA/BS (via electronic mail [gbrennan@twpunionschools.org](mailto:gbrennan@twpunionschools.org))



REVISED

E-mail: pgriggs@sciarrillolaw.com

December 8, 2016

Jeffrey Monge  
Township of Union Board of Education  
2369 Morris Avenue  
Union, New Jersey 07083

**Re: Union Township Board of Education ("Board/District")**

Dear Mr. Monge:

In accordance with a motion approved by the Board at its meeting on September 20, 2016, and as a result of statements made by you in an article written in the Union County Source ("article") dated September 1, 2016, and emails authored by you to members of the District administration, I am communicating to you violations of the Code of Ethics (*N.J.S.A.18A:12-24.1 et seq.*).

**Union County Local Source ("article")**

The following statements were set forth in the article:

- Jeff Monge... a current Union BOE member, told the Local Source that "In a short period of time, parents in Union grew frustrated after they watched the district-led summer and after-school academy get shut down and a well-respected superintendent get pushed out."
- Monge said that as the summer rolled around and it was time for petitions to be submitted to run for the BOE, an unprecedented six community members... submitted petitions to challenge the three incumbents for positions on the BOE.
- Monge said that in order to fight against what he calls a "politically motivated group" controlling the school board for close to 20 years, he, along with another founder of PFC (Parents for Change), Paul Casey, dropped out of the 2014 race in order to facilitate a successful run for two other parent-candidates Nancy Zuena and Ronnie McDowell. All four decided to start the movement in what they refer to as a "grassroots effort against the political machine for the betterment of our children"
- The mission of PFC, said Monge, is to develop a community of parents in Union to support individuals, organizations, activities and programs to create positive change to ensure the community is the best one possible for children and families. "This includes a community where all children have the opportunity to excel academically in a safe, positive environment with a commitment to high-quality programs and services."
- Monge said th[e] movement has been stymied because of what they believe to be a politically charged climate in Union.
- According to Monge, the push to "free" the BOE of political control into a majority of independent-thinking members has been a two-year process. "The fight was ugly and hopefully will not get uglier" said Monge. "This is ongoing. It is old-school politics supported by political committees."

- ... Monge said that the Democratic Committee to Elect Union Mayor Manuel Figueiredo and Union councilwoman Michele Delisfort, chaired by Union County Sheriff Joseph Cryan, raised more than \$73,000 in support of Democratic BOE candidates Steven Le, Mary Lynn Williams, Tom Layden and Maria Sanagustin in 2015, compared to the independent candidates who had a less-than \$6,500 budget, along with \$3,800 from individual contributions.
- Monge questioned why these businesses (local) would be involved at all in BOE elections. "Why would Deep Foods contribute to their campaigns?" he said of local manufacturer of Indian food.
- Monge cited Cryan as leading the campaign to get the opposing candidates onto the board. "He's the kingmaker," said Monge. "His campaign provided the bulk of the money to get his folks in."
- ...Monge cite[s] spending on BOE elections as a prime example of politics playing an unwelcome role in the classroom.
- ...alleged that most of the players who they claim are trying to thwart their progress can be found by looking at campaign reports.

*N.J.S.A.* 18A:12-24.1(e) sets forth

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.

Paul Casey ("Mr. Casey") is a candidate for election to the Board. By providing a joint interview/statement, you endorsed a Board candidate without stating that your support of Mr. Casey was as a private citizen and not as a member of the Board or on behalf of the entire Board. The article states that you as...a current Union BOE member, told the Local Source that "In a short period of time, parents in Union grew frustrated after they watched the district-led summer and after-school academy get shut down and a well-respected superintendent get pushed out." Mr. Casey and you both acknowledged being members of the PFC movement, and that their "movement has been stymied by what they believe to be a politically charged climate in Union." Endorsing a candidate for the Board without disclosing the endorsement is as a private citizen is a violation of the School Ethics Act. School Board Ethics Commission ("Commission") Advisory Opinion A36-14, involved an inquiry as to

Whether it would be a violation of the School Ethics Act...for you to endorse candidates for election to the Board, and if allowed, would there be limitations on your use of lawn signs, publication such as pamphlets, social media, and the potential need for disclaimers in issuing endorsements.

The Commission determined that there would be no violation of the School Ethics Act "to express yourself politically as a private citizen with regard to the endorsement of candidates in any election." The opinion goes on to set forth that with regard to any publications, there must be a disclaimer making it clear that an endorsement of a candidate is as a private citizen and not as a member of the Board or on behalf of the Board. The article credits you with saying "the push to 'free' the BOE of political control into a majority of independent-thinking members has been a two-year process." "The fight was ugly and hopefully will not get uglier." "This is ongoing. It is old-school politics supported by political committees." Also, that you stated "th[e] movement has been stymied because of what they believe to be a politically charged climate in Union."

Jeffrey Monge  
October 18, 2016  
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In Advisory Opinion A02-06, the Commission addresses the question of “whether, as a member of the board, you can express your opinion regarding the district’s proposed budget to the press in a letter to the editor of your local newspaper.” The Commission set forth in the opinion that “While the board member did not give up her right to guide to participate in political activity, the Legislature has established specific standards *to guide the conduct of board members to ensure and preserve public confidence....*” (Emphasis added). The opinion specifically references *N.J.S.A. 18A:12-24.1(e)* to wit: “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.” The Commission stated that

In expressing your opinion in... statements to the press...you must remain mindful that authority rests with the board. In order to avoid a violation of *N.J.S.A. 18A:12-24.1(e)*, you must ensure that the letter does not indicate that it is written on behalf of the board. Any statements you make or write should be made in your role as a citizen and not in your role as a board member. Furthermore, any written or oral information you provide must be made in a manner that does not compromise the board.

There is no mention in the article that your statements are those of a private citizen.

In the article you discussed the election campaign of Mayor Manuel Figueiredo and Union councilwoman Michele Delisfort. “Factual evidence of a violation of *N.J.S.A. 18A:12-24.1(e)* shall include evidence that the respondent...took action beyond the scope of his or her duties such that, by its nature, had the potential to compromise the board.” The statements made by you, were not made as a private citizen, went beyond the scope of your duties as a Board member and have the potential to compromise the Board. Going forward the Board will need to work with Mayor Figuerido and members of the Township Committee. The statements made by you potentially may compromise the Board’s ability to work with Mayor Figueirido and members of the Township Committee.

In Advisory Opinion A03-07, the Commission discussed section (e) of the Code of Ethics. The request to the Commission concerned whether a board member “would violate the Act by sending a letter to the editor expressing your opinion about the budget as long as, in the letter, you do not hold yourself out as a board member and the information is accurate and not confidential.” In the opinion, the Commission noted “that board members do not surrender the rights that they have as citizens such as freedom of speech when they become members of a school board.” The Commission stated that a board member when writing a letter to the editor, must indicate it is not written on behalf of the board. Also, any written or oral information you provide must be made in a manner that does not compromise the board. The latter statement is in reference to *I/M/O Eileen Quinn*, C45-04 (February 7, 2015), where a board member was found to violate section (e) when she printed and distributed a flier during her reelection campaign which contained incomplete fiscal information regarding the tax impact of the board’s budget.

Please be guided accordingly.

Very truly yours.

SCIARRILLO, CORNELL, MERLINO, McKEEVER & OSBORNE, LLC



Paul E. Griggs  
PEG/klb

cc: Mr. Gregory A. Tatum, Superintendent  
Mr. Vito Nufrio, President

# LOCALSOURCE

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UNION NEWS DAILY FROM

year with a 'gotta reach 'em all' mindset, as shown on their bulletin board. Conner will refer to the goals on the bulletin board in the coming months to remind students that perseverance and hard work will be required if they want to 'reach 'em all'.

## Clarification

In the Sept. 1 article, "Will Politics rear its head in Union BOE elections?" Parents For Change founder Jeff Monge was speaking with LocalSource as a private citizen, and not as a spokesman for any organization.

It is the policy of this newspaper to cor-

rect all significant errors that are brought to the attention of the editor.

If you believe that we have made such an error, send an email to Regional Editor Steve Proctor at [essexcty@thelocal-source.com](mailto:essexcty@thelocal-source.com), or call 908-686-7700, ext. 129, weekdays before 5 p.m.

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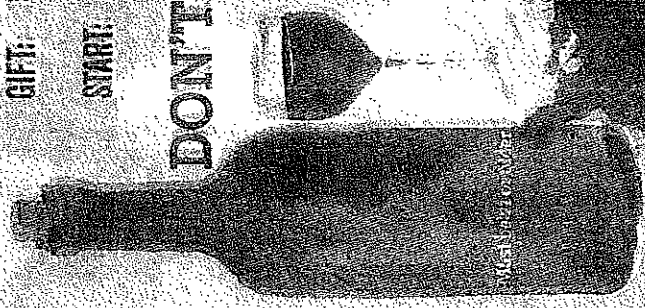
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