

VAUXHALL HISTORICAL SOCIETY

P.O.BOX 84
Vauxhall NJ, 07088

September 24, 2016

Mr. Vito Nufrio, President
Members of the Board of Education
Township of Union Public Schools
2369 Morris Avenue
Union, NJ 07083

Mr. Nufrio:

It is on behalf of the Vauxhall Historical Society that a request is made to use the Jefferson School to hold a program on November 5, 2016 from 11:00 until 1:00 pm to honor veterans from the Vauxhall community who have served in the military from WWI to present.

We recognize that there may be a fee assessed to pay for the required use of custodial services. We are a 501(c)(3) recognized organization and make a request that this fee and the required purchase of liability insurance are waived. We also request the presence of the Union High School ROTC to post the colors and lead the Pledge of Allegiance.

We give thanks to you and all members of the board of education for previous audience and assistance as well as in anticipation of assistance in this effort.

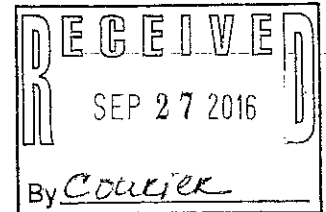
Again, we thank you.

Sincerely,

Alphonse Leak
President

Cc: Mr. Gregory Tatum
Superintendent of Schools

FLORIO ♦ KENNY ♦ RAVAL, L.L.P.
ATTORNEYS AT LAW



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September 27, 2016

VIA HAND DELIVERY

Greg Brennan, Business Administrator
Township of Union Board of Education
2369 Morris Avenue
Union, New Jersey 07083

Re: 2016 Request for Proposal for Insurance Brokerage Services
Our File No. 2092.001

Dear Mr. Brennan:

Please be advised that this firm has been retained to represent the interests of Business & Governmental Insurance Agency, ("BGIA") with respect to the above referenced Request for Proposals ("RFP.") Please be further advised that the process which you employed to award the contract for such insurance brokerage services violates the New Jersey Public School Contracts Law, N.J.S.A. 18A:18A-1, et seq., and/or is otherwise arbitrary, capricious and unreasonable.

You are hereby placed on notice that BGIA intends to take any and all legal actions necessary to overturn your wrongful decision. Please be guided accordingly.

Respectfully Submitted;

FLORIO ♦ KENNY ♦ RAVAL, L.L.P.

EDWARD J. FLORIO, ESQ.



September 27, 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."

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 Figueiredo and members of the Township Committee. The statements made by you potentially may compromise the Board’s ability to work with Mayor Figueiredo 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.

In summary, it is unlikely that a third party reading the article won’t come away with the impression that your statements were made as a Board member and/or on behalf of the Board. Moreover, the PFC group appears to be a partisan political group. *N.J.S.A.* 18A:12-24(f), sets forth:

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.

Factual evidence of a violation of *N.J.S.A. 18A:12-24.1(f)* includes "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 party...." (*N.J.A.C. 6A:28-4(a)(6)*). To prove a violation of the statute, there must be evidence that a Board member is a member of a "special interest or partisan political group." In your statement to the reporter, you confirm that you were a co-founder of the PFC group. Further, you discuss, in concert with Mr. Casey, the origins and purpose of the group. Moreover, your statements are connected to the group. The essence of your statements is that the PFC group will purge the school district of political control. While not an unworthy goal, the statement was not made as a private citizen and suggests that you will take action in support of a special interest group and their goals. Further, while you may, as a private citizen support PFC, your statements on their face suggest that you are not displaying independent judgment in regard to the group's objectives. There is factual support for your violation of *N.J.S.A. 18A:12-24.1(f)*.

Board Member Action

You undertook the following actions which are beyond permitted actions as a Board member:

- On August 18, 2016, you communicated with Tom Wiggins, Supervisor Buildings and Grounds, setting forth that "there is a parent advocacy group for parents of special needs children in the district that are organizing which I am part of....and looking for the availability of a room to conduct a meeting of the said group, suggesting the best location in so far as entry to the school."
- On August 22, 2016, you communicated directly to Mr. Tatum, Ms. Moses, and Ms. Conti advising that "In preparation, Mrs. Mackey ask (sic) me to assist her with some additional things. One, can we get an org chart like contact list of Special services team including Mr. Tatum, Mrs. Moses, Mrs. Conti, supervisors, case managers, etc.? We would like to give it out at the meeting as a resource piece....Also, it would be great if there would be a welcome intro from one or two of you. Mr. Tatum if you were actually able to attend at least for the welcome that would be impactful for you to speak briefly. If not Mrs. Moses would be great...."

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.

Similar to the aforesaid discussion of *N.J.S.A. 18A:12-24.1(e)*, while you communicated that you were part of the special education advocacy group (Union Special Needs Parents Advocacy Network), you did not indicate that your actions and communications to Mr. Wiggins, Mr. Tatum, Ms. Moses, and Ms. Conti were as a private citizen and not as a Board member. The "perception" is that you were writing the electronic mails as a Board member when requesting a room with specific features, that you should receive certain information, and that certain members of the administration should attend the forthcoming meeting. Frankly, it begs the question why another member of the group couldn't provide the same communication to the administration rather than you.

N.J.S.A. 18A:12-24(f), sets forth

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.

Jeffrey Monge
September 27, 2016
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We previously set forth that factual evidence of a violation of *N.J.S.A. 18A:12-24.1(f)* includes "evidence that the respondent(s) (you) 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..." *N.J.A.C. 6A:28-6.4(a) 6*.

The group (Union Special Needs Parents Advocacy Network) for which you took action, i.e. requested facility use and other information appears to have a special interest (special education) and is united in interest (special education advocacy). Your actions violated the said statute.

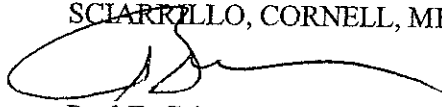
In summary, based on your participation in the article and the communications that you sent directly to the administration on behalf of a third party, i.e. a group with a special interest, there are violations of the School Ethic Act. Going forward we would strongly suggest that you be mindful of your status as a Board member and the perception of others that comes with that status.

Importantly, as set forth in Advisory Opinion A02-06, "any written or oral information you provide must be made in a manner that does not compromise the board." That is, if an ethics complaint was filed, including the underlying facts, it may very well distract and adversely impact the ability of the Board as a whole to carry out their responsibilities as set forth in statute, code, and policy.

Please be guided accordingly.

Very truly yours.

SCIARTELLO, CORNELL, MERLINO, McKEEVER & OSBORNE, LLC



Paul E. Griggs
PEG/klb

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