

***Before the School Ethics Commission
OAL Docket No.: EEC-17117-18
SEC Docket No.: C38-18
Final Decision***

**Russell K. Corby,
Complainant**

v.

**Christopher Raimann,
Toms River Regional Board of Education, Ocean County,
Respondent**

I. Procedural History

This matter arises from a Complaint that was filed on June 14, 2018, by Russell Corby (Complainant), a member and President of the Toms River Regional Board of Education (Board), alleging that Christopher Raimann (Respondent), a-then member and now former member of the Board, violated the School Ethics Act (Act), *N.J.S.A.* 18A:12-21 et seq. More specifically, the Complaint alleges that Respondent violated *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(e), and *N.J.S.A.* 18A:12-24.1(f) of the Code of Ethics for School Board Members (Code) in Count 1; *N.J.S.A.* 18A:12-24.1(f) of the Code in Count 2; *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(f), *N.J.S.A.* 18A:12-24.1(g), and *N.J.S.A.* 18A:12-24.1(i) of the Code in Count 3; *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(g), *N.J.S.A.* 18A:12-24.1(i), and *N.J.S.A.* 18A:12-24.1(j) of the Code in Count 4; and *N.J.S.A.* 18A:12-24.1(d) and *N.J.S.A.* 18A:12-24.1(j) of the Code in Count 5.

On June 20, 2018, the Complaint was served on Respondent, via regular and certified mail, notifying him that charges were filed against him with the School Ethics Commission (Commission), and advising that he had twenty (20) days to file a responsive pleading. On July 19, 2018, Respondent filed an Answer to Complaint (Answer).

On August 20, 2018, which was after Respondent filed his Answer, Complainant filed a Motion to Amend Complaint, and Respondent filed his opposition on August 23, 2018. At its meeting on September 25, 2018, the Commission reviewed Complainant's Motion to Amend Complaint, as well as Respondent's opposition, and voted to grant Complainant's request. Thereafter, Complainant filed an Amended Complaint on September 13, 2018, which included a new Count (Count 6) alleging violations of *N.J.S.A.* 18A:12-24.1(a) (for Respondent's spouse), *N.J.S.A.* 18A:12-24.1(a) (for Respondent's "step-brother"), *N.J.S.A.* 18A:12-24(b) (for Respondent's spouse), *N.J.S.A.* 18A:12-24(c) (for Respondent's spouse), and *N.J.S.A.* 18A:12-24(b) (for Respondent's "step-brother") because he (Respondent) allegedly did not disclose that his "step-brother" is an employee of the Toms River Regional School District (District). On September 28, 2018, Respondent filed an Answer to Amended Complaint.

At its meeting on November 27, 2018, the Commission voted to find no probable cause for the alleged violations of *N.J.S.A.* 18A:12-24(b) (for Respondent’s spouse), *N.J.S.A.* 18A:12-24(c) (for Respondent’s spouse), and/or *N.J.S.A.* 18A:12-24(b) (for Respondent’s “step-brother”) in Count 6. As a result of its finding, the Commission also voted to transmit the remaining allegations in the Complaint to the Office of Administrative Law (OAL) for a plenary hearing.

After the matter was transmitted to the OAL, and prior to the commencement of a hearing, the parties agreed to amicably resolve the matter, and submitted an executed “Stipulation of Settlement and Dismissal” to Dorothy Incarvito-Garrabrant, Administrative Law Judge (ALJ). ALJ Incarvito-Garrabrant reviewed the submission and, in an Initial Decision issued on September 12, 2019, found that (1) the parties voluntarily agreed to the settlement as evidenced by their signatures on the “Stipulation of Settlement and Dismissal,” and (2) the settlement fully disposes of all issues in controversy. ALJ Incarvito-Garrabrant further concluded that the above-captioned matter was “no longer a contested case,” and ordered that the parties comply with the settlement terms, and that the proceedings be concluded.

Although the Initial Decision was issued on September 12, 2019, it was not received by the Commission until September 24, 2019; therefore, the forty-five (45) day statutory period for the Commission to issue its Final Decision was October 28, 2019.¹ Prior to October 28, 2019, the Commission requested a forty-five (45) day extension of time to issue its decision so as to allow the Commission, which only meets monthly, the opportunity to receive and review the full record, including the parties’ executed “Stipulation of Settlement and Dismissal.” Pursuant to *N.J.S.A.* 52:14B-10(c) and *N.J.A.C.* 1:1-18.8, and for good cause shown, the Commission was granted an extension until December 12, 2019.

At a special meeting on October 25, 2019, the Commission considered ALJ Incarvito-Garrabrant’s Initial Decision and, at its meeting on November 19, 2019, the Commission voted to adopt ALJ Incarvito-Garrabrant’s Initial Decision as its Final Decision, but not to take a position on the enforceability of the terms and conditions of the parties’ “Stipulation of Settlement and Dismissal.”

II. Analysis

In their “Stipulation of Settlement and Dismissal,” the parties set forth the terms of their settlement. More specifically, the parties agreed that the matter “had been amicably resolved,” and further stipulated that nothing contained in their “Stipulation of Settlement and Dismissal” would be deemed “an admission of any wrongdoing or lack thereof by any party.” Based on these limited recitals, it was agreed that the above-captioned matter would be dismissed.

III. Decision

Upon review, and for the reasons set forth above, the Commission adopts ALJ Incarvito-Garrabrant’s Initial Decision as its Final Decision, but does not take a position on the

¹ Forty-five (45) days after September 12, 2019, was, technically, Sunday, October 27, 2019.

enforceability of the terms and conditions of the parties' "Stipulation of Settlement and Dismissal." Consequently, this matter is hereby dismissed.

Robert W. Bender, Chairperson

Mailing Date: November 20, 2019

***Resolution Adopting Decision
in Connection with C38-18***

Whereas, at its meeting on November 27, 2018, the School Ethics Commission (Commission) voted to transmit C38-18 to the Office of Administrative Law (OAL) for a plenary hearing; and

Whereas, while at the OAL, the parties submitted an executed “Stipulation of Settlement and Dismissal” to Dorothy Incarvito-Garrabrant, Administrative Law Judge (ALJ), for review; and

Whereas, ALJ Incarvito-Garrabrant reviewed the parties’ executed “Stipulation of Settlement and Dismissal,” and found that (1) the parties voluntarily agreed to the settlement as evidenced by their signatures on the “Stipulation of Settlement and Dismissal,” and (2) the settlement fully disposes of all issues in controversy; and

Whereas, at a special meeting on October 25, 2019, the Commission considered ALJ Incarvito-Garrabrant’s Initial Decision; and

Whereas, at a special meeting on October 25, 2019, the Commission discussed adopting ALJ Incarvito-Garrabrant’s Initial Decision as its Final Decision, but not taking a position on the enforceability of the terms and conditions of the parties’ “Stipulation of Settlement and Dismissal”; and

Whereas, at its meeting on November 19, 2019, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its special meeting on October 25, 2019; and

Now Therefore Be It Resolved, the Commission hereby adopts the within decision as its Final Decision, and directs its staff to notify all parties to this action of its decision herein.

Robert W. Bender, Chairperson

I hereby certify that this Resolution was duly adopted by the School Ethics Commission at its public meeting on November 19, 2019.

Kathryn A. Whalen, Director
School Ethics Commission