

Michael Spille :
COMPLAINANT(S), : BEFORE THE SCHOOL
v. : ETHICS COMMISSION
South Hunterdon Regional School District :
Board Members: OF NEW JERSEY
[REDACTED] : SCHOOL ETHICS ACT
[REDACTED] COMPLAINT FORM
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

:

I, Michael Spille, residing at [REDACTED] phone [REDACTED]
request the School Ethics Commission to consider a complaint against the above-named
Respondent(s) whose home addresses are

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[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.

The facts upon which this complaint is based are as follows: *(Please print additional pages as needed. Students should be identified by initials only.)*

BACKGROUND

For the past several years the South Hunterdon Regional School District has been looking at plans to improve our two elementary school buildings, which are very old and dated and inadequate for the district. One is named Lambertville Public School (“LPS”), a PreK-6 school located in Lambertville, NJ, and the other is West Amwell School (“WAS”), a K-6 school in West Amwell Township, NJ.

The plans explored by the BOE have historically been very balanced, and showed a number of options to the public, with the pros and cons of each option discussed candidly.

In April 2021 the South Hunterdon Board of Education (“BOE”) voted unanimously on one option that was very controversial within the community. To implement the plan, the BOE have agreed to put it to a referendum on the ballot on November 2, 2021 to sell a \$33 million bond.

Unlike the historical record, the materials put forth by the board to support the referendum plan have been highly biased and hide a number of material issues with the proposal. This complaint (excepting complaint #17) details with the numerous ethics violations the BOE has committed in connection with that referendum.

For comparison purposes of past and present BOE communications, Exhibit A (Attached) includes a past analysis of facilities options done by the BOE.

1. Statement of facts: Public Survey Questions

In April 2021, the Board of Education authorized the Superintendent to send out a list of survey questions (Exhibit B) by mail to all residents in the district about the referendum. The responses were published to the district website without announcement or comment (<http://shrsd.org/common/pages/DisplayFile.aspx?itemId=50356713>).

Less than 40% of respondents indicated they would vote “yes”, and the survey responses included 488 negative comments and only 47 positive comments.

While the survey responses were placed on the website and discussed at a public meeting in June, the board did not promote this information the way they have promoted referendum-positive information. Every other resource on the district referendum website has been announced via the school’s public notification system and on the district listserv, but this piece of negative information was not.

I assert this to be a violation of N.J.S.A. 18A:12-24.1 (g) as the BOE did not give this information the same level of public exposure regarding the referendum as it did materials showing the referendum in a positive light.

Date of occurrence: 6/15/2021.

I assert this to be a violation of: N.J.S.A. 18A:12-24.1 (g) .

2. Statement of facts: Referendum Key Communicator Group Advocacy

In April, 2021, the Superintendent put together a “Referendum Key Communicator Group” list with permission from the BOE (Exhibit C, <http://shrsd.org/common/pages/DisplayFile.aspx?itemId=50356781>). The list contains a list of 27 prominent people who live within the district including the head of a PTO organization, a widely known volunteer who sits on many local boards, the head of our youth sports programs, real estate agents, and other well known people within the community.

The purpose of this key communicator group is clearly to use them to persuade the community to vote “yes”. Per *New Jersey Citizens to Protect Public Funds v. Parsippany-Troy*

Hills Board of Education, 13 N.J. 172 (1953), the Court found that School Boards are not allowed to try to persuade the voting public to vote in any particular direction on a referendum.

The Superintendent is in regular communication with this group, and they receive additional information and instruction beyond what the public hears. For example, meeting minutes from the June 2021 BOE meeting indicate that the public survey responses were shared with the key communicators group ([https://go.boarddocs.com/nj/shrsd/Board.nsf/files/C74Q2F672E7D/\\$file/Minutes%20June%2028%2C%202021.pdf](https://go.boarddocs.com/nj/shrsd/Board.nsf/files/C74Q2F672E7D/$file/Minutes%20June%2028%2C%202021.pdf), page 42 “Tony shared the community survey data with the key communicator group.”). This was almost certainly done due to concern that 63.3% of survey responders either said they would vote “No” for the project, were not sure how they would vote, or did not indicate how they would vote. The Key Communicators are clearly being used to convince “Not sure” voters to vote “yes”.

I assert this to be a violation of N.J.S.A. 18A:12-24.1 (g) as the BOE is using this key communicator group to influence the electorate regarding the referendum using biased and incomplete information.

Date of occurrence: 5/24/2021.

I assert this to be a violation of: N.J.S.A. 18A:12-24.1 (g).

3. Statement of facts: Referendum Community Presentation

In August, 2021 the BOE published a “Referendum Community Presentation” with information about the referendum (Exhibit D, <http://shrsd.org/common/pages/DisplayFile.aspx?itemId=50356779>). This presentation contains a number of violations where the BOE is attempting to sway the voting public by the use of emotion and matters not related to education, and contains inaccurate and misleading information.

The first slide of the presentation is titled “*Planning for THEIR Future*”, a blatant appeal to emotion, which is repeated on nearly every subsequent slide in a right-side banner.

Page 62 is entitled “*How School Districts Impact a Home’s Value*”. This slide equates investment in schools as a way to increase property values. In *Enterline v. Hillsborough, 96 N.J.A.R.2d (EDU) 114* it was held that an attempt to tie property values to referendums was improper. A similar concern was raised in *Burghardt v. Mahwah Bd. of Ed., 1993 S.L.D. (November 29)*. The board here is improperly trying to motivate voters to vote “yes”.

On page 59, the presentation says “*Third, LPS repairs have been delayed and are long overdue while WAS has structural issues and site challenges. We can’t wait any longer to address these issues*”. This is an exaggeration used to scare voters into voting yes (details are outlined further below).

The last line of the same slide exhorts voters that “*our students and staff deserve 21st century learning spaces!!*”. *Enterline* applies here as well, as the court held that very similar phrases to these such as “*An approved referendum enables us to continue providing the quality education our children deserve*” and “*responsibly planning...is what the March 28 bond referendum is all about*” were improper communications.

In addition, the presentation does not mention material deficiencies that exist in the proposed referendum plan. As mentioned in complaint #2, there were several hundred negative comments on the referendum. None of those complaints are mentioned anywhere in this presentation. Perhaps most damningly, there is no mention in the presentation about “walkability”. This particular plan was put together explicitly to retain LPS in Lambertville so that parents could continue to walk their kids to school. There is a grass roots effort called SaveLPS (detailed later in this complaint) with approximately 260 members whose mission is to preserve LPS as a walkable school. This plan was created to meet that goal, yet it is not stated anywhere in BOE materials.

Finally, the presentation emphasizes that LPS can be renovated responsibly, while WAS cannot. However, in 2016, professional architecture firm McKissick associates produced a summary of its analysis of the Districts’ public school buildings indicating the exact opposite. Its overall analysis of WAS stated it was “*Generally in Good condition*” (underline emphasis theirs, Exhibit A, page 21).

In the same document, LPS was evaluated as being in “*Generally Fair condition*” (ibid p. 24). “Good” is two levels above “Fair” in their rating scale. The analysis went further and noted that LPS had a host of issues (“*HVAC system is all electric*”, “*Most play areas owned by Lambertville not SD*”, “*small site - not readily expandable*”). None of this information makes it into the Referendum presentations or other materials, even though the issues with the play area and the small site footprint will not be fixed by the referendum plan.

Distressingly, in the Community Presentation from August, the BOE reverses the narrative on the relative condition of the two schools. We are told repeatedly by the Superintendent that LPS has “good bones” and is ripe for renovation. In the same breath, the Superintendent tells us WAS has too many fundamental issues and renovating it would be fiscally irresponsible. The BOE has never shown the public any engineering reports or studies that speak to the specific issues that would show WAS cannot be maintained, while LPS is enthusiastically proposed to be renovated. The BOE is inventing information to fit a narrative from SaveLPS to keep the school in Lambertville.

In total, the presentation was crafted as an unethical pitch to the community to vote “yes” for the referendum by using emotionally charged phrases, hiding critical information from voters, and flipping the narrative on key points.

I assert this to be a violation of N.J.S.A. 18A:12-24.1(g) due to the presentation not giving voters complete information about the referendum, failing to state known deficiencies in the referendum plan, and using emotionally charged wording and “spin” to try influence the electorate.

Date of occurrence: 8/23/2021.

I assert this to be a violation of: N.J.S.A. 18A:12-24.1(g).

4. Statement of facts: Referendum FAQ Advocacy

Also in August, 2021 the BOE published a “Referendum FAQ” to answer common questions about the referendum (Exhibit E, <http://shrsd.org/common/pages/DisplayFile.aspx?itemId=50356772>). One question asked “*Can school facilities impact property values?*”. The FAQ responded:

“High performing schools with 21st century facilities raise property values. If you don’t have children in the school system and decide to sell your home, there is a good chance people interested in buying your home will be concerned with the schools and their facilities. The reality is that schools and school facilities do matter for all community residents!”.

This is a clear appeal to emotion and improper reference to property values as was pointed out in complaint #4 and is improper per *Enterline* and *Burghardt*.

Another question asks “*What happens if the Bond Referendum is not approved?*”. The FAQ states: “*If voters do not approve the Bond Referendum on November 2, 2021, the district will continue to have two school buildings that are substandard for our students and staff as well as no ADA accessibility for students and community members. Unfortunately the projects in this referendum can not be completed using our annual budget that has a 2% cap. The only way South Hunterdon can effectively pay for this work is by referendum.*”.

The above is an exaggeration and there are other options the BOE could pursue. They simply choose not to. The BOE is guilty of both cheerleading for positive benefits of a “yes” vote and over-exaggerating on the negative impacts of a “no” vote.

I assert this to be a violation of N.J.S.A. 18A:12-24.1(g) for similar reasons to complaint #4, that the FAQ material is manipulative in nature, tries to scare the electorate with outsized repercussions if the referendum fails, and does not give complete information about deficiencies in the referendum plan.

Date of occurrence: 8/23/2021.

I assert this to be a violation of: N.J.S.A. 18A:12-24.1(g).

5. Statement of facts: BOE Video #1

The BOE produced a video that was released on 8/17/2021, entitled “*Referendum Video #1*” (<https://www.youtube.com/watch?v=aqOUt-Cxt7E>). The video is 13 minutes long, and has a number of appeals to emotion, lists none of the issues with the referendum, and is clearly designed to elicit a “yes” from voters. There are pictures of student art, and trees with soft music playing in the background. The phrase “*21st century learning spaces*” is repeated throughout the video by several speakers.

No where in the video does anyone mention “walkability”, even though that was the primary driving force behind the plan.

Board President [REDACTED] spends two minutes in the video focusing on FUD: Fear, Uncertainty, and Doubt. The President warns viewers that they must act now, or interest rates may go up, or we may lose State aid, or the scope may increase further for unspecified reasons. The Board President goes out of his way to talk to all of the potential negatives if the referendum does not pass, but no where does the President mention any of the short comings of the referendum plan itself.

Note that the ADA issues with both schools have existed for the past 31 years since the ADA law was signed in 1990.

I assert this to be a violation of N.J.S.A. 18A:12-24.1(g) because the video uses emotionally charged wording, sound and visuals, tries to spin the material to influence the electorate, omits key deficiencies in the referendum plan, and includes the Board President trying to scare the electorate with outsized warnings if the referendum fails.

Date of occurrence: 8/17/2021.

I assert this to be a violation of: N.J.S.A. 18A:12-24.1(g).

6. Statement of facts: BOE Video #2

On 9/21/2021, the BOE released a second video, entitled “Referendum Video #2” (<https://www.youtube.com/watch?v=iVeOaOkACbg>). This video focuses on Hurricane Ida impacts, and tries to persuade voters that flooding in the school was not as bad as feared.

There have been rumors that the flooding at LPS was much worse than the Superintendent indicated, and that the video was shot purposefully to minimize the perceived damage. There is a football field located adjacent to the school, known as Ely field, which was covered with an extensive amount of debris after the storm. Ely field is mostly outside of the flood zone, while LPS is located entirely within it and is downstream from Ely field. Houses across the street from LPS were also flooded.

The video also focuses on how LPS was used as a staging site after Ida for emergency supplies. LPS was only one of several sites used to distribute food cleaning goods. This is a naked plea to emotion and provides no new useful information to district members about the referendum.

The Superintendent goes on in the video to effectively threaten to cut programs if the referendum does not pass, and to paint a dire picture of 8 years of pain for the district. He goes onto indicate why the referendum cannot even be delayed. He closes the video saying “*Please remember to vote on November 2nd. The future of students depends on it*”, a clear admonishment to the voting public to vote “yes”.

For the record the entirety of the LPS site sits within a FEMA-designated flood zone.

I assert this to be a violation of N.J.S.A. 18A:12- 24.1(g) as the video is trying to convince the electorate that having LPS in a flood zone is not as bad as feared, and the Superintendent threatens to cut programs if the referendum does not pass.

Date of occurrence: 9/21/2021.

I assert this to be a violation of: N.J.S.A. 18A:12- 24.1(g).

7. Statement of facts: BOE Video #3

On 10/15/2021, the BOE released a third video, entitled “Referendum Video #3” (<https://www.youtube.com/watch?v=1WKqkX71-lM>). The entire video consists of a prior student of LPS, who gives an emotional recitation of her issues navigating the school as she was wheelchair bound up to and including 2006, while cameras pan to various parts of the school that are out of ADA compliance.

The entire video is blatant appeal to emotion mean to elicit a “yes”. The video ends with the message “Please Vote on November 2nd”, with clearly an implied “vote yes”.

I will also note that these ADA issues mentioned from 15 years ago still exist.

I assert this to be a violation of N.J.S.A. 18A:12- 24.1(g) as the entire video is nothing more than an emotional plea with no additional useful information content.

Date of occurrence: 10/15/2021.

I assert this to be a violation of: N.J.S.A. 18A:12- 24.1(g).

8. Statement of facts: BOE October Newsletter

On October 9, 2021, the BOE released a new Monthly Newsletter (Exhibit F). The second half of Page 3 is devoted to the Referendum. That section has passages such as “*LPS repairs*

have been delayed and are long overdue while WAS has structural issues and site challenges. We can't wait any longer to address these issues" and "Our students and staff deserve 21st century learning spaces" and "We have land that we can use for our projects that is not going to cost the taxpayer any money to purchase". These words are meant to scare voters away from voting "no". The "We have land that we can use" passage also fails to mention that the referendum will cost \$33 million. As noted elsewhere the "WAS has structural issues" statement is contradicted by earlier BOE architectural assessments.

Page 4 from the newsletter also have links to Referendum Video #1 and #2.

Both pages 3 and 4 remind the voter *"Please Vote on November 2nd"*, it clearly is meant to imply "vote yes".

I assert this to be a violation N.J.S.A. 18A:12- 24.1(g) as it contains incorrect facts meant to scare voters, the use of emotionally charged wording to try to persuade the electorate to vote yes, and includes the prior videos which are also meant to influence the electorate.

Date of occurrence: 10/9/2021.

I assert this to be a violation of: N.J.S.A. 18A:12- 24.1(g).

9. Statement of facts: Board members at West Amwell Township Committee Meeting.

On 10/6/2021, Board Member [REDACTED] and Board President [REDACTED] appeared before the West Amwell Township Township Committee and tried to persuade the Township Committee to stay neutral in the matter of the referendum (Exhibit G, meeting minutes pages 4-5). From the minutes:

"School Board President [REDACTED] came forward and expressed support for the referendum. He noted there is no perfect plan but stated he believes the proposal will help every student and encompasses all 3 buildings. He requested that everyone stay neutral and allow the taxpayers to vote on it." [emphasis mine]

and:

"Stockton resident [REDACTED] came forward as a member of the school board and referred to the comments made by Planning Board Chairman Rob Tomenchok in the Township Committee's 9/15/21 minutes where he "...expressed concern over the lack of regular maintenance on structures..." Mr. [REDACTED] commented that the buildings are being maintained and stressed the importance of the referendum passing which he believes would be beneficial to all of the students." [emphasis mine]

It should be noted that Mr. [REDACTED] is not a resident of West Amwell Township.

Mr. [REDACTED] and Mr. [REDACTED] were clearly trying to advocate for the referendum, but also are trying to suppress negative information about it as well. In addition, by identifying themselves as Board of Ed members and urging the Township to remain neutral Mr. [REDACTED] and Mr. [REDACTED] interfered with the Board of Education's functioning.

I assert this to be a violation of N.J.S.A. 18A:12- 24.1(e) because the two BOE members took private action that could compromise the board by meeting with West Amwell Township and trying to influence their actions.

I assert this to be a violation of N.J.S.A. 18A:12- 24.1(g) because the two BOE members deliberately gave incomplete information to the Township Committee and withheld information about material deficiencies in the referendum plan.

Date of occurrence: 10/6/2021.

I assert this to be a violation of: N.J.S.A. 18A:12- 24.1(e), N.J.S.A. 18A:12- 24.1(g).

10. Statement of facts: Facebook posts of board member

During the week of October 11, 2021, Board Member [REDACTED] made a number of posts to Facebook regarding the referendum, in particular one purporting to answer a number of open referendum questions (Exhibit H). While he included a disclaimer was speaking as a member of the public and not as a Board Member, Mr. [REDACTED] intentionally withheld material, non-private information about the Referendum, and attempted to mislead readers about the costs of the referendum and what other options might look like. He also omitted a number of questions entirely from his answers. Mr. [REDACTED] can voice his opinion as a member of the public, but by misleading the public he broke his trust with the public as a BOE member.

Mr. [REDACTED] response to my question on total costs was to use "spin", and he never really answered the question.

His response to the question why "the new WAS school 20,000 square feet larger than required by State standards" was also met with spin and inaccurate information. He incorrectly states that the new WAS school will accommodate 295, which is incorrect. The projection from the BOEs commissioned demographic study projects 255 students for that building.

When asked about the total costs of an alternative building, we are again given a misleading answer and the original question is never answered.

I/M/O Eileen Quinn, C45-04, (February 7, 2005) is relevant here. In Quinn, a board member printed and distributed a flier, during her reelection campaign and prior to passage of the budget, which contained incomplete fiscal information regarding the tax impact of the board's budget.

Mr. [REDACTED] numerous Facebook posts on the referendum is a similar attempt to “spin” the information given to the public.

No where in any of his responses does Mr. [REDACTED] even hint that there may be issues and challenges with the referendum as presented. And while Mr. [REDACTED] does disclaim his post in SEC-approved form, he goes on to constantly reference the BOE and its activities in such a way to make it clear that he actually *is* speaking as a BOE member.

Mr. [REDACTED] activity on Facebook should also be construed as interfering with the Board.

I assert this to be in violation of N.J.S.A. 18A:12- 24.1(e) because Mr. [REDACTED] took action on Facebook that could seriously compromise the Board.

I assert this also to be a violation of N.J.S.A. 18A:12- 24.1(g) as Mr. [REDACTED] deliberately tried to spin all of his information in a positive light, gave incomplete answers on purpose, and deliberately gave inaccurate numbers that tried to put the referendum in the best light, and withheld answers to questions that could be seen as negative regarding the referendum.

Date of occurrence: 10/11/2021.

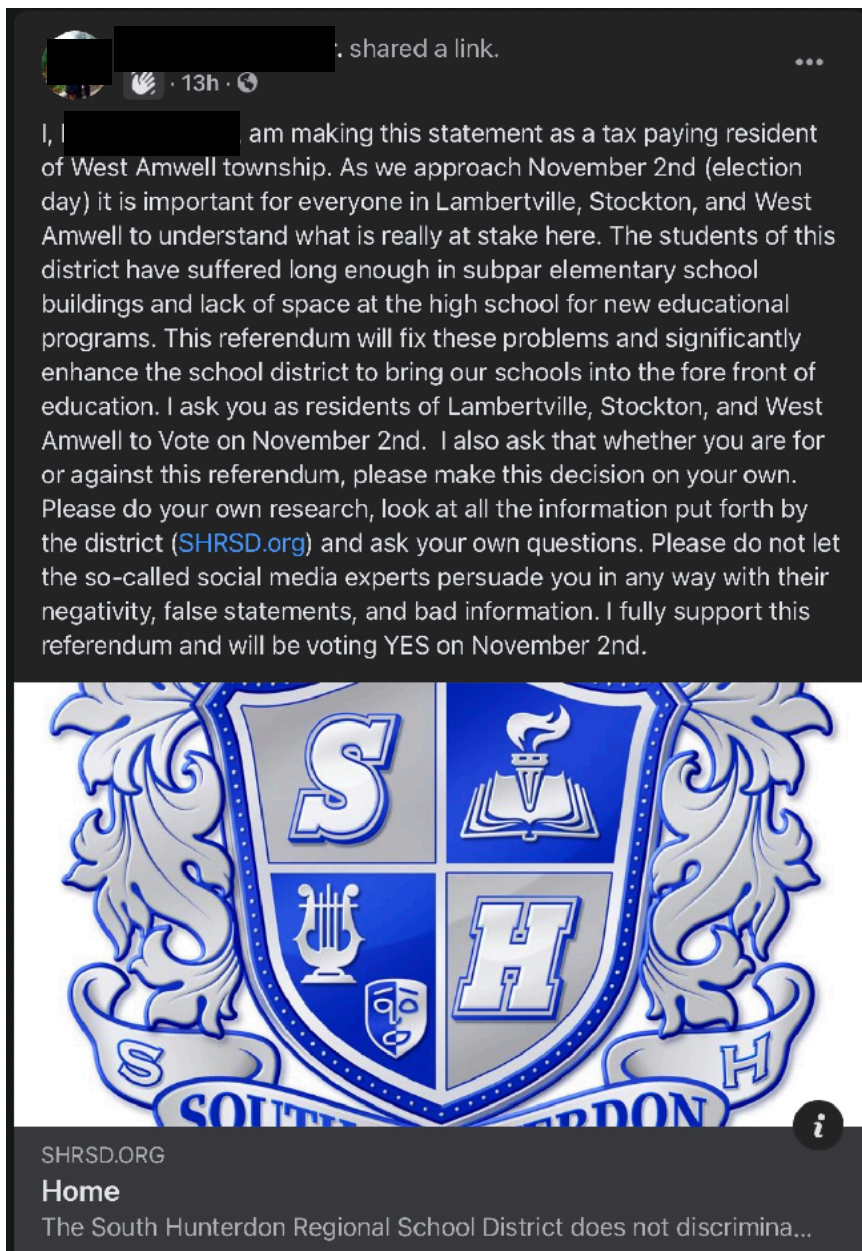
I assert this to be a violation of: N.J.S.A. 18A:12- 24.1(e), N.J.S.A. 18A:12- 24.1(g).

11. Statement of facts: Public Social Media Post by Board President violates social media standards.

On 11/8/2021, Board President [REDACTED] posted to the main Lambertville and West Amwell Facebook pages (see Figure 1) in favor of the referendum. The West Amwell page has over 2,000 members, most who are residents of West Amwell. The Lambertville page has over 15,000 members. In those posts Mr. [REDACTED] failed to identify himself as a member of the BOE, and did not include a disclaimer that he was not speaking for the board. This is contrary to the opinion published in SEC Advisory Opinion—A36-14, which states “*Similarly, your use of social media, including but not limited to social media websites or apps like Facebook, Twitter, and Instagram, would require the disclaimer that your endorsement is a personal one and not as a Board member or an endorsement on behalf of the entire Board*”.

Further, in his post Mr. [REDACTED] said “*Please do not let the so-called social media experts persuade you in any way with their negativity, false statements, and bad information*”. While Mr. [REDACTED] was speaking as a private citizen, he breached his duty to the public by asking voters to ignore any and all social media posts with negative information about the referendum.

Finally, Mr. [REDACTED] post linked to the district website, which included a picture of the official crest of the district. This made the post appear to be an official district post. While I do not believe Mr. [REDACTED] intended the district crest to show up on his Post (this is a technical



aspect of how Facebook presents links), it had an effect of appearing as an official BOE message [REDACTED]

As of October 16th, 2021 the post is still up without a disclaimer. I asked him to amend his post to include the disclaimer and was ignore [REDACTED]

I assert this to be a violation of N.J.S.A. 18A:12-24.1 (e) because Mr. [REDACTED] took action on Facebook that could compromise the board by asking residents to ignore negative information

about the referendum, and also because Mr. [REDACTED] failed to identify himself as a Board Member and failed to include a disclaimer that he was not speaking for the Board. This was reinforced by the SHRSD logo being included on his post.

Date of occurrence: 10/8/2021.

I assert this to be a violation of: N.J.S.A. 18A:12-24.1 (e).

12. Statement of facts: Very large number of Referendum Meetings

On 8/23/2021, the Superintendent sent out a referendum update that included a list of referendum information meetings (Exhibit I). In all, there were a total of 24 meetings setup including general information sessions, “coffee with the superintendent”, and tours of the school. While it is proper for the BOE to allow informational meetings to be scheduled, scheduling 24 within a two month period is extremely excessive, and transforms from being an attempt to *inform* the public into an attempt to *sell* to the public.

I assert this to be a violation of N.J.S.A. 18A:12-24.1 (g) as the Superintendent is energetically going into our communities in an excessive manner to try to sell this referendum with incomplete and inaccurate information.

Date of occurrence: 8/23/2021.

I assert this to be a violation of: N.J.S.A. 18A:12-24.1 (g).

13. Statement of facts: Board of Ed membership in special interest group

In 2017, a grassroots organization named Save LPS was formed (<https://savelps.com>).

Save LPS was formed to keep a walkable school in Lambertville, however its members are somewhat secretive, there is no public list of membership and their Facebook page is private. Through extensive digging into online sources, it is clear that all five of the Lambertville BOE members were in fact members of SaveLPS when the referendum was voted on in April 2021, and that the SaveLPS BOE members have worked to prevent other viable options that do not include a school in Lambertville from coming to a vote.

Figure 2 shows a screen shot from the SaveLPS website. In it, three Lambertville Board members are front and center: [REDACTED], [REDACTED], and [REDACTED]. This accounts for 3 of the 5 BOE members from Lambertville.

[REDACTED] ran as a Save LPS candidate, which is shown in Figure 2 as well (“November 2019, Save LPS endorsed Board of Education candidate, [REDACTED] WINS final Lambertville member seat”). Note: Ms. [REDACTED] resigned from the BOE immediately after the facilities vote.

Finally, on 8/21/2018 the City of Lambertville City Council nominated [REDACTED] to be part of a “Save LPS Committee” (Exhibit J page 42, <https://archive.lambertvillenj.org/>

mcarchives/council-meeting-agendas/2018-1/minutes-37/1078-08-21-18-regularly-scheduled-session-minutes/file).

The meeting minutes say:

*“**SAVE LPS** Mayor DelVecchio nominated the following people to serve on the Save LPS Committee: Lorie Howe, Sean Lewis, Mark Donlon, Tom Larkin, [REDACTED] Evan Lide, Darlene Yuhas. Councilwoman Warner made a motion to confirm the Mayor's nomination.*

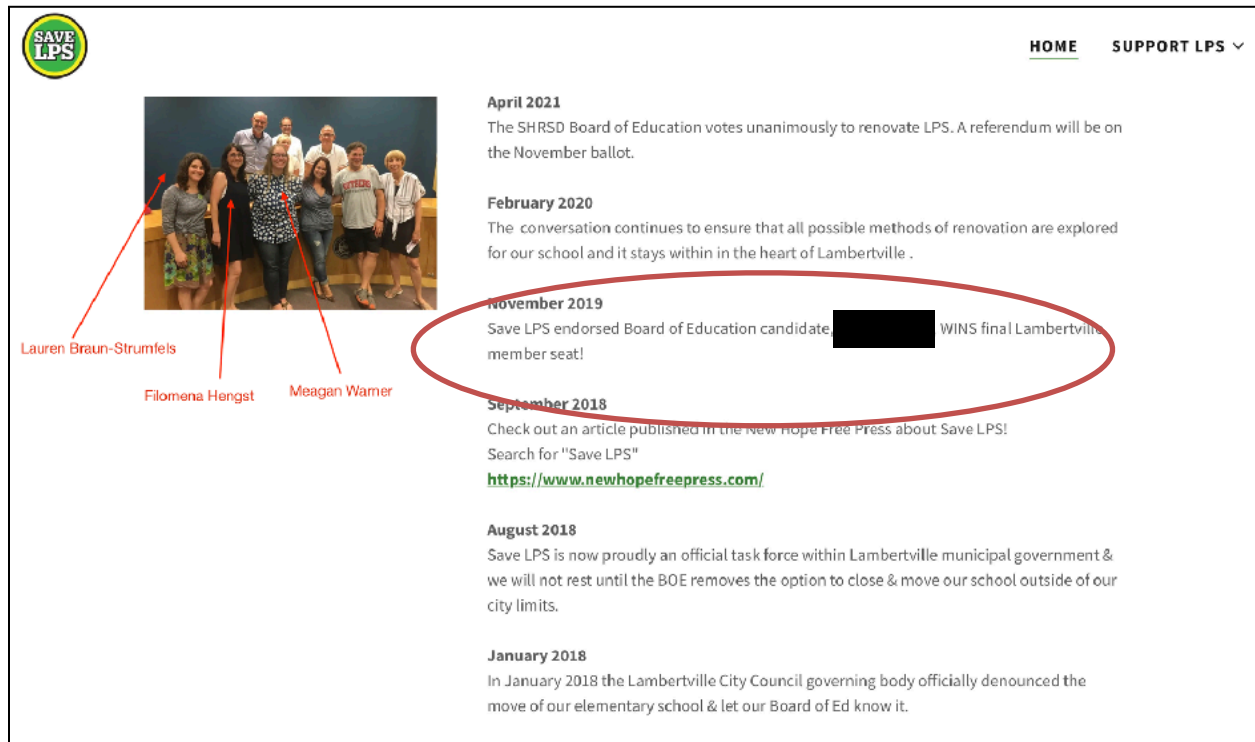


Figure 2 - Four Board Members featured on SaveLPS Website

Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.” [emphasis mine]

Oddly, no minutes or meeting information can be found of the official Lambertville City Save LPS Committee. When I asked the City Clerk, she responded that she had never received any information from this group.

This accounted for all five BOE members from Lambertville, meaning that SaveLPS has packed the board with its adherents.

In a public BOE meeting discussing the referendum, [REDACTED] made remarks to the effect that moving the school out of Lambertville was off the table because Lambertville had a 5 out of 9 majority on the BOE.

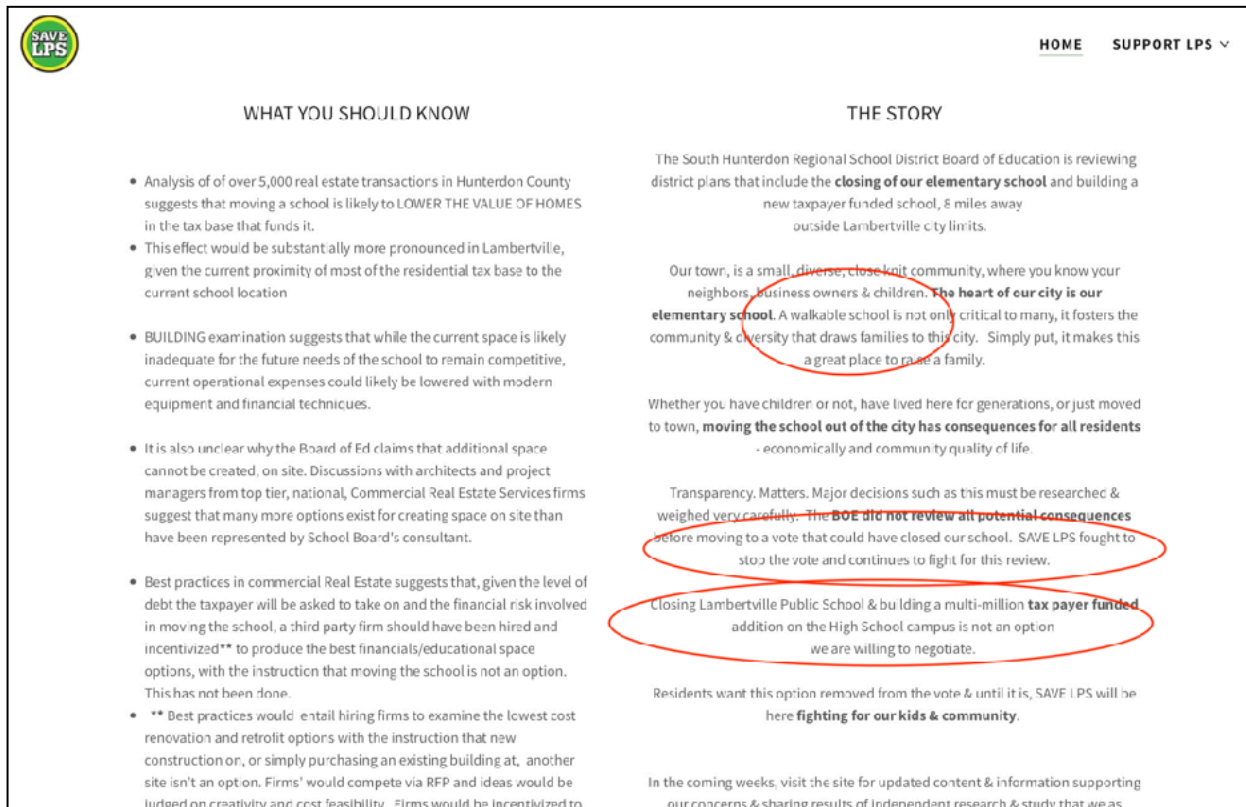


Figure 3 - SaveLPS Text

In addition, the SaveLPS member [REDACTED] deleted all of her election Facebook pages in an attempt to obscure her membership to the group. [REDACTED] has deleted every one of her social media properties, including LinkedIn, Facebook, Twitter, Instagram and potentially others.

All of this information put together points to the fact that all 5 Lambertville Board Members are captive to a special interest group, and put SaveLPS goals above the good of the district. It is an ethics violation of N.J.S.A. 18A:12-24.1(f) for these BOE members to be captive to such a narrow interest group (*"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"*). They are holding West Amwell and Stockton tax payers hostage to pay so they and their friends can walk their children to school.

Figure 3 contains part of the text on the SaveLPS website. The top circled area speaks of a "walkable school" as critical to many. The middle circled area says "SAVE LPS fought to stop the vote and continues to fight for this review", referring to the fact that the 5 majority

Lambertville BOE members stopped a vote on an option to build a district-wide PreK-6 school in West Amwell and close LPS. The final bottom circled areas say “*Closing Lambertville Public School & building a multi-million tax pay funded addition on the High School campus is not an option we are willing to negotiate*”.

These 5 collective Board members, which represent a majority of the board, have blocked referendum solutions that were in conflict with the Save LPS mission.

These 5 board members are also taking private actions that directly compromises the board’s ability to function. These five board members include no disclaimer language on the SaveLPS website that they are members but cannot speak for the board, even though SaveLPS is claiming to effectively control the BOE.

Finally, I am marking the date of occurrence as October 8, 2021, due to the fact that the SaveLPS BOE members have attempted to mask their inclusion with this group and made it very difficult to uncover.

I assert this to be a violation of N.J.S.A. 8A:12-24.1(e) because the 5 Lambertville BOE members are taking private action as part of SaveLPS to literally manipulate the Board.

I assert this also to be a violation of N.J.S.A. 18A:12-24.1(f) as these 5 individuals have clearly surrendered their independent special interest group to achieve a gain for themselves and their friends (a walkable school).

Finally I assert this is also a violation of N.J.S.A. 18A:12-24.1(g) as this group has grossly distorted the narrative around this referendum, and has actively started deleting their social media presence in attempt to hide their membership and leadership within this special interest group.

Date of occurrence: 2017-present (ongoing).

I assert this to be a violation of: N.J.S.A. 8A:12-24.1(e), 18A:12-24.1(f), 18A:12-24.1(g).

14. Statement of facts: Lawn Signs “Vote YES”

On October 7, 2021 “Vote Yes” lawn signs began appearing in the community (see Figure 4).

These lawn signs use the District’s color scheme, use the District’s crest twice, and has the URL shrsd.org/referendum, and a QR code which goes to the same site. This is the District’s official website on the referendum. They are identical on both sides.

This sign has been crafted to look like an official sign authorized by the BOE. The Superintendent is not only aware of the existence of these signs, but has referred residents to the

person creating them if they want one. It is not clear if the BOE created these signs, or if they were created by private citizens, but they are fully aware of their existence.

In this case the BOE is implicitly allowing it to look like the Board is asking voters to “Vote YES”. By not demanding that the signs be changed and include a source, the board are misleading the public.

I assert this to be a violation of N.J.S.A. 18A:12-24.1(g) because the BOE is not only allowing but is encouraging misinformation to be spread about the election and is illegally advocating for the electorate to vote “yes”.

Date of occurrence: 10/2021.

I assert this to be a violation of: N.J.S.A. 18A:12-24.1(g).



Figure 4 - Lawn Signs

15. Statement of facts: BOE postcards sent to all district residents

On October 19, 2021 the BOE sent out postcards to all residents within the district (see Figures 5 and 6 for both sides of the postcard) .

The postcards exhort votes “Remember to VOTE on the District Construction Referendum”, and lists “WHY NOW”. In total this is a functional attempt to ask voters to vote “yes”.

Further, side 2 of the postcard says “*The current Elementary Buildings in SHRSD have reached their functional end of life*”. This is not correct and is intentionally misleading the electorate. Also, as noted elsewhere in this complaint, the buildings have been out of ADA

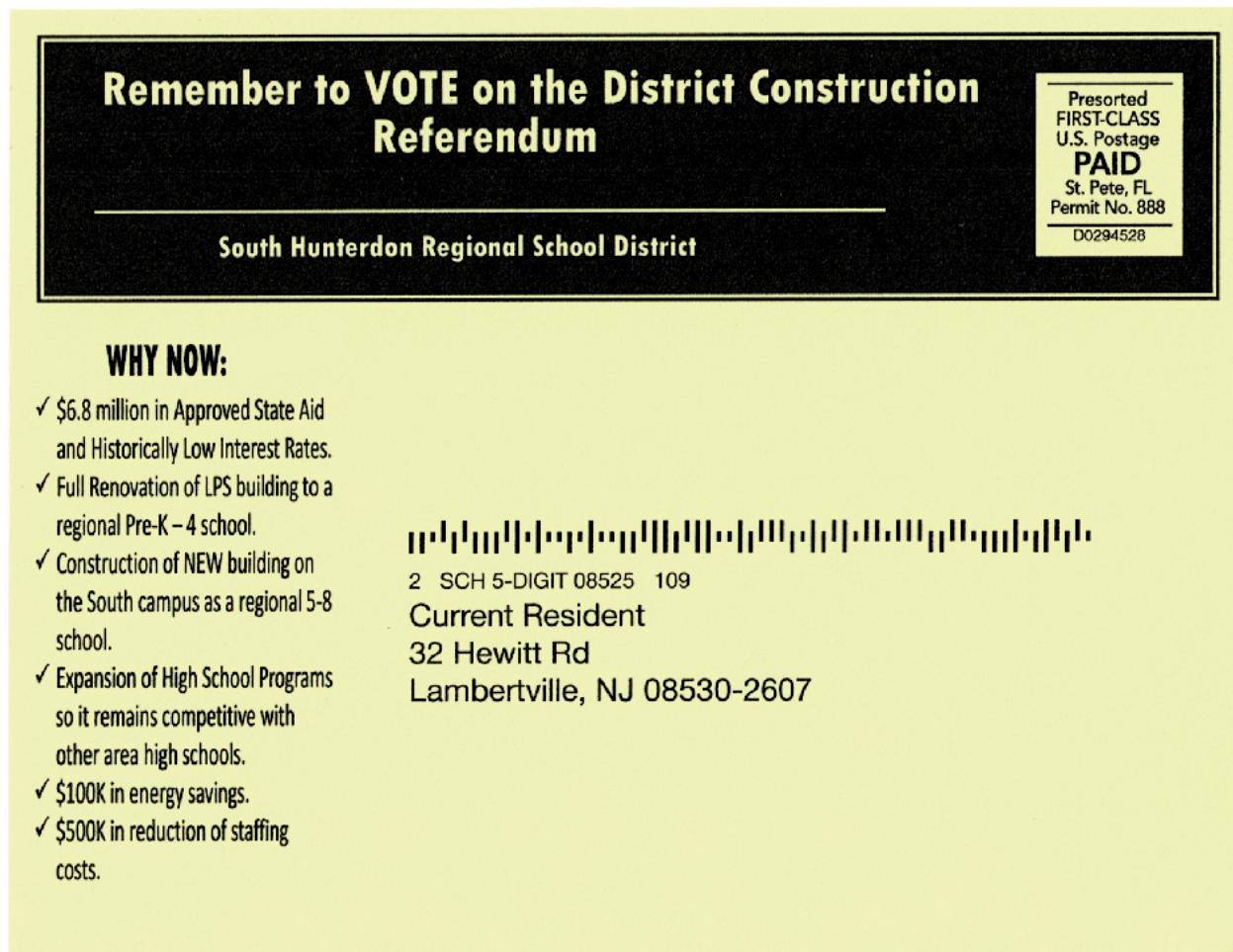


Figure 5 - Side 1 of BOE Postcard

compliance for over 30 years.

In its totality, this postcard runs afoul of *Fenton v. Sullivan (Middletown)*, 1991 S.L.D. 677, which involved a newsletter that advocates passage of a budget question on the ballot, *Old Bridge*, 94 N.J.A.R. 2d (EDU) 230, where a BOE produced a video with incomplete information

and which went over the line from “info” to “advocacy”, and 05:March 23, Quinn, where a BOE member distributed a flier which contained incomplete information about a school budget.


I assert this to be a violation of N.J.S.A. 18A:12-24.1(g) as the postcards contain misleading, emotionally charged material, failed to mention the deficiencies in the proposal, and their exhortation to “Remember to VOTE” is an attempt to mislead the population and encouraging them to vote Yes.

Remember to VOTE on the District Construction Referendum

South Hunterdon Regional School District

The current Elementary Buildings in SHRSR have reached their functional end of life.

- Neither building meets ADA requirements.
- LPS has no firewalls or sprinkler system, has an inadequate music room & library, and the building HVAC system needs to be replaced.
- West Amwell has inadequate building insulation, no secure vestibule, no building-wide HVAC system, no art room, inadequate special education facilities, and music is taught in an old trailer that is in poor condition.
- Current educational spaces fall far below state recommendations at LPS and WAS.
- In just 3 years, the district has spent over \$160K at LPS and WAS repairing items that continually break down because they need to be replaced.



On November 2, 2021, the South Hunterdon Regional School District will be going out to referendum to fund a renovation of the Lambertville School into a district PreK-4 school and the building of a new 5-8 school on the high school campus. The total price for the referendum is \$33,412,000; however, the state will reimburse \$6,763,993.20 of this cost. This means the total impact on the taxpayer will be \$26,648,006.80.

For more information, visit:
shrsd.org/referendum or scan here for more information.
609-397-1888 ext. 1216




Figure 6 - Side 2 of BOE Postcard

Date of occurrence: 10/19/2021.

I assert this to be a violation of: N.J.S.A. 18A:12-24.1(g).

16. Statement of facts: XXXXXXXXXX Referendum Statement

On October 12, 2021, BOE member [REDACTED] posted a link to a document on the West Amwell Facebook site advocating for the referendum (https://docs.google.com/document/d/1Ef32KIPIW4Bukf81sBDE5GGhSNfHz1TrJ3PCHapBrMU/edit?fbclid=IwAR1Sgu9SeXKYAtQeraxlVZI2edV3cCo_wT483urFWE-FbFO-JyfKUDD1pVw).

While Ms. [REDACTED] properly disclaimed her membership in the BOE, near the end of her statement she said *“Please also feel free to reach out to one of your local Board of Education members. I can be reached at [REDACTED]”*. By using her district email address to encourage advocacy discussion, Ms. [REDACTED] is interfering with the BOE’s ability to conduct its business.

I assert this to be a violation of N.J.S.A. 18A:12-24.1(e) as Ms. [REDACTED] invitation to contact her via her email makes her message sound as if it is an official board action despite her disclaimer.

Date of occurrence: 10/12/2021.

I assert this to be a violation of: N.J.S.A. 18A:12-24.1(e).

17. Statement of facts: Lambertville Board of Education Members Working with City of Lambertville Officials

Unrelated to the referendum issues documented here, there has also been on-going controversy within the community regarding Class III Police Officers in the schools. In very broad terms, a majority of West Amwell residents seem supportive of Class III officers in our schools, while many Lambertville residents are very opposed to having police of any kind in our school buildings.

As part of the Class III officer process, the City of Lambertville is negotiating with the Superintendent on a shared services agreement between the City and the BOE to define the Class III officers’ exact role and responsibilities within the district, and specifically within LPS.

On November 1st, the Township of West Amwell notified residents that they had filed an Open Public Records Act (“OPRA”) request with the South Hunterdon Regional School District for *“correspondence regarding the renewal of the shared service agreement which employs the Class III Officers”* (see <https://www.westamwelltp.org/home/news/class-iii-officer-shared-service-agreement-opra-request>). As part of this post, the Township included an email they received in response to the OPRA request (*Exhibit K*). The email is from Superintendent Anthony Suozzo to Lambertville City Council Woman Julia Taylor, cc:ing Lambertville Mayor Julia Fahl, Councilman Stegman Council Woman Lambert, Councilman Sanders, and bcc:ing BOE President [REDACTED].

The email says, in part:

*“The following that you had in section 19 can't be included in the agreement: **The City will consider renewal of this Agreement only after a majority of the Lambertville representatives on the Board have approved it.** We are a regionalized school district with each board member's vote counting equally. The Board operates by way of majority without regard to the town of residence of those voting with or against the majority. I have shared this with our Board attorney and she would not accept this as part of the agreement.”* [emphasis altered by me]

There have been rumors swirling around the district for months that the Lambertville Mayor had been dealing directly with Lambertville BOE members on this contentious issue. This email would seem to confirm that, at least in the Mayor of Lambertville's mind, that Lambertville BOE members would put the needs of the City of Lambertville above the needs of the School District.

In the email, the Superintendent goes onto say:

*“This type of language also reinforces the recent correspondence that came out from the West Amwell Township Committee against the referendum that said the following: “**The nine-member board is made up of five members for Lambertville, three members for West Amwell and one member for Stockton. West Amwell has (even when combined with Stockton) minority representation on the school board. This results not in a regional district, rather one centered almost exclusively on the wants and needs of Lambertville City but funded in part, with our tax dollars.**”* [emphasis altered by me]

Here, the Superintendent is highlighting to the Lambertville City Council and Mayor that the Township of West Amwell has concerns that the BOE has been compromised to become a Lambertville-first BOE. And while this email chain involves only the Lambertville City Council, Mayor, and District Superintendent, and does not directly involve the 5 Lambertville BOE members, the Council's attempt to empower **only** the 5 Lambertville BOE members (and not the Stockton or West Amwell members) to have effective veto power in this matter strongly implies that the Lambertville City Council and Mayor have been coordinating in private with the Lambertville BOE members. It stretches belief that Lambertville would attempt this negotiating tactic without knowing in advance how the 5 Lambertville BOE members would vote in this matter.

I assert this to be a violation of N.J.S.A. 18A:12-24.1(e) because there seems to be a strong indicator here that some or all of the 5 Lambertville Board Members ([REDACTED]) are working outside of the Board to negotiate on issues with the City of Lambertville, in this case on the issue of Class III officers. This clearly is harmful to the BOE as the Township of West Amwell felt the need to compel this information from the BOE via an OPRA request. This ties in as well with the City of Lambertville creating a Save LPS formal committee that included a member that ultimately was elected to the BOE.

I assert this to also be a violation of N.J.S.A. 18A:12-24.1(f) because it appears that the some or all of the 5 Lambertville Board Members may be captive to a special interest, in this case the City of Lambertville. In this case there is a concern from the Township of West Amwell that some or all of these BOE members may hold the interests of the City of Lambertville above the interests of the overall district.

Date of occurrence: 11/01/2021.

I assert this to be a violation of: N.J.S.A. 18A:12-24.1(e), N.J.S.A. 18A:12-24.1(f).

18. Statement of facts: Totality of Evidence shows a systematic campaign to influence voters improperly

In addition to the individual violations documented herein, the totality of the BOE's collective and individual actions must be taken into account. What is documented here is a multi-month, coordinated campaign to influence the electorate to vote "yes" on the referendum. The BOE is effectively running a multi-media ad campaign using district time, resources, and effort. This is a massive breach of the public's trust in collective BOE as fiduciaries responsible for tens of millions a year in budgets. This runs afoul of *Burghardt v. Mahwah Bd. of Ed., 1993 S.L.D. (November 29)*, where it was found that the Boards' Referendum Advisories, while mostly factual, taken in totality created the impression that voters should vote for the budget.

I assert this to be a violation of N.J.S.A. 18A:12-24.1(g) as the totality of this campaign's purpose is to influence the electorate unduly, uses misinformation and emotionally charged slogans, words and videos, and systematically seeks to suppress any negative information about the referendum.

Date of occurrence: 10/2021.

I assert this to be a violation of: N.J.S.A. 18A:12-24.1(g).

No action has been taken regarding any of these allegations, and there are no cases pending with any court of law or administration agency of New Jersey regarding these matters.

WHEREFORE, I, as Complainant, request that the School Ethics Commission find and determine that the above-named Respondent(s) has violated the School Ethics Act and that he or she be subject to such penalty as provided by the Act.

Date

Signature of Complainant Michael Spille
or his or her Attorney

CERTIFICATION UNDER OATH

I, Michael Spille of full age, being duly sworn upon his or her oath according to law deposes and says:

1. I am the complainant in this matter.
2. I have read the complaint and aver that the facts contained therein are true to the best of my knowledge and belief and I am aware that the statute that created the School Ethics Commission authorizes the School Ethics Commission to impose penalties for filing a frivolous complaint. N.J.S.A. 18A:12-29(e). I am aware that if the respondent alleges that the complaint is frivolous, I shall have 20 days from receipt of the answer to respond to the allegation.
3. 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.

Signature of Complainant Michael Spille

Date: _____

—

Sworn and subscribed to before me this _____ day of _____, _____.

Notice: All final decisions issued in connection with complaints that come before the School Ethics Commission for review and determination are public records uniformly posted on the Department of Education's website at <http://www.nj.gov/education/legal/>. As a general rule, selective requests to remove a particular decision for reasons of personal preference are not entertained.