

***Before the School Ethics Commission
Docket No.: C75-18
Decision on Motion to Dismiss***

**Michael Pagan,
Complainant**

v.

**Ardie Walser and Shahanzaz Arjumand,
Township of Teaneck Board of Education, Bergen County,
Respondents**

I. Procedural History

This matter arises from a Complaint that was filed on December 5, 2018, by Michael Pagan (Complainant), alleging that Ardie Walser and Shahanzaz Arjumand (Respondents), members of the Township of Teaneck Board of Education (Board), violated the School Ethics Act (Act), *N.J.S.A. 18A:12-21 et seq.* By correspondence dated December 6, 2018, Complainant was notified that the Complaint was deficient, and required amendment before the School Ethics Commission (Commission) could accept his filing. On December 14, 2018, Complainant cured all defects and filed an Amended Complaint (Complaint) that was deemed compliant with the requirements detailed in *N.J.A.C. 6A:28-6.3*. The Complaint alleges that Respondent Walser violated *N.J.S.A. 18A:12-24(a)*, *N.J.S.A. 18A:12-24(c)*, and *N.J.S.A. 18A:12-24(d)* in Counts 1-4, and that Respondent Arjumand violated *N.J.S.A. 18A:12-24(a)*, *N.J.S.A. 18A:12-24(c)*, and *N.J.S.A. 18A:12-24(d)* in Count 3.

On December 17, 2018, the Complaint was served on Respondents, via regular and certified mail, notifying them that charges were filed against them with the Commission, and advising that they had twenty (20) days to file a responsive pleading. On January 22, 2019, and after receiving an extension, Respondents filed a Motion to Dismiss in Lieu of Answer (Motion to Dismiss), and also alleged that the Complaint is frivolous. On February 11, 2019, Complainant filed a response to the Motion to Dismiss and allegation of frivolous filing. In his filing, Complainant agreed to voluntarily withdraw all allegations against Respondent Arjumand, thus leaving Respondent Walser as the only remaining Respondent.

The parties were notified by correspondence dated March 18, 2019, that this matter would be placed on the Commission's agenda for its meeting on March 26, 2019, in order to make a determination regarding the Motion to Dismiss and allegation of frivolous filing. At its meeting on March 26, 2019, the Commission considered the filings in this matter and, at a special meeting on May 2, 2019, the Commission voted to deny the Motion to Dismiss in its entirety, and to direct Respondent Walser to file an Answer to Complaint (Answer) within twenty (20) days. The Commission also voted to find the Complaint not frivolous, and to deny the request for sanctions.