

of MAWP, does not subject him to widespread direction over District staff, students, or other Board members. Respondent Walser asserts that Complainant failed to allege any facts that would suggest that his role in MAWP might impair his objectivity or independent judgment in the exercise of his official duty. Therefore, Respondent Walser argues that Complainant did not provide sufficient evidence to support violations of *N.J.S.A. 18A:12-24(d)* in Counts 1-4.

Regarding Respondent Arjumand, Complainant failed to offer any factual evidence to support a finding that she violated *N.J.S.A. 18A:12-24(a)*, *N.J.S.A. 18A:12-24(c)* and/or *N.J.S.A. 18A:12-24(d)* as argued in Count 3. Respondent Arjumand argues that Complainant only mentions that she shared the details of a MAWP event on social media. Complainant also asserted that “these events which are frequently attended by more than a majority of the Board are advertised in a way to appear official and thus prejudice the independence and judgments of official action.” However, Complainant failed to explain the official action that could be prejudiced by Respondent Arjumand’s promotion of a free tutoring program, and also failed to provide any factual evidence to connect Respondent Arjumand’s actions to a financial or personal gain. Therefore, Respondent Arjumand argues there is no sufficient credible evidence to support a finding that she violated *N.J.S.A. 18A:12-24(a)*, *N.J.S.A. 18A:12-24(c)* and/or *N.J.S.A. 18A:12-24(d)* in Count 3.

Finally, Respondents argue that the Complaint was filed for improper purposes, specifically to harass and bully Respondent Walser in an attempt to destroy his professional and personal reputation. Complainant was aware of Respondent Walser’s involvement with MAWP for years (he was also a volunteer) and did not voice his opinion until he became aware that Respondent Walser may run for council. Therefore, Respondents assert that the Complaint is frivolous.

C. *Response to Motion to Dismiss and Allegation of Frivolous Filing*

In response to the Motion to Dismiss and allegation of frivolous filing, Complainant notes that the law firm representing Respondents is the same firm that represents the Board; however, Complainant was unable to find a resolution stating that the Board approved the action. Therefore, to the extent that the law firm represents Respondents in their individual capacities, it may be a conflict of interest. Nonetheless, and after consideration, Complainant agreed to voluntarily withdraw the allegations in the Complaint against Respondent Arjumand.

Complainant argues that his Complaint is not frivolous. Respondent Walser has used school resources to promote MAWP and has made “open and notorious overtures” to the public and the Board regarding MAWP, and Complainant has “witnessed” Board members discussing MAWP.

Regarding Respondent Walser’s reference to A17-15, Complainant maintains that while the advisory opinion does state that the Board member would not violate the Act by serving as a trustee of the non-profit while simultaneously serving on the Board, it also advises that the Board member must “recuse from participation or involvement and abstain from the vote” involving the non-profit. Complainant contends that Respondent Walser has been promoting MAWP or