

professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest;

c. No school official shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial involvement that might reasonably be expected to impair his objectivity or independence of judgment. No school official shall act in his official capacity in any matter where he or a member of his immediate family has a personal involvement that is or creates some benefit to the school official or member of his immediate family;

d. No school official shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his independence of judgment in the exercise of his official duties;

i. Alleged Violations of *N.J.S.A. 18A:12-24(a)*

To credit the alleged violations of *N.J.S.A. 18A:12-24(a)* in Counts 1-4, the Commission must find evidence that Respondent Walser, or a member of his immediate family, has an interest in a business organization, or engaged in any business, transaction, or professional activity which was in substantial conflict with the proper discharge of his duties in the public interest.

Based on its review of Complainant's allegations, the Commission finds that if the facts as alleged are proven true by sufficient credible evidence, they may support a finding that Respondent Walser violated *N.J.S.A. 18A:12-24(a)* as alleged in Counts 1-4. If Complainant can establish, with sufficient credible evidence, that Respondent Walser's ownership and interest in MAWP, or that the work performed by Respondent Walser in connection with MAWP, is in *substantial* conflict with the proper discharge of his duties as a Board member (and President), Complainant may be able to establish violations of *N.J.S.A. 18A:12-24(a)*. With the standard that applies to the Commission's review of the Motion to Dismiss in mind, the Commission finds that the alleged violations of *N.J.S.A. 18A:12-24(a)* in Counts 1-4 should not be dismissed.

ii. Alleged Violations of *N.J.S.A. 18A:12-24(c)*

In order to credit the alleged violations of *N.J.S.A. 18A:12-24(c)* in Counts 1-4, the Commission must find evidence that Respondent Walser acted in his official capacity in a matter where he, or a member of his immediate family, had a direct or indirect financial involvement that might reasonably be expected to impair his objectivity, or in a matter where he had a personal involvement that created some benefit to him, a member of his immediate family, or to "others."

After review of Complainant's allegations, the Commission finds that if the facts as alleged are proven true by sufficient credible evidence, they may support a finding that Respondent Walser violated *N.J.S.A. 18A:12-24(c)* as set forth in Counts 1-4. If Complainant can establish, with sufficient credible evidence, that Respondent Walser, in his capacity as a