

COMPLAINT

I ALLEGE that, to the best of my knowledge and based on official public records, the Clinton Township school board violated the Open Public Meetings Act at its February 27, March 26, and March 29, 2012 meetings, and falsified its "approved minutes" to cover it up.

The board of education publishes official audio recordings and "approved minutes" of its public meetings on its website, <http://www.ctsd.k12.nj.us>. The recordings and minutes are at <http://www.ctsd.k12.nj.us/6144642910559/site/default.asp>. Attached here are complete "approved minutes" downloaded from the website, and brief excerpts of downloaded audio recordings.

MARCH 29, 2012 MEETING

1. As evidenced in the official audio recording, at the end of its public session the board moved to closed session in violation of N.J.S.A. 10:4-13.
2. Specifically, the board violated N.J.S.A. 10:4-13(a) when it failed to "adopt a resolution... stating the general nature of the subject to be discussed... at a meeting to which the public shall be admitted..."
3. Specifically, the board violated N.J.S.A. 10:4-13(b) when it failed to publicly "adopt a resolution... stating as precisely as possible, the time when and the circumstances under which the discussion conducted in closed session of the public body can be disclosed to the public... at a meeting to which the public shall be admitted..."
4. The board of education violated N.J.S.A. 10:4-14 for failure to "keep reasonably comprehensible minutes of all its meetings showing the time and place, the members present, the subjects considered, the actions taken, the vote of each member, and any other information required to be shown in the minutes by law,"
5. Specifically, the "approved minutes" of the same March 29, 2012 meeting report the adoption of a resolution that, according to the audio recording, was never made in the public meeting. The minutes falsely report compliance with N.J.S.A. 10:4-13(a) and (b).

IN ADDITION, I ALLEGE that at the same March 29, 2012 meeting the board of education may have violated N.J.S.A. 10:4-7: "The Legislature finds and declares that the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies, is vital to the enhancement and proper functioning of the democratic process;"

6. It appears the board of education conducted "decision making" when it adjourned the aforementioned public meeting without the public present.
7. Because the board represents that it records and publishes public meetings, and because action to adjourn this meeting is not present in the official recording, one may reasonably conclude from the official recordings that "public" adjournment was not conducted in public if at all.
8. Specifically, the audio recording of the public portion of the meeting does not include a public motion and resolution of adjournment.
9. Since the board falsely reports "closed session resolutions" in its minutes, I am concerned that it falsely reports adjournment actions as well.
10. It appears that the board routinely adjourns public meetings outside the view of the public, without returning from closed session back to public session to do so, but evidence of this at only one meeting is provided here.

FEBRUARY 27 AND MARCH 26, 2012 MEETINGS

IN ADDITION, I ALLEGE that the board of education has demonstrated a pattern of violating N.J.S.A. 10:4-13 and N.J.S.A. 10:4-7, by failing to use the required wording to go into closed session, and by falsifying its "approved minutes" at at least two other meetings, February 27 and March 26, 2012:

11. Specifically, according to the official audio recordings, the board failed to adopt a closed session resolution "at a meeting to which the public shall be admitted" in accordance with 10:4-13 (a) and (b) at either meeting.

12. Specifically, according to the official audio recordings, the "approved minutes" falsely report resolutions "at a meeting to which the public shall be admitted" to go to closed sessions -- resolutions that were in fact not made, again in violation of N.J.S.A. 10:4-7.

To aid in the Prosecutor's reviews of the official audio recordings, I note that in the meetings referenced the board moves to closed session at the very end of the audio recordings.

I respectfully request that the Hunterdon County Prosecutor investigate these alleged violations of the Open Public Meetings Act, and any other violations, and that the Clinton Township board of education be held accountable for any and all violations to the fullest extent possible under the law.

Thank you for your consideration.

Nick Corcodilos, resident of the Township of Clinton

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