

MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Department of Education,
School Ethics Commission
Richard J. Hughes Justice Complex
25 Market Street, P.O. Box 112
Trenton, New Jersey 08625-0112

By: Laurie Fichera
Deputy Attorney General
(609) 376-3100

:
: OFFICE OF ADMINISTRATIVE LAW
:
IN THE MATTER OF MELISSA :
VARLEY, BERKELEY HEIGHTS : OAL DOCKET NO. EEC 03574 - 2022 N
BOARD OF EDUCATION, : AGENCY DOCKET NO. C36-21
UNION COUNTY :
:
: **CONSENT ORDER**

WHEREAS, Petitioner, New Jersey Department of Education, School Ethics Commission ("SEC") and Respondent, Melissa Varley ("Respondent"), have mutually agreed to settle the above-captioned matter, with MATTHEW J. PLATKIN, Attorney General of New Jersey, by Laurie Fichera, Deputy Attorney General, appearing on behalf of the SEC, and Mark Wenczel, Esq., Cleary Giacobbe Alfieri Jacobs, LLC, appearing on behalf of Respondent; and

WHEREAS, this matter arose from the SEC's decision of April 26, 2022, finding probable cause to credit the allegations that Respondent violated N.J.S.A. 18A:12-24(b) and (f); and

WHEREAS, the settlement of this matter shall not constitute precedent in other pending or future litigation or be

considered an admission of any conduct beyond that specifically described herein, or in the attached affidavit or Respondent.

NOW, THEREFORE, the parties hereto agree to settle the above-captioned matter upon the following terms:

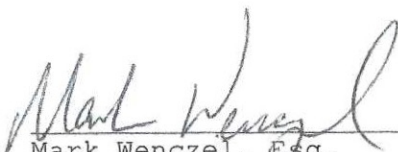
1. Respondent acknowledges that the conduct described in the attached affidavit, incorporated herein by reference, constitutes a violation of N.J.S.A. 18A:12-24(b).

2. The parties agree that the SEC will recommend that the Commissioner impose the penalty of a reprimand.

3. The Commissioner agrees that she will adopt the SEC's recommendation and impose the penalty of a reprimand for the conduct described in the attached affidavit.

4. By accepting the penalty of a reprimand, Respondent agrees to waive any and all hearings to which she is entitled pursuant to N.J.S.A. 18A:12-29 and N.J.A.C. 6A:28-10.7, and Respondent further agrees that she will not oppose the reprimand.

5. The parties agree that this Consent Order fully resolves all issues between them arising from the SEC's April 26, 2022, decision finding probable cause.



Mark Wenczel, Esq.
Attorney for Respondent

Date: *November 30, 2022*

Laurie Fichera

Laurie Fichera, D.A.G.
Attorney for Petitioner

Date: 12/22/2022

As to penalty only

Angelica Allen-McMillan, Ed.D.

Angelica Allen-McMillan, Ed.D.
Commissioner of Education

Date: 1-12-2023

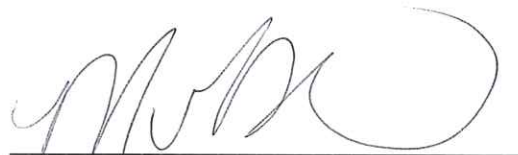
4. As a result, I recommended the three remaining candidates, including my child, to the Board for temporary employment without reviewing the Board's nepotism policy and confirming the policy included an exclusion for student employees, as had existed with my previous employer and was permissive pursuant to N.J.A.C. 6A:23A-6.2(b).

5. Following questioning by a member of the public regarding my recommendation, I contacted Board counsel and immediately removed my child from the position.

6. I acknowledge that my conduct, set forth above in paragraph four, technically violated N.J.S.A. 18A:12-24(b).

7. I agree to accept a penalty of reprimand for my conduct as set forth in paragraph four.

8. I acknowledge that in signing this affidavit I have secured the advice of an attorney and I understand the terms of this agreement.



Melissa Varley

Sworn and Subscribed
before me this 29 day
of November, 2022



SARAH LATZKE
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 8/8/2023