

Docket #C34-18

Closing Statement

Walter L. Fields, Jr.

January 11, 2019

I brought this complaint against Respondent Stephanie Lawson-Muhammad upon my belief that she violated N.J.S.A. 18A:12-24.1 (e) and N.J.S.A. 18A 12-24.1(f) when she encountered a South Orange police officer during a routine traffic stop on April 27, 2018.

Specifically, in regard to N.J.S.A. 18A:12-24.1(e):

e. I will recognize that authority rests with the board of education and will make no personal promises nor take any private action that may compromise the board.

As the videotape shows, upon the first verbal exchange with officer Horst, Ms. Lawson-Muhammad identified herself as a member of the School Board. By invoking her public position as a member of the Board of Education, it is my contention that Ms. Lawson-Muhammad attempted to influence a public employee of a municipality in the discharge of his duties. This, I believe, was a ‘private action,’ committed solely for the purpose of personal gain to sway the officer and evade receiving a traffic summons. Thus, compromising the South Orange-Maplewood Board of Education in its role as the local educational authority of the municipality for which the officer is employed. This was evident in the correspondence of the Trustees of the Village of South Orange, the employer of the officer, to the Board of Education expressing “great concerns” over Ms. Lawson-Muhammad’s conduct during the traffic stop.

Ms. Lawson-Muhammad further engaged in a ‘private action’ in violation of the statute by inferring a relationship with Ms. Sheena Collum, the Village president, and referencing that individual by first-name with the officer. Ms. Lawson-Muhammad told the officer twice that “she was calling Sheena.” The first incident was after she asked the officer if he was a

Maplewood or South Orange police officer, and he identified himself as a South Orange officer. Upon hearing that the officer was a member of the South Orange Police Department, Ms. Lawson-Muhammad purposely dropped the name of an elected official with the intent of warning the officer that Ms. Lawson-Muhammad's political connections could overrule the officer. By suggesting she was going to call "Sheena," Ms. Lawson-Muhammad attempted to intimidate the officer by using the name of the publicly elected executive of the municipality that employs the officer. This also compromised the integrity of the Village of South Orange by inferring that an elected official of the municipality would 'fix' the incident to the advantage of Ms. Lawson-Muhammad due to a personal or political connection. It prompted Ms. Collum to publicly state otherwise.

Ms. Lawson-Muhammad further engaged in a 'private action' in violation of the statute when she asked the officer if he could call her daughter's school because the traffic stop would make her late for PARCC testing. This was the third attempt by Ms. Lawson-Muhammad to use her position as a School Board member for personal benefit during the exchange with the officer.

It must be noted that the officer determined Ms. Lawson-Muhammad was speeding, traveling in excess of 12 miles over the speed limit, and that she acknowledged the violation. At no time did the officer attempt to intimidate Ms. Lawson-Muhammad or behave in a way that could be deemed offensive, threatening or disrespectful toward her. At all times he was even-tempered, even when Ms. Lawson-Muhammad used an expletive when the officer offered to summon medical care when he thought Ms. Lawson-Muhammad might be in emotional distress.

In regard to N.J.S.A 18A: 12-24.1(f):

f. I will refuse to surrender my independent judgment to special interest or partisan political groups or to use the schools for personal gain or for the gain of friends.

Respondent Ms. Lawson-Muhammad sought to use her position as a School Board Member for "personal gain" by attempting to influence a police officer in the discharge of his sworn duties to avoid being held accountable for her traffic violation. Upon being issued a summons by the

officer, Ms. Lawson-Muhammad suggested she could not do what is required of any citizen when ticketed for a traffic violation – to go to court to address the matter. Ms. Lawson-Muhammad then invoked the first name of the president of South Orange Village, again attempting to use her position to infer, for personal gain, that a political connection would circumvent the summons. This was done after the officer made clear that once a summons is written, it could not be revoked by the officer.

For the record, it should be noted that Ms. Lawson-Muhammad was not in possession of a valid insurance card and could not produce a physical copy, although she had communicated with her husband who offered to send a photographic image of the card. In addition, after being issued the summons, Ms. Lawson-Muhammad referred to the officer’s superior as your “skinhead cop chief” and suggested she would call the chief of police.

It was only by virtue of her self-identification as a School Board member that creates the impetus to use her position for ‘personal gain,’ the avoidance of a summons after violating a municipal statute. Her ‘private action,’ invoking her elected role on the School Board compromised the integrity of her elected position and the relationship with the Village of South Orange when she attempted to use a political connection with the executive of that municipality to intimidate an employee of the Village.

Testimony of Ms. Lawson-Muhammad before the Commission

During the hearing on November 27, 2018 the Respondent did not dispute the facts related to the April 27, 2018. While Respondent’s counsel attempted to dispute the ‘authenticity’ of the video of the incident that Complainant provided the Commission, the accuracy of its content was confirmed by the Respondent. Respondent also contradicted herself on whether she had seen the video. A Commissioner asked (transcript attached p. 48), “What we see and what you saw here, is that the first time you say that as well?” Respondent replied, “No, the first time I saw the video was about 12 hours before the rest of the world saw the video. I did not see the video in advance.” Further, in questioning (see transcript attached p. 49), a Commissioner asked “does it accurately portrayed what happened?” Respondent replied “I mean it is the essence of what happened.” There

is no denying or plausible denial that the Respondent can make that the video presented was indeed unaltered and accurately captured the exchange between the officer and the Respondent. The statement of facts in this matter that both Complainant and Respondent agreed upon align with the video presented to the Commission. Respondent produced no evidence that the video had been altered or edited in any way.

In reference to Respondent's identification of herself as a Board member during the traffic stop, Respondent also acknowledged doing so. In questioning (see transcript provided p. 50), a Commissioner asked "So one thing that was acknowledged whether you believe the video or not is you did say you were a board member." Respondent replied "I did."

Respondent Ms. Lawson-Muhammad is fully aware of her actions on the date of April 27, 2018 and that they were counter to the expected conduct of a Board member and public official. Her attempt to insulate herself from accountability on the basis of a 'fear' of police officers due to her gender and race is offensive and a disservice to current efforts to reform police practices. Respondent acknowledged (see transcript provided pp. 53-54) that at the time the officer was stopping her, she attributed the stop to the fact that she might have been speeding. If Respondent does indeed have such a phobia, it would incapacitate her and disable her from driving to perform even the most menial tasks. No such medical evidence was presented by the Respondent to confirm such a condition.

Respondent Ms. Lawson-Muhammad also acknowledged (see transcript p. 54) stating to the officer twice Respondent's intent to call South Orange Village President Sheena Collum. This was a direct attempt to infer a political connection as a way to intimidate or deter the officer in the discharge of his duties. Despite referencing Ms. Collum by first name. 'Sheena,' Respondent told the Commission "I wouldn't call her a friend." If not a friend, Respondent's only purpose in referencing Ms. Collum was to suggest the Village president would intervene favorably on Respondent's behalf; implying she would overrule the officer and 'fix' the situation.

Respondent's witness, Annemarie Maini, acknowledged (see transcript attached p. 66) that as an elected official she understands that she is held to a higher standard. A Commissioner asked Ms.

Maini, “Do you hold yourself to a higher standard as an elected official? In the community itself?” Witness Ms. Maini responded, “But I do take full responsibility for any comments or any actions that I take in public.” It is a standard the Respondent has failed to meet. Respondent acknowledged that she fell short of that standard (see transcript attached p. 58). Respondent also admitted that she never apologized to the officer directly (see transcript attached p. 58) and used the excuse that her fear of ‘tattoos’ prevented such a direct apology. Such admissions by the Respondent are self-incriminating.

What I believe is most relevant is whether Ms. Lawson-Muhammad attempted to use her position as an elected member of the South Orange-Maplewood School District to influence a police officer and evade a traffic summons. The facts in this case support my contention.

This is not the first incident in our state in which the ethics of a public official has been called into question for behavior when engaging a law enforcement officer. In a similarly videotaped episode, Port Authority of New York and New Jersey Commissioner Caren Turner was forced to resign her position this year after the video showed her berating Tenafly police officers, identifying herself as a “Commissioner,” using profanity and announcing she was “a friend of the mayor.” Ms. Turner was publicly censured by the Port Authority and the bi-state agency made clear that her behavior was unacceptable. Port Authority Commissioner Kevin O’Toole stated Turner had “clearly and unambiguously” violated the board’s code of ethics.

This matter involving Ms. Lawson-Muhammad is now before the School Ethics Commission because, unlike the Port Authority in the matter of Commissioner Turner, the South Orange-Maplewood Board of Education took no action and showed no interest in responding to concerns raised over Ms. Lawson-Muhammad’s conduct. In fact, under Prohibited Acts outlined for members of the South Orange-Maplewood Board of Education under its Bylaw, is the following:

No Board member shall use or attempt to use his or her official position to secure unwarranted privileges, advantages, or employment for him or herself, members of his or her immediate family, or other.

I appeal to this Commission to hold Respondent Stephanie Lawson-Muhammad accountable for her behavior. As a steward of a public-school district, Respondent's behavior cannot be condoned and set as an example to follow for the children of the district she has been elected to serve.