



OFFICE OF THE PROSECUTOR

County of Atlantic

4997 Unami Boulevard
P.O. Box 2002
Mays Landing, NJ 08330

Theodore F. L. Housel
Prosecutor

(609) 909-7800 • Fax: (609) 909-7802

March 27, 2012

Mike Assad
106 Minnetonka Avenue
Absecon, NJ 08201

Dear Mr. Assad:

At the request of Prosecutor Housel, I have reviewed your letter and the accompanying documents you sent on March 8, 2012. Based upon that review, it is my opinion that voting by Board members through an exchange of e-mails to amend the budget to appropriate money for an increase in high school tuition would constitute an action by the Board in violation of the Open Public Meetings Act, N.J.S.A. 10:4-12. However, it is my understanding that no vote was ever taken and the matter was scheduled to be addressed at a public meeting. Therefore, no violation of the Open Public Meeting Act ever actually occurred.

Certainly, an increase in the amount of high school tuition paid by the Absecon Board of Education is a matter to which the public should be alerted. As it appears that public is now informed and the matter was addressed as required under N.J.S.A. 10:4-12, no action by the Atlantic County Prosecutor's Office is necessary.

Nevertheless, should you feel that a violation of the Open Public Meeting Act did in fact occur, you may institute a proceeding in lieu of prerogative writ in the Superior Court to challenge the action of the Board pursuant to N.J.S.A. 10:4-15.

Sincerely,

Diane M. Ruberton
Chief Assistant Prosecutor

cc: Lou Greco, Esq.





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