

IN THE MATTER OF  
REQUEST FOR REMOVAL OF  
LOCAL BOARD MEMBER  
RENEE DIXON

BEFORE THE  
MARYLAND  
STATE BOARD  
OF EDUCATION  
Opinion No. 24-21

## OPINION

### INTRODUCTION

The State Board of Education received a second request<sup>1</sup> from the Cecil County Board of Education (“local board”) to remove Renee Dixon as a member of the local board for a violation of its ethics policy.

In addressing a request for removal, the State Board must first consider whether the allegations are factually and legally sufficient to support charges. COMAR 13A.01.05.12E(5). If the request is factually and legally sufficient, the State Board issues notice of the charges and the board member proposed for removal may request a hearing before an Administrative Law Judge (“ALJ”) at the Office of Administrative Hearings. *Id.* After the ALJ issues a proposed decision, the board member may file exceptions to that decision and present oral argument before the State Board. *Id.* Upon completion of the process, the State Board issues a final decision on removal.

### FACTUAL BACKGROUND

Ms. Dixon was sworn in as a member of the local board on December 5, 2022. The next month, the Superintendent, Dr. Jeffrey A. Lawson, and local board president, Diana B. Hawley, received complaints from staff that Ms. Dixon was promoting her two businesses<sup>2</sup> to school employees, parents, and students while serving as a local board member at the January 10, 2023,

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<sup>1</sup> In response to the local board’s first request for removal, by letter dated August 28, 2024, we notified Ms. Dixon that the State Board voted to issue charges against her for misconduct in office pursuant to §3-4A-02 of the Education Article, Annotated Code of Maryland, based on allegations of inappropriate and unprofessional conduct related to the election of the student board member and inquiries into the religion and sexual orientation and/or gender identity of student candidates in office. At Ms. Dixon’s request, the matter was transferred to the Office of Administrative Hearings for a hearing. In addition, the State Board previously received a request from a Cecil County resident to remove Ms. Dixon from the local board for misconduct in office based upon Ms. Dixon’s inappropriate, unprofessional, and highly offensive social media post that was perceived as homophobic and intolerant of the LGBTQIA+ community. *In the Matter of Request for Removal of Local Board Member Renee Dixon*, MSBE Op. No. 24-01 (2024), we declined to issue charges for the removal and dismissed the removal request.

<sup>2</sup> Ms. Dixon owns two businesses, Freedom Hills Therapeutic Riding Program, a non-profit therapeutic riding program serving individuals with disabilities, and Rolling Hills Ranch, a for-profit business offering horseback riding lessons, boarding, and a bed and breakfast.

Special Education Community Advisory Committee (“SECAC”) meeting at Bay View Elementary School. (Petition, Ex. 12).

Local Board GBC-RA – Ethics Regulations, Section 2 establishes the ethics panel of the local board, which is responsible for processing and making determinations regarding complaints alleging violations of the ethics regulations.<sup>3</sup> Section 2 of GBC-RA provides that the local board ethics panel is to provide advisory opinions to persons subject to the local board ethics regulation. By letter dated January 13, 2023, President Hawley requested the local board ethics panel to issue an advisory opinion as to whether Ms. Dixon could ethically promote her businesses to the Cecil County Public Schools (“CCPS”) community during her tenure as a member of the local board. (Petition, Ex. 5). On February 1, 2023, the local board ethics panel issued an advisory opinion to Ms. Dixon and directed that she avoid any conflicts of interest and use of prestige of office and “henceforth refrain from promoting either Rollings Hills Ranch or Freedom Hills Therapeutic Riding to the CCPS community while [she is] a member of the Board of Education of Cecil County.” (Petition, Ex. 6).

On March 19, 2024, Ms. Dixon, at another SECAC meeting, handed out her business card to the incoming SECAC President and offered to host future SECAC meetings at her farm. On April 10, 2024, Kelly Wunderer, a CCPS Instructional Coordinator for Special Education, filed an ethics complaint with the local board ethics panel against Ms. Dixon for potential ethical violations in promoting Ms. Dixon’s businesses at the March 19, 2024 SECAC meeting. (Petition, Ex. 3). On or about April 27, 2024, Ms. Dixon responded to the complaint. (Petition, Ex. 4). The ethics panel determined that the alleged violation fell within the jurisdiction of the local board ethics regulation and requested an investigative report. Upon review of the investigative report and Ms. Dixon’s response, the ethics panel scheduled the matter for a hearing on May 23, 2024. On June 26, 2024, the ethics panel issued its Findings of Fact, Conclusions of Law and Recommendation to the local board. (Petition, Ex. 12). The ethics panel concluded that Ms. Dixon violated Section 3, Conflicts of Interest, paragraph 6 of the local board ethics policy which prohibits an official from intentionally using the prestige of office or public position for the private gain of that official or the private gain of another. *Id.* The ethics panel recommended that the local board issue a public reprimand. *Id.*

The ethics panel opinion, record, and transcript of the hearing were forwarded to the local board which heard oral arguments on July 24, 2024. On July 29, 2024, the local board issued its Opinion finding by a preponderance of the evidence that Ms. Dixon committed an ethics violation of local board policy by again promoting her businesses at the March 19, 2024 SECAC meeting. (Petition, Ex. 14). The local board disagreed with the ethics panel recommendation of a public reprimand but instead concluded that the correct sanction was to request the State Board to issue charges to remove her for misconduct in office pursuant to §3-4A-02 of the Education Article, Annotated Code of Maryland. *Id.* On August 19, 2024, the local board filed its petition

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<sup>3</sup> Local Board GBC-RA – Ethics Regulations is based on the Model Board of Education Ethics Regulations on conflicts of interest, financial disclosure, and regulation of lobbying found at COMAR 19A.05.00.00 issued by the State Ethics Commission which the General Assembly has vested the administration of the comprehensive State Ethics Law. *See also* General Provisions Article, §§5-205 and 5-206 and Title 5, Subtitle 8, Annotated Code of Maryland.

to remove Ms. Dixon from the local board for the alleged misconduct. On September 19, 2024, Ms. Dixon filed her response to the petition.

## STANDARD OF REVIEW

The State Board may remove a member of the Cecil County Board of Education for immorality, misconduct in office, incompetency, willful neglect of duty or failure to attend, without good cause, at least 75% of the scheduled meetings in any calendar year. Md. Code Ann., Educ. §3-4A-02(a). The State Board exercises its independent judgment to determine whether to issue charges to remove a local board member from office. *See In the Matter of Request for Removal of Local Board Member Annette DiMaggio*, MSBE Op. No. 16-24 (2016); *see also Heckler v. Chaney*, 470 U.S. 821, 831 (1985).

## LEGAL ANALYSIS

### *Standard for Initiation of Removal Process*

Before the State Board exercises its discretion to issue charges to begin a removal proceeding, it assesses whether the request is factually and legally sufficient. COMAR 13A.01.05.12E. Factually sufficient allegations must be legally sufficient to support issuing a charge. A factually sufficient request shall (1) be made by a person who has personal knowledge of the facts supporting the request and reason to believe in its truth, and (2) state the act or acts complained of in concise language, with a detailed description of the date, location, and nature of each act. COMAR 13A.01.05.12E(3). The factual basis must be set forth by a detailed affidavit. COMAR 13A.01.05.12B(1). A legally sufficient request shall create a reasonable belief that the actions alleged could constitute grounds for removal from office. COMAR 13A.01.05.12E(4). In other words, in order to issue charges and allow the matter to proceed to a hearing, assuming that all of the facts alleged are true, the facts would have to create a “reasonable belief” that those actions could constitute misconduct in office, willful neglect of duty, incompetency or immorality. *See DiMaggio*, MSBE Op. No. 16-24. The State Board must dismiss a request that is not factually or legally sufficient to remove a member, or otherwise fails to meet the regulatory requirements. COMAR 13A.01.05.12(E)(5).

### *Misconduct in Office – Factual and Legal Sufficiency*

In previous removal cases, the State Board defined misconduct as including “unprofessional acts, even though they are not inherently wrongful, as well as transgression of established rules, forbidden acts, dereliction from duty, and improper behavior, among other definitions.” *See Dyer v. Howard County Bd. of Educ.*, MSBE Op. No. 13-30 at 12 (2013) (citing *Resetar v. State Bd. of Educ.*, 284 Md. 537, 560-61 (1979)). Misconduct includes malfeasance, doing an act that is legally wrongful in itself, and misfeasance, doing an otherwise lawful act in a wrongful manner. *Id.* Such conduct need not be criminal. *Id.* “[S]erious misconduct that falls short of the commission of a crime but that relates to an official’s duties may be grounds for removal under a civil removal statute.” *Id.* (quoting 82 Op. Atty. Gen 117, 120 (1997)). A board member is unfit to continue service when the member’s conduct “involves substantial violations that are harmful to the local board’s functioning.” *Id.*

The local board argues that Ms. Dixon’s violation of its ethics policy rises to the level of misconduct in office because her offering to host a SECAC meeting at her farm and handing her business card to the incoming SECAC president “serves to undermine public confidence in the school board where personal integrity and ethical behavior is paramount.” *See* Petition at 3. Ms. Dixon argues that she had no intention of violating the advice given in the ethics panel advisory opinion because she handed out her business card to the incoming SECAC president and offered to host a SECAC meeting only after she confirmed that the incoming SECAC president was not an employee of CCPS.

Although the ethics violation is factually sufficient to support a request for removal as the record contains a violation of local board ethics policy, we conclude that the record before us does not support a legally sufficient basis for removal. The record contains one violation of the ethics policy and the violation does not rise to the level of serious misconduct necessary to warrant removal. *See In Re: Wayne Foote*, MSBE Op. No. 19-37 at 6 (2019)(“although a single breach of confidentiality by a board member would not furnish sufficient grounds for his removal...we do think that repeated violations of confidentiality that demonstrably impair the board’s ability to function inhibiting free and open discussion...might well constitute grounds for removal); *see also DiMaggio*, MSBE Op. No. 16-24 (2016)(State Board concluded violations of Open Meetings Act and violations of local ethics rules, including making inappropriate statements on social media, and operating a catering business that serves the school system did not support grounds for removal).

The record on this ethics complaint simply does not contain a pattern of behavior that has demonstratively impaired the local board functioning sufficient to trigger a legal basis for removal proceedings. The local board ethics committee gave appropriate guidance to Ms. Dixon and also acted quickly to contain any potential damage to the local board functioning by enforcing its ethics policy and preventing Ms. Dixon from hosting a SECAC meeting at her place of business.

There is no dispute that the local board found that Ms. Dixon violated the local board ethics policy and our decision today in no way means that we would not find sufficient grounds for removal should the local board find additional violations of the local board ethics policy. This decision should not be viewed to impact the relevancy of the matters raised herein on the OAH proceedings in the pending removal case against Ms. Dixon.

## CONCLUSION

For all of these reasons, we find that the request for removal is not legally sufficient to support removal charges. Accordingly, we decline to issue charges for the removal from office of local board member Renee Dixon and dismiss the removal request.

Signatures on File:

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Joshua L. Michael  
President

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Monica Goldson  
Vice-President

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Chuen-Chin Bianca Chang

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Kenny Clash

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Clarence C. Crawford

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Abhiram Gaddam (Student Member)

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Susan J. Getty

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Nick Greer

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Irma Johnson

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Kim Lewis

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Rachel McCusker

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Xiomara Medina

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Joan Mele-McCarthy

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Samir Paul

October 22, 2024

