

Before the School Ethics Commission
Docket No.: C34-23
Probable Cause Notice

Leonard Thor,
Complainant

v.

Aldo Patruno,
Marlboro Township Board of Education, Monmouth County,
Respondent

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on March 24, 2023, by Leonard Thor (Complainant), alleging that Aldo Patruno (Respondent), a member of the Marlboro Township Board of Education (Board), violated the School Ethics Act (Act), *N.J.S.A.* 18A:12-21 *et seq.* More specifically, the Complaint avers that Respondent violated *N.J.S.A.* 18A:12-24.1(a) (Counts 1 and 2), *N.J.S.A.* 18A:12-24.1(c) (Counts 1 and 5), *N.J.S.A.* 18A:12-24.1(e) (Counts 1 and 5), *N.J.S.A.* 18A:12-24.1(g) (Counts 3-5), and *N.J.S.A.* 18A:12-24.1(i) (Counts 1 and 3-5) of the Code of Ethics for School Board Members (Code). On May 5, 2023, Respondent filed a Written Statement.

The parties were notified by correspondence dated October 10, 2023, that the above-captioned matter would be discussed by the Commission at its meeting on October 17, 2023, in order to make a determination regarding probable cause. Following its discussion on October 17, 2023, the Commission adopted a decision at its meeting on November 28, 2023, finding that there are insufficient facts and circumstances pled in the Complaint and in the Written Statement to lead a reasonable person to believe that the Act was violated as alleged in the Complaint.

II. Summary of the Pleadings

A. *The Complaint*

In Count 1 of the Complaint, Complainant alleges that on October 1, 2022, Respondent replied to a social media post made by another Board member and her running mate in the upcoming Board election. As part of his response, Respondent stated:

I believe that parents have woken up since the pandemic and will be voting once again this year as they did last year to protect parental rights, which I don't feel you or your running mate have made much of a priority while on the board . . . Yours and your

running mates voting record indicate to me that you would rather follow directions of the state and governor over the pleas of the parents in our community who voted you in and who you are supposed to be representing.

Complainant asserts this statement is misleading as the targeted Board members did not have authority to vote contrary to State directives.

Complainant asserts that the social media post violates *N.J.S.A. 18A:12-24.1(a)* because Respondent “inaccurately stated” that the targeted Board members “did not protect parental rights and voted based on directions from the [S]tate of New Jersey and [the] [G]overnor.” Complainant further asserts that Respondent violated *N.J.S.A. 18A:12-24.1(c)* by “trying to interfere” with the targeted Board members’ campaign for reelection to the Board. Complainant avers Respondent violated *N.J.S.A. 18A:12-24.1(e)* when he “attacked” the Board members on social media on October 1, 2022, and again on November 4, 2022, criticizing them for “following directions from the [S]tate and Governor.” Additionally, Complainant contends Respondent violated *N.J.S.A. 18A:12-24.1(i)* by being critical of fellow Board members in making “deliberate and unnecessary attacks” on social media, even though Respondent uses a disclaimer.

In Count 2, Complainant alleges that on October 11, 2022, Respondent voted against the approval of the required remote school policy, which was a State requirement. Complainant asserts that this constitutes a violation of *N.J.S.A. 18A:12-24.1(a)*, which requires board members to comply with final directives of administrative agencies. By voting no, Complainant alleges Respondent was acting contrary to law.

In Count 3, Complainant asserts that during the October 11, 2022, meeting, Respondent “made several statements and also had two outbursts.” Complainant alleges that Respondent discussed an email from a community member related to “I Am Here” badges, and stated, “It could lead to so many different possibilities. In my head what if a child approaches someone with an ‘I Am Here’ lanyard and conversations, you know, go someplace they shouldn’t and it ends up going someplace it shouldn’t altogether like a relationship between the two.” Further, Complainant alleges that later in the evening, during a discussion about whether the lanyards have QR codes, Respondent had an outburst, yelled at fellow Board members “are you guys serious?,” threw down his papers and walked off the dais, and said to another Board member “I can’t listen to anything that comes out of your mouth.” Complainant alleges that Respondent made false statements and provided the community with inaccurate information and failed to keep matters confidential in violation of *N.J.S.A. 18A:12-24.1(g)*. Further, Complainant contends by slamming his books down and stating that “I can’t listen to anything that comes out of your mouth” to a fellow Board member during an open meeting, Respondent violated *N.J.S.A. 18A:12-24.1(i)* by failing to support school staff in the performance of their positions.

In Count 4, Complainant contends that at a public meeting on October 18, 2022, one week after the previous meeting, Respondent “attempted to mislead the community and disparage the Superintendent’s reputation and credibility” by falsely denying that he said the lanyards could lead to a “relationship” between students and staff and insisting he only said, “somewhere it shouldn’t.” According to Complainant, Respondent asserted that the

Superintendent was trying to “assassinate his character” by saying he used the word “relationship.” Complainant alleges that these actions violate *N.J.S.A.* 18A:12-24.1(g). Further, Complainant asserts Respondent stated during the meeting that the Superintendent should consider resigning, and that by doing so, he failed to protect school personnel in the performance of their duties in violation of *N.J.S.A.* 18A:12-24.1(i).

In Count 5, Complainant alleges that posts Respondent made on the Marlboro community and the Marlboro residents’ social media pages in support of several candidates for the Board attacked the integrity of current Board members. In addition to promoting candidates, the post stated:

Our Board of Education is not operating the way it was intended to. It currently caves to the administration allowing them to operate unchecked without being held accountable. The superintendent should be reporting to the board, but this is not happening at the moment. The Board of Ed should be representing the community but they currently cave to the administration’s every wish. Years of leadership by our board compounded with a lack of accountability from our administrators has led to a bloated administration that operates unchecked with no system of checks and balances in place.

When parents voiced concerns at a recent board meeting, they were belittled and told that they were in the CHEAP SEATS by our districts [(sic)] superintendent, with no apology given.

Complainant alleges the posts were defamatory, misleading, and crossed the line of political speech, in violation of *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(g) and *N.J.S.A.* 18A:12-24.1(i).

B. *Written Statement*

In his Written Statement, Respondent asserts that the October 1, 2022, statements alleged in Count 1 were taken out of context as the post was being made in support of candidates who were opposed to the targeted Board members. Further, Respondent argues that he included a disclaimer in all capital letters that the post was being made in his capacity as a private citizen, solely representing his personal opinions, and that the statements are not representative of the Board or its individual members. Respondent notes that Complainant does not attach any final order or agency decision that he alleges Respondent was not enforcing, and as such he did not violate *N.J.S.A.* 18A:12-24.1(a). Further, Respondent asserts there is no evidence that he sought to bring about change by an unethical means, noting that Board members retain their free speech right to support candidates for the Board. According to Respondent, his position is widely held among many Board members, and there are no court orders demonstrating that this position violates any laws, rules or regulations of the State. Additionally, Respondent states that the post was his opinion, so it cannot be “false” as Complainant alleges. As to *N.J.S.A.* 18A:12-24.1(c), Respondent asserts that supporting competing candidates and giving his opinion on the candidates’ positions, as he used an appropriate disclaimer, was in his private capacity and is

therefore not a violation. Respondent maintains that the Commission has recognized First Amendment rights and has provided guidance that Board members may weigh in on elections, with the use of a disclaimer, and as such, he did not take action outside the scope of his duties that may compromise the Board, in violation of *N.J.S.A.* 18A:12-24.1(e). Finally, Respondent notes that making a political statement in support of a candidate for the Board is protected speech and cannot be a violation of *N.J.S.A.* 18A:12-24.1(i).

As to Count 2, Respondent notes that the Complaint did not contain a decision from an administrative agency or court directing Respondent to take action, and therefore, absent such a decision, a violation of *N.J.S.A.* 18A:12-24.1(a) cannot be sustained.

With respect to Count 3 and the alleged violations arising out of the October 11, 2022, meeting, Respondent contends that his statement in full was “Are you guys saying that you didn’t understand what this conversation and the lanyards were about until these people came to speak when there were four emails sent to us . . . in the last month? Are you guys serious right now? Come on.” Respondent maintains that “if this dialogue is a violation of the [Act], Board [m]embers that argue and speak off the cuff at public meetings throughout the State would be perpetually violating the [Act].” Additionally, Respondent asserts that Complainant did not provide evidence that he presented factually inaccurate information or revealed confidential information, and as such, did not violate *N.J.S.A.* 18A:12-24.1(g). Respondent argues that in the video of the meeting, he confirmed with Board counsel prior to reading an email from a community member. Further, Respondent asserts that comments made to other Board members during an open meeting cannot be a violation of *N.J.S.A.* 18A:12-24.1(i) as Board members are not school personnel.

In Count 4, Respondent asserts that at the October 18, 2022, meeting he accurately portrayed his comments at the October 11, 2022, meeting. Respondent further asserts he did not say there was a relationship between students and staff, but raised the concern about “the possibility that a conversation about the teachers’ lanyards could go someplace it should not ‘. . . like the relationship between the two.’” Respondent argues that the Act “should not be trivialized in such a way to render an alleged failure of memory about one’s own prior statement a possible violation,” and that he should be permitted to defend what he believes is a mischaracterization of his statements from the prior meeting. As such, Respondent maintains he did not violate *N.J.S.A.* 18A:12-24.1(g). Additionally, Respondent contends he only told the Superintendent to consider resigning at the “culmination of an ongoing argument” in which the Superintendent told Respondent he should be “excused,” and that Respondent’s behavior was “childish.” According to Respondent, suggesting a superintendent should resign at an open meeting is the same as any other disagreement between a superintendent and a Board member over policy and is not a violation of *N.J.S.A.* 18A:12-24.1(i).

As to the political social media posts in Count 5, Respondent reasserts that the Commission has defended the right of Board members to “engage in First Amendment protected political speech as it relates to school board elections.” Respondent argues that, as he used an appropriate disclaimer, and there is no assertion that his posts were official action, a violation of *N.J.S.A.* 18A:12-24.1(c) has not been established. According to Respondent, Board members in contested elections logically position themselves against others who are running. Respondent

maintains his post is “exactly the type of private action countenanced by the [Commission’s] advisory opinions when a proper disclaimer is used,” and as such is not a violation of *N.J.S.A.* 18A:12-24.1(e). As to *N.J.S.A.* 18A:12-24.1(g), Respondent argues the social media post did not contain any confidential information, and notes the Superintendent referenced community members being in “cheap seats” at a public meeting. Finally, Respondent contends he did not violate *N.J.S.A.* 18A:12-24.1(i) as the Commission does not become involved in disagreements between the Superintendent and Board members and permits Board members to express opinions in their private capacity.

III. Analysis

This matter is before the Commission for a determination of probable cause pursuant to *N.J.A.C.* 6A:28-9.7. A finding of probable cause is not an adjudication on the merits but, rather, an initial review whereupon the Commission makes a preliminary determination as to whether the matter should proceed to an adjudication on the merits, or whether further review is not warranted. Pursuant to *N.J.A.C.* 6A:28-9.7(a), probable cause “shall be found when the facts and circumstances presented in the complaint and written statement would lead a reasonable person to believe that the Act has been violated.”

Alleged Violations of the Act

Complainant submits that Respondent violated *N.J.S.A.* 18A:12-24.1(a) (Counts 1 and 2), *N.J.S.A.* 18A:12-24.1(c) (Counts 1 and 5), *N.J.S.A.* 18A:12-24.1(e) (Counts 1 and 5), *N.J.S.A.* 18A:12-24.1(g) (Counts 3-5), and *N.J.S.A.* 18A:12-24.1(i) (Counts 1 and 3-5), and these provisions of the Code provide:

a. I will uphold and enforce all laws, rules and regulations of the State Board of Education, and court orders pertaining to schools. Desired changes shall be brought about only through legal and ethical procedures.

c. I will confine my board action to policy making, planning, and appraisal, and I will help to frame policies and plans only after the board has consulted those who will be affected by them.

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.

g. I will hold confidential all matters pertaining to the schools which, if disclosed, would needlessly injure individuals or the schools. In all other matters, I will provide accurate information and, in concert with my fellow board members, interpret to the staff the aspirations of the community for its school.

i. I will support and protect school personnel in proper performance of their duties.

Pursuant to *N.J.A.C.* 6A:28-6.4(a), a violation(s) of *N.J.S.A.* 18A:12-24.1(a), *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(g), and/or *N.J.S.A.* 18A:12-24.1(i) need to be supported by certain factual evidence, more specifically:

1. Factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(a) shall include a copy of a final decision from any court of law or administrative agency of this State demonstrating that Respondent failed to enforce all laws, rules and regulations of the State Board of Education, and/or court orders pertaining to schools or that Respondent brought about changes through illegal or unethical procedures.

3. Factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(c) shall include evidence that Respondent took board action to effectuate policies and plans without consulting those affected by such policies and plans, or took action that was unrelated to Respondent's duty to (i) develop the general rules and principles that guide the management of the school district or charter school; (ii) formulate the programs and methods to effectuate the goals of the school district or charter school; or (iii) ascertain the value or liability of a policy.

5. Factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(e) shall include evidence that Respondent made personal promises or took action beyond the scope of his duties such that, by its nature, had the potential to compromise the board.

7. Factual evidence of a violation of the confidentiality provision of *N.J.S.A.* 18A:12-24.1(g) shall include evidence that Respondent took action to make public, reveal or disclose information that was not public under any laws, regulations or court orders of this State, or information that was otherwise confidential in accordance with board policies, procedures or practices. Factual evidence that Respondent violated the inaccurate information provision of *N.J.S.A.* 18A:12-24.1(g) shall include evidence that substantiates the inaccuracy of the information provided by Respondent and evidence that establishes that the inaccuracy was other than reasonable mistake or personal opinion or was not attributable to developing circumstances.

9. Factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(i) shall include evidence that Respondent took deliberate action which resulted in undermining, opposing, compromising or harming school personnel in the proper performance of their duties.

Count 1

***N.J.S.A. 18A:12-24.1(a), N.J.S.A. 18A:12-24.1(c), N.J.S.A. 18A:12-24.1(e),
and N.J.S.A. 18A:12-24.1(i)***

In Count 1, Complainant asserts that Respondent violated *N.J.S.A.* 18A:12-24.1(a), *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(e), and *N.J.S.A.* 18A:12-24.1(i) when he targeted

Board members running for election in his social media post, which was misleading as the targeted Board members do not have authority to vote contrary to State directives. Respondent counters that he included a disclaimer on his post indicating that it was his personal opinion, and that the Commission has found Board members retain their free speech right to support candidates for the Board with the use of a disclaimer.

Based on its review, the Commission finds that there are insufficient facts and circumstances presented in the Complaint and Written Statement to lead a reasonable person to believe that *N.J.S.A.* 18A:12-24.1(a), *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(e), and/or *N.J.S.A.* 18A:12-24.1(i) were violated. Respondent's social media post supports certain candidates for the upcoming Board election, while challenging the positions of other candidates. Notably, Respondent used a disclaimer on his post, in all capital letters so that it would be conspicuous, indicating that the statements were made in his capacity as a private citizen and not as a Board member, and also indicated that the views are not representative of the Board or its members. The Commission finds that Complainant has not provided a copy of a final decision from any court of law or other administrative agency demonstrating or specifically finding that Respondent violated a specific law, rule, or regulation when he engaged in any of the acts/conduct set forth in the Complaint (*N.J.S.A.* 18A:12-24.1(a)); Respondent's post, which included a disclaimer and was made to support candidates for a Board election, was not official action to effectuate policies and plans without consulting those affected, as his post was made as a private citizen (*N.J.S.A.* 18A:12-24.1(c)); Respondent did not take action beyond the scope of his duties that had the potential to compromise the Board as he used a disclaimer and made the political speech in his private capacity (*N.J.S.A.* 18A:12-24.1(e)); and Respondent did not take deliberate action to undermine or oppose school personnel as the targeted individuals (Board members) are not school personnel. Therefore, and pursuant to *N.J.A.C.* 6A:28-9.7(b), the Commission dismisses the alleged violations of *N.J.S.A.* 18A:12-24.1(a), *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(e), and *N.J.S.A.* 18A:12-24.1(i) in Count 1.

Count 2
N.J.S.A. 18A:12-24.1(a)

In Count 2, Complainant alleges that Respondent violated *N.J.S.A.* 18A:12-24.1(a) by voting against the approval of the remote school policy, which was a State requirement. Respondent counters that the Complaint did not contain a decision from an administrative agency or court directing Respondent to take action.

After review, the Commission finds that there are insufficient facts and circumstances presented in the Complaint and Written Statement to lead a reasonable person to believe that *N.J.S.A.* 18A:12-24.1(a) was violated. The Commission notes that Board members are permitted to vote in accordance with their own opinions and are not required to vote in a certain way, regardless of the issue. Additionally, Complainant has not provided a copy of a final decision from any court of law or other administrative agency demonstrating or specifically finding that Respondent violated a specific law, rule, or regulation when he engaged in any of the acts/conduct set forth in the Complaint. Consequently, and pursuant to *N.J.A.C.* 6A:28-9.7(b), the Commission dismisses the purported violation of *N.J.S.A.* 18A:12-24.1(a) in Count 2.

Count 3
N.J.S.A. 18A:12-24.1(g) and N.J.S.A. 18A:12-24.1(i)

In Count 3, Complainant asserts that Respondent violated *N.J.S.A. 18A:12-24.1(g)* and *N.J.S.A. 18A:12-24.1(i)* when, at the October 11, 2022, Board meeting, he discussed an email from a community member related to “I Am Here” badges, and stated, “It could lead to so many different possibilities. In my head what if a child approaches someone with an ‘I Am Here’ lanyard and conversations, you know, go someplace they shouldn’t and it ends up going someplace it shouldn’t altogether like a relationship between the two.” Complaint further asserts at the same meeting, Respondent yelled, “are you guys serious?” and said to another Board member, “I can’t listen to anything that comes out of your mouth.” Respondent counters his actual statement was “Are you guys saying that you didn’t understand what this conversation and the lanyards were about until these people came to speak when there were four emails sent to us . . . in the last month? Are you guys serious right now? Come on.”

Following its assessment, the Commission finds that there are insufficient facts and circumstances presented in the Complaint and Written Statement to lead a reasonable person to believe that *N.J.S.A. 18A:12-24.1(g)* and/or *N.J.S.A. 18A:12-24.1(i)* were violated. Complainant has not demonstrated that Respondent made false statements or revealed confidential information. There is no indication that the email from a member of the public read by Respondent was a confidential document. Additionally, Respondent’s alleged statements about the lanyards are opinion statements expressing his viewpoint, not inaccurate factual statements in violation of *N.J.S.A. 18A:12-24.1(g)*. Complainant’s disagreement with Respondent’s opinion expressed at a public Board meeting does not amount to an ethics violation. As to *N.J.S.A. 18A:12-24.1(i)*, whether Respondent became frustrated and made a curt remark to fellow Board members at a public meeting is not action that undermines, opposes, or compromises school personnel in the proper performance of their duties. Further, Board members are not school personnel, so a violation of *N.J.S.A. 18A:12-24.1(i)* cannot be established. Accordingly, and pursuant to *N.J.A.C. 6A:28-9.7(b)*, the Commission dismisses the claimed violations of *N.J.S.A. 18A:12-24.1(g)* and *N.J.S.A. 18A:12-24.1(i)* in Count 3.

Count 4
N.J.S.A. 18A:12-24.1(g) and N.J.S.A. 18A:12-24.1(i)

In Count 4, Complainant contends that Respondent violated *N.J.S.A. 18A:12-24.1(g)* and *N.J.S.A. 18A:12-24.1(i)* when he “attempted to mislead the community and disparage the Superintendent’s reputation and credibility” by falsely denying that he said the lanyards could lead to a “relationship,” and claiming the Superintendent was trying to “assassinate his character” by saying he used the word “relationship.” Additionally, Complainant contends Respondent stated during a public Board meeting that the Superintendent should consider resigning. Respondent maintains that he accurately represented his comments and that he should be permitted to defend what he believes is a mischaracterization of his statements from the prior meeting. Additionally, Respondent asserts he only told the Superintendent to consider resigning at the “culmination of an ongoing argument” in which the Superintendent told Respondent he should be “excused,” and that Respondent’s behavior was “childish.” Respondent argues that

suggesting a superintendent should resign at an open meeting is the same as any other disagreement between a superintendent and a Board member over policy.

Following its assessment, the Commission finds that there are insufficient facts and circumstances presented in the Complaint and Written Statement to lead a reasonable person to believe that *N.J.S.A.* 18A:12-24.1(g) and/or *N.J.S.A.* 18A:12-24.1(i) were violated. Board members are permitted to clarify and/or correct any perceived inaccuracies in their statements from a prior meeting without concern that they will face an ethics charge based on their recollection. As such, Respondent's denial that he said lanyards could lead to a relationship does not amount to a misleading statement in violation of *N.J.S.A.* 18A:12-24.1(g). Additionally, Respondent's comment that the Superintendent should consider resigning did not undermine, compromise, or harm the Superintendent in the performance of his duties. The facts and circumstances demonstrate that it was part of a back-and-forth exchange in which both individuals made quips directed at the other. While the remark about retirement may have been uncalled for, it was not a violation of *N.J.S.A.* 18A:12-24.1(i). Consequently, and pursuant to *N.J.A.C.* 6A:28-9.7(b), the Commission dismisses the claimed violations of *N.J.S.A.* 18A:12-24.1(g) and *N.J.S.A.* 18A:12-24.1(i) in Count 4.

Count 5

***N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(g),
and *N.J.S.A.* 18A:12-24.1(i)**

In Count 5, Complainant asserts that Respondent violated *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(g), and *N.J.S.A.* 18A:12-24.1(i) when he posted on social media that the Board is “not operating the way it was intended to,” it “caves to the administration allowing them to operate unchecked without being held accountable,” that the “[S]uperintendent should be reporting to the board, but this is not happening at the moment,” and that parents who voiced concerns were “belittled” by the Superintendent and told they were in the “cheap seats.” Complaint contends the posts were defamatory, misleading, and crossed the line of political speech. Respondent counters that he has a right to “engage in First Amendment protected political speech as it relates to school board elections,” and that he used a disclaimer to separate his opinion from that of the Board.

Based on its review, the Commission finds that there are insufficient facts and circumstances presented in the Complaint and Written Statement to lead a reasonable person to believe that *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(g), and/or *N.J.S.A.* 18A:12-24.1(i) were violated. Through the use of a disclaimer in all capital letters, indicating that the statements were in his capacity as a private citizen and not as a Board member, and also indicating that the views are not representative of the Board or its members, Respondent engaged in protected political speech as a private person. As the speech was made in Respondent's private capacity, and separate from the Board, it was not “official action” to effectuate policies and plans without consulting those affected, in violation of *N.J.S.A.* 18A:12-24.1(c). The private post was also not action “beyond the scope” of Respondent's duties as a Board member that, by its nature, has the potential to compromise the Board, in violation of *N.J.S.A.* 18A:12-24.1(e). The post does not release confidential information and expresses Respondent's dissatisfaction with how he believes the Board is operating, which is not a

violation of *N.J.S.A.* 18A:12-24.1(g). Finally, Respondent's criticisms of the Superintendent as part of a campaign, in his capacity as a private citizen, does not violate *N.J.S.A.* 18A:12-24.1(i). Consequently, and pursuant to *N.J.A.C.* 6A:28-9.7(b), the Commission dismisses the alleged violations of *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(g), and *N.J.S.A.* 18A:12-24.1(i) in Count 5.

IV. Decision

In accordance with *N.J.S.A.* 18A:12-29(b), and for the reasons detailed herein, the Commission hereby notifies Complainant and Respondent that there are insufficient facts and circumstances pled in the Complaint and in the Written Statement to lead a reasonable person to believe that the Act was violated as averred in the Complaint and, consequently, dismisses the above-captioned matter. *N.J.A.C.* 6A:28-9.7(b).

The within decision is a final decision of an administrative agency and, therefore, it is appealable only to the Superior Court-Appellate Division. *See, New Jersey Court Rule 2:2-3(a).*

Robert W. Bender, Chairperson

Mailing Date: November 28, 2023

***Resolution Adopting Decision
in Connection with C34-23***

Whereas, at its meeting on October 17, 2023, the School Ethics Commission (Commission) considered the Complaint and Written Statement submitted in connection with the above-referenced matter; and

Whereas, at its meeting on October 17, 2023, the Commission discussed finding that the facts and circumstances presented in the Complaint and Written Statement would not lead a reasonable person to believe that the Act was violated and, therefore, dismissing the above-captioned matter; and

Whereas, at its meeting on November 28, 2023, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on October 17, 2023; and

Now Therefore Be It Resolved, that the Commission hereby adopts the decision and directs its staff to notify all parties to this action of its decision herein.

Robert W. Bender, Chairperson

I hereby certify that the Resolution was duly adopted by the School Ethics Commission at its public meeting on November 28, 2023.

Brigid C. Martens, Director
School Ethics Commission