

Before the School Ethics Commission
Docket No.: C21-24
Decision on Probable Cause

Neely Hackett,
Complainant

v.

Randi Stoopler,
Voorhees Township Board of Education, Camden County,
Respondent

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on February 23, 2024, by Neely Hackett (Complainant), Superintendent of the Voorhees Township School District (District), alleging that Randi Stoopler (Respondent), a member of the Voorhees 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(c) (Counts 1-3), *N.J.S.A.* 18A:12-24.1(d) (Counts 1 and 3), *N.J.S.A.* 18A:12-24.1(e) (Counts 1-2) and *N.J.S.A.* 18A:12-24.1(i) (Counts 1-3) of the Code of Ethics for School Board Members (Code).

On April 8, 2024, Respondent filed a Written Statement, and also alleged that the Complaint is frivolous. On April 29, 2024, Complainant filed a response to the allegation of frivolous filing.

The parties were notified by correspondence dated October 15, 2024, that the above-captioned matter would be discussed by the Commission at its meeting on October 22, 2024, in order to make a determination regarding probable cause and the allegation of frivolous filing. Following its discussion on October 22, 2024, the Commission adopted a decision at its meeting on November 26, 2024, 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. The Commission also adopted a decision finding the Complaint not frivolous, and denying Respondent's request for sanctions.

II. Summary of the Pleadings

A. *The Complaint*

In Count 1, Complainant states that on October 10, 2023, she sent an email to "all staff members in the district offering support for the horrific violence that had just occurred in the

Middle East the night before.” Complainant further states she also sent a copy of the email to the Board as “an FYI” on that same day. Subsequently, according to Complainant, Respondent replied to Complainant’s email, noting that she was “disappointed and disgusted” because she believed that Complainant’s email “did not mention Israel but Gaza.” Complainant maintains Respondent then forwarded Complainant’s email to the “Jewish Community to get support.” Complainant notes that although she did not receive any complaints from anyone in the District (except Respondent), she sent an apology email to the staff. Complainant further notes, the Voorhees Township Education Association president contacted Complainant to inform her that she had not received any complaints from staff. Complainant further maintains that Respondent’s forwarding of the email to the “‘Jewish Community to get support’ resulted in an internal email being shared with the community.” Complainant contends Respondent violated *N.J.S.A.* 18A:12-24.1(c) because before consulting with Complainant or the Board, she forwarded an internal email to a specific religious group within the township and that was beyond the scope of her responsibilities as a Board member, and was not confined to policy making, planning, and appraisal, and she did not give Complainant the opportunity to explain; *N.J.S.A.* 18A:12-24.1(d) because Respondent involved herself in activities or functions that are the responsibility of school personnel, insulted Complainant and sought to denigrate and degrade her intentions, labeled her as anti-Semitic, and usurped her authority; *N.J.S.A.* 18A:12-24.1(e) because Respondent compromised Complainant’s relationship with the District’s parents and teachers by insinuating that she is anti-Semitic and implying that the Jewish community needed to address the contents of the email; and *N.J.S.A.* 18A:12-24.1(i) because by sharing an internal email Respondent did not show her support for school personnel, and “assassinat[ed]” Complainant’s character.

In Count 2, Complainant maintains that on January 17, 2024, a newspaper article was published, which related to a legal matter involving her fiancé, but the article did not mention Complainant’s name. According to Complainant, on January 22, 2024, Respondent attended Complainant’s “Superintendent’s Forum” and informed Complainant that she had a copy of the article, and the next day, Respondent contacted the Business Administrator (BA) to schedule an emergency Board meeting to address the article. Complainant asserts that Respondent asked the BA if she saw the article and offered to send it to her, but the BA declined Respondent’s offer to send the article. Complainant further maintains this was another opportunity for Respondent to “embarrass and humiliate” Complainant. Moreover, Respondent contacted an administrator and attempted to discuss a matter related to the administrator’s supervisor that was unrelated to her employment responsibilities. Complainant asserts Respondent violated *N.J.S.A.* 18A:12-24.1(c) because Respondent contacted Complainant’s subordinate in an attempt to pressure her to schedule a special Board meeting, and her actions were not confined to policy making, planning and appraisal nor were they related to framing policies and plans after consulting with the Board; violated *N.J.S.A.* 18A:12-24.1(e) because by circulating an article in her capacity as a Board member, and attempting to involve Complainant in a matter unrelated to Complainant’s employment, she compromised the Board; and violated *N.J.S.A.* 18A:12-24.1(i) because her actions did not support and protect school personnel in the proper performance of her duties as it is another example of Respondent’s “personal vendetta” to “malign” Complainant’s reputation.

In Count 3, Complainant maintains that Respondent was “displeased” with Complainant’s hiring of a consultant as part of a shared services agreement with the Gibbsboro Board of Education, questioned Complainant at the Superintendent Forum on January 22, 2024, about whether Gibbsboro would be covering some of the costs, and then sent an email to the BA inquiring whether Complainant discussed sharing the fees with Gibbsboro. Complainant further maintains that as the Superintendent, she is responsible for making recommendations, and Respondent could have asked questions at the Board meeting and/or voted against the recommendation, instead of posing inquiries to Complainant and her subordinates. Complainant asserts that Respondent’s inquiries to Complainant’s subordinates violates *N.J.S.A. 18A:12-24.1(c)* because Respondent’s actions were not related to policy making, planning and appraisal, nor did they frame policies after consulting the Board; *N.J.S.A. 18A:12-24.1(d)* because her “ongoing suggestions” about and “urging” Complainant to request payment from Gibbsboro, “contradict her role as a Board member” and her “follow up” with the BA is “highly inappropriate” and her actions “typify an attempt to administer the schools”; and *N.J.S.A. 18A:12-24.1(i)* because Respondent “attempted to undermine” Complainant by asking her subordinate whether Complainant had “followed through,” and therefore, she “attempted to interfere and influence” Complainant’s decision, which is “neither supportive or protective” and Respondent’s “directives or suggestions, which involve the day-to-day operations of the district, fall outside of” Respondent’s duties as a Board member.

B. *Written Statement and Allegation of Frivolous Filing*

Respondent argues that Complainant has “failed to present the alleged facts necessary” to support a violation of *N.J.S.A. 18A:12-24.1(c)* in Counts 1 through 3. First, as to Count 1, Respondent maintains that even if true, Complainant’s allegations fail to demonstrate that Respondent took “official action” when she disclosed Complainant’s email that was already “distributed District-wide” to the public without first notifying Complainant that she was doing so. Moreover, Complainant did not provide any evidence to support that Respondent “engaged in conduct that was unrelated to her duty” when she expressed her concern with the content of the email as it related to a very sensitive political issue. On the contrary, Respondent argues that her expression of discontent with the emails “has a direct relationship” with her duties as a Board member “to develop general rules and principles to guide the District’s management.” Regarding a violation of *N.J.S.A. 18A:12-24.1(c)* in Count 2, Respondent asserts Complainant did not allege any facts that would demonstrate that by contacting the BA and offering to provide a copy of an article, Respondent engaged in personal attacks against Complainant or by attempting to schedule a Board meeting to discuss the article, Respondent took “‘official action’ to effectuate a policy or plan.” Respondent further asserts that Complainant’s allegations only amount to “disagreement with and criticism of” Respondent’s alleged conduct. Finally, as to a violation of *N.J.S.A. 18A:12-24.1(c)* in Count 3, Respondent contends that asking questions or seeking clarification from the BA “about possible outside funding for a recent expense that the District had incurred” did not constitute “official action to effectuate policy or plan, nor was it unrelated to a board member’s duty.”

As to a violation of *N.J.S.A. 18A:12-24.1(d)* in Count 1 and Count 3, Respondent initially argues that the Complaint does not contain a claim that Respondent “gave any direct order to

school personnel” nor did she “have, or even attempt to have, any direct involvement in any activities or functions that are the responsibility of school personnel or the day-to-day administration of the District.” More specifically, and as to Count 1, Respondent asserts that the Complaint does not contain any facts to support that Respondent’s criticism and sharing of Complainant’s email to the staff equates to Respondent becoming “directly involved in any activity or function that is the responsibility of school personnel or the day-to-day administration of the District’s schools.” Regarding Count 3, Respondent notes that Complainant’s “own account of the alleged events . . . acknowledges that [Respondent’s] conduct consisted of merely making a suggestion to Complainant and/or urging Complainant to consider asking another local school board to contribute toward the costs of a consultant fee” and is void of an allegation that Respondent gave a direct order to anyone. Moreover, Respondent further notes that “simply” expressing her opinion to Complainant that “it would be advisable of the District to request that [Gibbsboro] agree to contribute toward the costs associated with the consultant’s fee” and then asking the BA whether Complainant followed up on that request, cannot be considered “a direct order to school personnel or becoming directly involved in activities or functions that are the responsibility of school personnel.”

Regarding a violation of *N.J.S.A.* 18A:12-24.1(e) in Count 1 and Count 2, Respondent asserts that although Complainant “may disagree with, and may have been personally offended or upset by,” Respondent’s decision to share Complainant’s email with the local community in Count 1, the Complaint does not contain any evidence to demonstrate that such action had the potential to harm or compromise the Board. According to Respondent, the Board is a separate entity from the Superintendent, and Complainant’s claim that Respondent “compromised her relationship with parents and teachers” by seeking the support from the Jewish community, is not compromising the Board, but rather just Complainant. In addition, Respondent maintains that Complainant did not allege that Respondent’s statements were made on behalf of the Board, rather than on her own behalf, and therefore, she could not have compromised the Board. Furthermore, as to Count 2, alerting an administrator to a news article and requesting a Board meeting to discuss said article, a meeting that never occurred, is not action that could compromise or harm the Board, or action that would place the Board at risk.

As to a violation of *N.J.S.A.* 18A:12-24.1(i) in Counts 1 through 3, Respondent contends that her “strongly held belief that she was ‘disgusted’ by the content of the email communication that Complainant had sent” in Count 1 was opinion based on Complainant’s failure “to properly handle such a sensitive, political, and controversial matter that was receiving worldwide attention” and even assuming Complainant’s allegations are true, Respondent was “entirely within the scope of her free speech rights as a private citizen, which she did not shed when she became a Board member.” Regarding Count 2, Respondent further contends the Complaint does not contain any factual allegations to support that by suggesting to the BA that they discuss the article and then requesting a Board meeting so that the Board could discuss the article, that Respondent took deliberate action that resulted in undermining Complainant. Despite Complainant’s disagreement with Respondent’s proposed meeting, Complainant’s “personal views and opinions” are insufficient to support her burden of proof. As to Count 3, Respondent notes that “the Commission should not become involved every time an administrator and a board member disagree.” Per Respondent, she “simply stated her view and position regarding a school-

related matter to Complainant, by articulating her opinion that the Board would be well-advised to consider seeking a financial contribution from another school board to offset the costs of an expenditure the Board recently approved.”

Finally, Respondent asserts that the Complaint is frivolous, and the Commission should impose a fine on Complainant.

C. *Response to Allegation of Frivolous Filing*

Complainant notes that “[n]o facts are provided to support the claim of frivolous. No explanations are provided by way of case law, nor is there any other indicia of the Complaint being frivolous except for the bald allegation of it being so by Respondent’s counsel.” Complainant avers that the “complexities of the circumstances surrounding these matters respectfully warrant a finding that the Complaint was not frivolous.”

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, based on the conduct more fully detailed above, Respondent violated *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(d), *N.J.S.A.* 18A:12-24.1(e) and *N.J.S.A.* 18A:12-24.1(i). These provisions of the Code provide:

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.

d. I will carry out my responsibility, not to administer the schools, but, together with my fellow board members, to see that they are well run.

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.

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(c), *N.J.S.A.* 18A:12-24.1(d), *N.J.S.A.* 18A:12-24.1(e) and/or *N.J.S.A.* 18A:12-24.1(i) need to be supported by certain factual evidence, more specifically:

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.
4. Factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(d) shall include, but not be limited to, evidence that Respondent gave a direct order to school personnel or became directly involved in activities or functions that are the responsibility of school personnel or the day-to-day administration of the school district or charter school.
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 her duties such that, by its nature, had the potential to compromise the board.
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

In Count 1, Complainant contends that Respondent violated *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(d), *N.J.S.A.* 18A:12-24.1(e) and *N.J.S.A.* 18A:12-24.1(i) by forwarding Complainant's email about District support regarding the violence in the Middle East to the Jewish Community. Respondent counters that sharing an email that was already sent District-wide is not action beyond the scope of her duties, does not involve a direct order to school personnel, did not have the potential to compromise the Board, and her actions were within the scope of her freedom of speech rights.

After review, the Commission finds that there are insufficient facts and circumstances presented in the Complaint and the 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(d), *N.J.S.A.* 18A:12-24.1(e) and/or *N.J.S.A.* 18A:12-24.1(i) were violated. The Commission notes that Complainant's email was sent to all District staff members as well as the Board, and accordingly, there should not have been an expectation that the email was confidential. The Commission notes that while Complainant appropriately attempted to resolve any concern regarding the email directly with Respondent and

sent an apology email to the District staff, Respondent's actions in sharing the email with community members is not an ethical violation. Although Respondent could have had a conversation with Complainant and/or accepted Complainant's apology rather than escalating the situation, Respondent nevertheless did not take "board action" to effectuate policies or plans or action unrelated to her duties, and contrary to Complainant's argument, she was not required to consult with the Board prior to forwarding the public email (*N.J.S.A.* 18A:12-24.1(c)). Additionally, the Complaint is devoid of any allegations as to what direct order Respondent gave to school personnel or how Respondent involved herself in activities or functions that are the responsibility of school personnel by expressing dissatisfaction to Complainant regarding her email and then sharing it with community members (*N.J.S.A.* 18A:12-24.1(d)). Further, Respondent's actions did not have the potential to compromise the Board as Respondent's email was not sent on behalf of the Board and does not reflect the Board as a whole (*N.J.S.A.* 18A:12-24.1(e)). Finally, even if Respondent's actions implied to the community that she disagreed with Complainant's email, it does not rise to the level of undermining, opposing, compromising or harming Complainant in the proper performance of her duties (*N.J.S.A.* 18A:12-24.1(i)). Therefore, and pursuant to *N.J.A.C.* 6A:28-9.7(b), the Commission dismisses the alleged violation(s) of *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(d), *N.J.S.A.* 18A:12-24.1(e) and *N.J.S.A.* 18A:12-24.1(i) in Count 1.

Count 2

In Count 2, Complainant asserts that Respondent violated *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 she told Complainant at a Superintendent's forum that she had a copy of an article about Complainant's fiancé, and when she contacted the BA and requested to schedule an emergency Board meeting to address the article. Respondent counters that alerting an administrator to a news article and requesting a meeting is not official action to effectuate a policy or plan, does not place the Board at risk, nor does it undermine Complainant.

Following its assessment, the Commission finds that there are insufficient facts and circumstances presented in the Complaint and the 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) and/or *N.J.S.A.* 18A:12-24.1(i) were violated. The Commission finds that while Respondent could have spoken to Complainant at a more appropriate time than a Superintendent's forum, Respondent was not prohibited from discussing a public news article with Complainant and/or the BA and suggesting that a meeting be scheduled. Respondent did not take board action to effectuate a policy or plan or action unrelated to her duties as a meeting did not occur on the topic and making a suggestion does not violate *N.J.S.A.* 18A:12-24.1(c), nor does it compromise the Board in violation of *N.J.S.A.* 18A:12-24.1(e). Additionally, Respondent's request to schedule a Board meeting that did not occur did not result in undermining, opposing, compromising or harming Complainant, and as such did 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 violation(s) of *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 2.

Count 3

In Count 3, Complainant contends that Respondent violated of *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(d) and *N.J.S.A.* 18A:12-24.1(i) when she questioned Complainant at a Superintendent's Forum about whether Gibbsboro would be sharing the costs in a shared services agreement, and then contacted the BA asking whether Complainant had discussed cost sharing with Gibbsboro. Respondent counters that asking questions and seeking clarification from the BA about funding for expenses is not unrelated to her duty as a Board member, did not involve a direct order to anyone, and was simply an expression of her opinion.

Based on its review, the Commission finds that there are insufficient facts and circumstances presented in the Complaint and the 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(d) and/or *N.J.S.A.* 18A:12-24.1(i) were violated. Respondent, as a Board member, is permitted to have opinions or questions regarding the funding of a shared services agreement. While it may have been inappropriate to question Complainant about the agreement at a Superintendent's Forum rather than at a Board meeting, it is not an ethical violation. Respondent's questions and opinion were not action to effectuate a policy or plan or unrelated to her duties (*N.J.S.A.* 18A:12-24.1(c)). Respondent did not make a direct order to school personnel or become involved in the day-to-day administration of the school as the issue of the shared services agreement would involve the Board (*N.J.S.A.* 18A:12-24.1(d)). Finally, Respondent was permitted to express concerns about the funding of the shared services agreement, and such an inquiry does not undermine, oppose, compromise or harm school personnel (*N.J.S.A.* 18A:12-24.1(i)). Accordingly, and pursuant to *N.J.A.C.* 6A:28-9.7(b), the Commission dismisses the alleged violation(s) of *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(d) and *N.J.S.A.* 18A:12-24.1(i) in Count 3.

IV. Request for Sanctions

At its meeting on October 22, 2024, the Commission considered Respondent's request that the Commission find the Complaint frivolous, and impose sanctions pursuant to *N.J.S.A.* 18A:12-29(e). Despite Respondent's argument, the Commission cannot find evidence that might show that Complainant filed the Complaint in bad faith or solely for the purpose of harassment, delay, or malicious injury. The Commission also does not have information to suggest that Complainant knew or should have known that the Complaint was without any reasonable basis in law or equity, or that it could not be supported by a good faith argument for an extension, modification or reversal of existing law. *N.J.A.C.* 6A:28-1.2. Therefore, at its meeting on November 26, 2024, the Commission adopted a decision finding the Complaint not frivolous, and denying the request for sanctions.

V. 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 alleged in the Complaint and, consequently, dismisses the

above-captioned matter. *N.J.A.C.* 6A:28-9.7(b). The Commission further advises the parties that, following its review, it voted to find that the Complaint is not frivolous, and to deny Respondent's request for sanctions.

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)*. Under *New Jersey Court Rule 2:4-1(b)*, a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.

Robert W. Bender, Chairperson

Mailing Date: November 26, 2024

***Resolution Adopting Decision
in Connection with C21-24***

Whereas, at its meeting on October 22, 2024, the School Ethics Commission (Commission) considered the Complaint, the Written Statement and allegation of frivolous filing, and the response to the allegation of frivolous filing submitted in connection with the above-referenced matter; and

Whereas, at its meeting on October 22, 2024, the Commission discussed finding that the facts and circumstances presented in the Complaint and the 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 October 22, 2024, the Commission discussed finding the Complaint not frivolous, and denying the request for sanctions; and

Whereas, at its meeting on November 26, 2024, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on October 22, 2024; 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 26, 2024.

Brigid C. Martens, Director
School Ethics Commission