

Before the School Ethics Commission
Docket No.: C15-25
Decision on Probable Cause

**Sandra Dvoor,
Complainant**

v.

**Dorothea Kellogg,
Hunterdon Central Regional High School Board of Education, Hunterdon County,
Respondent**

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on February 11, 2025, by Sandra Dvoor (Complainant) alleging that Dorothea Kellogg (Respondent), a member of the Hunterdon Central Regional High School 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(b)* and *N.J.S.A. 18A:12-24(c)*, as well as *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(f)* and *N.J.S.A. 18A:12-24.1(i)* of the Code of Ethics for School Board Members (Code). Respondent filed a Written Statement on March 17, 2025.

The parties were notified by correspondence dated October 21, 2025, that the above-captioned matter would be discussed by the Commission at its meeting on October 28, 2025, in order to make a determination regarding probable cause. Following its discussion on October 28, 2025, the Commission adopted a decision at its meeting on November 25, 2025, 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

Complainant provides that she filed a previous ethics complaint against Respondent alleging that Respondent violated the School Ethics Act. As part of her Written Statement in the previous complaint, Respondent provided a certification from the newly hired Superintendent (Cangelosi-Hade) to support her argument.

Complainant maintains that the Board “did not publicly authorize [R]espondent to request or demand such a Certification from Superintendent Cangelosi-Hade.” Complainant further maintains “there is no indication that the Board knew [R]espondent was directing the

Superintendent to make a Certification” or that the Board “discussed [R]espondent’s ethics litigation or a proposed Certification in Executive session.” Complainant asserts “the only way Superintendent Cangelosi-Hade would have made such a Certification would be if she were requested or directed to do so by Respondent.”

Complainant alleges Respondent violated *N.J.S.A.* 18A:12-24(b) because she “unilaterally contacted the Superintendent” and requested or directed the Superintendent, an employee of the Board, and the only individual whom the Board is responsible for hiring and evaluating, to provide a certification, which creates an “untenable position for the employee.” As such, Complainant asserts Respondent used her position, as “one of Superintendent Cangelosi-Hade’s bosses to secure an unwarranted privilege in the form of preemptive evidence to be used in her defense against allegations that she took private action to compromise the Board.”

Complainant further asserts Respondent violated *N.J.S.A.* 18A:12-24(c), because she used her position as a Board member to direct the Superintendent to produce a certification to benefit her defense against an ethics complaint.

Complainant also asserts Respondent violated *N.J.S.A.* 18A:12-24.1(c), because her action was “related **only to her personal desire** to unburden herself from an allegation that she violated the [Code].” (emphasis in original).

Complainant contends Respondent violated *N.J.S.A.* 18A:12-24.1(e) by taking private action and directing the Superintendent to make a certification in her official capacity as Superintendent without seeking the Board’s approval, which had the potential to compromise the Board.

Complainant further contends that Respondent violated *N.J.S.A.* 18A:12-24.1(f) because she used the schools (Superintendent) to acquire a benefit, the certification, for herself “that does not benefit anyone but Respondent.”

Complainant also contends that Respondent violated *N.J.S.A.* 18A:12-24.1(i) because “rather than supporting” the Superintendent “in the proper performance of her duties,” Respondent used the “new” Superintendent for “an improper purpose for the sole purpose of benefitting [R]espondent.”

B. *Written Statement*

Respondent initially argues that the allegations are “both legally and factually unfounded” and provides that she is “statutorily authorized to defend herself against ethics charges that could result in disciplinary sanctions.” Furthermore, Respondent maintains “the information contained in the certification was limited to factual matters placed at issue by Complainant’s own allegations.”

Respondent asserts that “[d]ue process requires that a board member be afforded a meaningful opportunity to protect their own interests without jeopardizing their elected position or facing the prosecution of additional ethics charges as a result of exercising this right.”

Moreover, the Superintendent's testimony was necessary to determine whether the allegations in the earlier complaint were unfounded and Respondent's request for the Superintendent to confirm (or deny) the allegations is not an unwarranted privilege. Respondent also provided a copy of the email request, which she states, "in no way attempted to leverage her position to obtain the Certification."

Finally, Respondent argues that Complainant did not provide any evidence to support that Respondent's "efforts to defend herself against [an ethics complaint] constituted official board action or that the Superintendent reasonably perceived it as such" nor did the request have anything to do with Board business. In sum, Respondent asked that the Superintendent provide truthful testimony to defend herself regarding the allegations in the earlier ethics complaint. Respondent notes the certification from the Superintendent does not "confer any benefit upon her or amount to personal gain," nor did it undermine or interfere with the Superintendent's professional responsibilities.

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(b) and *N.J.S.A.* 18A:12-24(c), and these provisions of the Act state:

b. No school official shall use or attempt to use his official position to secure unwarranted privileges, advantages or employment for himself, members of his immediate family or others;

c. No school official shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial involvement that might reasonably be expected to impair his objectivity or independence of judgment. No school official shall act in his official capacity in any matter where he or a member of his immediate family has a personal involvement that is or creates some benefit to the school official or member of his immediate family;

In order to credit a violation of *N.J.S.A.* 18A:12-24(b), Complainant must provide sufficient factual evidence that Respondent used or attempted to use her official position to secure an unwarranted privilege, advantage or employment for herself, members of her immediate family, or "others."

To credit a violation of *N.J.S.A. 18A:12-24(c)*, Complainant must provide sufficient factual evidence that Respondent acted in her official capacity in a matter where she, or a member of her immediate family, had a direct or indirect financial involvement that might reasonably be expected to impair her objectivity, or in a matter where she had a personal involvement that created some benefit to her, or to a member of her immediate family.

Complainant further submits 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(f)* and *N.J.S.A. 18A:12-24.1(i)*, and 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.

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.

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.

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(e)*, *N.J.S.A. 18A:12-24.1(f)* 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.

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.

6. Factual evidence of a violation of *N.J.S.A. 18A:12-24.1(f)* shall include evidence that Respondent took action on behalf of, or at the request of, a special interest group or persons organized and voluntarily united in opinion and who

adhere to a particular political party or cause; or evidence that Respondent used the schools in order to acquire some benefit for herself, a member of her immediate family or a friend.

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.

As an initial matter, pursuant to the Commission's regulations, specifically *N.J.A.C. 6A:28-7.2*, "upon receipt of the complaint from the Commission, the respondent shall file a written statement. The written statement shall fully and completely advise the parties and the Commission as to the nature of the respondent's defenses for each allegation, including any grounds upon which dismissal should be granted . . . Evidentiary support must be provided, when possible, pursuant to the standards at *N.J.A.C. 6A:28-9.3*." The Commission expects that as part of a Respondent's Written Statement that items, including certifications, will be submitted as part of the evidentiary support needed for the Commission to make a probable cause finding.

With the above in mind, 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(b)*, *N.J.S.A. 18A:12-24(c)*, *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(f)* and/or *N.J.S.A. 18A:12-24.1(i)* were violated. As required by *N.J.S.A. 18A:12-24(b)*, Complainant has not shown how Respondent used or attempted to use her official position to secure an unwarranted privilege, advantage or employment for herself when she asked the Superintendent for a certification as only the Superintendent could produce the said certification needed for her defense. As for a violation of *N.J.S.A. 18A:12-24(c)*, Complainant has not shown how Respondent acted in her official capacity when she asked the Superintendent to submit a certification as part of her defense. In addition, Complainant has not shown what, if any, Board actions Respondent took in this matter as required by *N.J.S.A. 18A:12-24.1(c)*. With respect to *N.J.S.A. 18A:12-24.1(e)*, Complainant has not shown that Respondent made any personal promises or took action beyond the scope of her duties when she asked the Superintendent for a certification to use in her school ethics case defense. As for *N.J.S.A. 18A:12-24.1(f)*, Complainant has not demonstrated how by asking the Superintendent to submit a certification as part of her defense in an ethics case, Respondent attempted to use the schools, when the regulations require evidentiary support. Finally, as for *N.J.S.A. 18A:12-24.1(i)*, Complainant has not shown how asking the Superintendent to submit a certification was an attempt to undermine, oppose, compromise or harm the Superintendent in the proper performance of her duties.

Accordingly, 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(b)*, *N.J.S.A. 18A:12-24(c)*, *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(f)* and *N.J.S.A. 18A:12-24.1(i)*.

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 alleged 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)*. 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 25, 2025

***Resolution Adopting Decision
in Connection with C15-25***

Whereas, at its meeting on October 28, 2025, the School Ethics Commission (Commission) considered the Complaint and the Written Statement submitted in connection with the above-referenced matter; and

Whereas, at its meeting on October 28, 2025, 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 November 25, 2025, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on October 28, 2025; 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 25, 2025.

Brigid C. Martens, Director
School Ethics Commission