

Before the School Ethics Commission
OAL Docket No.: EEC-16019-24
SEC Docket No.: C18-24
Final Decision

**In the Matter of Sheila Brogan,
Ridgewood Board of Education, Bergen County,
Respondent**

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on February 20, 2024, by Laurie Weber (Complainant), alleging that Sheila Brogan (Respondent), a member of the Ridgewood Board of Education (Board), violated the School Ethics Act (Act), *N.J.S.A. 18A:12-21 et seq.* More specifically, the Complaint alleged that Respondent violated *N.J.S.A. 18A:12-24(b)* (Counts 1 and 2), as well as *N.J.S.A. 18A:12-24.1(g)* (Count 2) of the Code of Ethics for School Board Members (Code). On March 21, 2024, Respondent filed a Written Statement.

At its meeting on October 22, 2024, the Commission adopted a decision finding that there are sufficient facts and circumstances pled in the Complaint and in the Written Statement to lead a reasonable person to believe that *N.J.S.A. 18A:12-24(b)* was violated in Count 1, but insufficient facts and circumstances to lead a reasonable person to believe that *N.J.S.A. 18A:12-24(b)* and/or *N.J.S.A. 18A:12-24.1(g)* were violated in Count 2. Based on its finding of probable cause, the Commission transmitted the remaining allegation in the above-captioned matter to the Office of Administrative Law (OAL) for a hearing.

At the OAL, Petitioner filed a motion for summary decision on July 14, 2025, and Respondent filed a cross-motion for summary decision on August 14, 2024. After Petitioner filed a reply on September 5, 2025, the record closed. Thereafter, the Administrative Law Judge (ALJ) issued an Initial Decision on September 23, 2025, concluding that Respondent violated *N.J.S.A. 18A:12-24(b)*, and recommending a penalty of 60-day suspension. Respondent filed exceptions to the Initial Decision, in accordance with *N.J.A.C. 1:1-18.4*, and Petitioner filed a reply thereto.

At its meetings on October 28, 2025, and November 25, 2025, the Commission considered the full record in this matter, and at its meeting on December 16, 2025, the Commission voted to adopt the ALJ's findings of fact, reject the ALJ's legal conclusion that Respondent violated *N.J.S.A. 18A:12-24(b)*, and dismiss the above-captioned matter.

II. Initial Decision

Based on a Joint Stipulation of Facts, the ALJ issued the following findings of fact:

- Respondent has been serving on the Board since 1996 and has been the Board President since 2024.
- On October 30, 2020, Laurie Weber filed a complaint against Respondent in a previous matter (C71-20) with the Commission and after finding probable cause, the Commission transmitted the matter to the OAL.
- Following proceedings at the OAL, the Commission adopted a decision on February 25, 2022, finding Respondent in violation of the Act and recommending a penalty of censure.
- Rather than filing an appeal of the Commission's decision with the Commissioner of Education (Commissioner) pursuant to *N.J.A.C. 6A:4-1.3(c)(2)* and *-2.2(b)*, Respondent filed a notice of appeal with the Appellate Division on March 9, 2022.
- Pursuant to its review under *N.J.A.C. 6A:4-1.3(c)(3)*, the Commissioner issued a decision adopting the Commission's decision and the recommended penalty of censure.
- On June 21, 2023, the Appellate Division dismissed the matter for lack of jurisdiction.
- Thereafter, Respondent filed an appeal with the Commissioner on July 10, 2023.
- On October 18, 2023, the Commissioner dismissed Respondent's appeal as untimely, again concurring with the Commission's decision and recommended penalty of censure.
- On November 11, 2023, Respondent submitted a Notice of Appeal of the Commissioner's October 18, 2023, decision in the Appellate Division.
- On November 28, 2023, the Commission adopted a Resolution of Censure and emailed a copy to the Business Administrator (BA) to be read at the next meeting, which was scheduled for December 4, 2023.
- On November 30, 2023:
 - A draft agenda for the December 4, 2023, Board meeting included a reading of the censure.
 - The Board President forwarded Respondent a copy of the censure, and then he emailed the Superintendent to advise that Respondent told him that there was a pending appeal of C71-20 in the Appellate Division.
 - Respondent's attorney then emailed the Superintendent and copied Respondent to advise that “[o]nce we exhausted administrative remedies, the appeal was reasserted on 11/11/23. There should be no Board reading while the appeal is pending.”
 - Board counsel advised the Superintendent to ask Respondent's attorney to “apply for a Stay with the Appellate Division.”
- On December 1, 2023:
 - The Superintendent emailed the Board President, Respondent, and Board counsel, indicating that he spoke with the Executive County Superintendent (ECS), and he agrees that a stay would need to be requested through the Appellate Division, but that he “should defer this matter to the Board President” and that “the District should leave the ethics resolution off the publicly released version of the agenda until advised otherwise by the Board President.”
 - The Board published its agenda for the December 4, 2023, Board meeting, which did not include a reading of the censure.
- On December 4, 2023:
 - Weber “voice[d] her concern” that the censure related to C71-20 was not on the agenda.

- The Board President emailed the Superintendent, copying Respondent, asking whether Respondent received a stay of the order to read the censure, and the Superintendent responded that he had not received a staying order.
- Respondent replied to the Superintendent and Board President, stating “The request for a Stay of the reading was denied. I will have a statement to read. See you tonight.”
- The agenda for the December 4, 2023, meeting was never changed to include the statement that a reading of the censure would take place.
- The censure was read at the December 4, 2023, meeting, and it was posted in the minutes and in locations where the Board publishes notices.
- On January 17, 2024, Brogan filed a letter with the Appellate Division withdrawing her appeal of C71-20.

Initial Decision at 3-7.

Although not set forth in the parties’ joint stipulation of facts, the ALJ also found that the Board President’s email to the Superintendent on November 30, 2023, stated, “I informed Sheila of the upcoming resolution and she said she was not aware of the appeal being denied . . . wanted you to be aware that they are still under the impression that the appeal is moving forward” *Id.* at 7. Finally, the ALJ found that, as reflected in the email, Respondent actively discussed the “upcoming resolution” with the Board President on November 30, 2023. *Ibid.*

The ALJ noted that “the Board president’s November 30, 2023 email demonstrated that [Respondent] communicated with him at least twice about the Censure appearing on the agenda.” *Id.* at 8. According to the ALJ, Respondent’s first communication was her response to the Board President when he informed her of the Censure via the emailed agenda, and the second communication was Respondent’s follow up email to the Board President, “which was quoted and redacted in his November 30th email.” *Id.* at 8-9. The ALJ indicated that Respondent argues these “communications were not made in an effort to keep the Censure off the agenda: yet it appears they were.” *Id.* at 9. The ALJ further indicated when Respondent received the email from the Board President, Respondent did not have to respond. *Ibid.* The ALJ noted Respondent could have simply forwarded the email to her attorney, and asked him to respond on her behalf; however, Respondent “spoke directly to the Board president about the matter and then provided follow-up information to him in an email.” *Ibid.* Moreover, the ALJ noted “the clear implication of [Respondent’s] statement to the Board president (‘that she was not aware of the appeal being denied’) was that she was challenging the Censure being placed on the agenda or, at best, questioning if the Censure should be placed on the agenda, because she purportedly had an appeal pending.” *Ibid.*

According to the ALJ, Respondent’s actions “created the appearance of impropriety.” *Ibid.* The ALJ found regardless of her intent, “the mere fact that [Respondent] communicated with the Board president about her own Censure is improper.” *Ibid.* In fact, the ALJ further found Respondent’s “communications actually did result in her Censure being removed from the Board agenda, thereby limiting the public’s awareness that it would be read.” *Ibid.* The ALJ noted although there were other communications related to the agenda, it was Respondent’s two

emails to the Board President that “precipitated the lengthy exchange of emails on the issue.” *Id.* at 9-10.

The ALJ found it noteworthy that the censure at issue in this case stems from the Commission’s admonition to Respondent that recusal “is absolute.” *Id.* at 10. Despite this, Respondent “immediately did the very thing she was warned against.” *Ibid.* Therefore, the ALJ concluded that Respondent violated *N.J.S.A. 18A:12-24(b)*. *Ibid.*

The ALJ asserted that Respondent is “an extremely experienced Board member, having served for [29] years” and this is her second infraction. *Id.* at 11. The ALJ further asserted Respondent “was just admonished by the SEC to recuse herself from any and all discussions about matters in which she has a conflict of interest.” *Ibid.* Yet, per the ALJ, “immediately after receiving that decision … she again engaged in discussions about a matter in which she had a conflict of interest; her own Censure.” *Ibid.* Therefore, in light of the previous censure, the ALJ concluded that Respondent must be suspended for 60 days. *Ibid.*

III. Exceptions

Respondent’s Exceptions

Respondent initially argues that the ALJ’s conclusion is “based on misapplication of the statute to the specific and undisputed facts of this matter.” Respondent further argues that the communications between her and the Board President “were neither improper, nor did they constitute an effort to secure any unwarranted privilege, advantage, or treatment in violation of the Act.” Per Respondent, the communications were “routine” and “related to the administration and procedural handling of a School Ethics matter pending.”

As to the conclusion that she violated *N.J.S.A. 18A:12-24(b)*, Respondent maintains the “record is devoid of any evidence that [Respondent] used her position to seek or obtain an unwarranted benefit or advantage.” Respondent further maintains the communication was initiated by the Board President, was “centered around the status of a pending appeal and the procedural question of whether an appeal was pending.” Respondent notes her actions were within the bounds of what is expected as a Board member and it cannot be determined that the communications were “designed to ‘secure an unwarranted privilege or advantage,’ particularly when no advantage was actually obtained and [Respondent] and the District’s administration complied with the eventual reading of’ the Resolution.”

Moreover, Respondent asserts that the ALJ’s finding that Respondent was prohibited from having any communication with other Board members related to the Resolution, even though she was the subject of the matter, “is unreasonable.” Respondent further asserts a “blanket ban on communication, regardless of content, chills essential governance dialogue and fails to distinguish between protected, procedural discussions and actual ethical misconduct.” According to Respondent, there was not a procedural delay in the public reading of the Resolution, and it was not included on the agenda because of “real-time confusion” not because Respondent manipulated the agenda. Respondent contends she did not abuse her official position, but rather this was a “good-faith effort to ensure that the Board complied with legal requirements amidst unclear appellate guidance.”

In sum, Respondent maintains she did not participate in any executive session discussion about the Resolution or about removing the Resolution from the agenda. Respondent further maintains she relied upon the advice of counsel, and communicated about the status of her appeal, and therefore, requests that the Commission reject the ALJ's findings.

Petitioner's Reply to Respondent's Exceptions

Petitioner initially states that the Initial Decision "should be adopted in its entirety because it is well reasoned and the conclusions are amply supported by evidence." According to Petitioner, the ALJ found, based on the November 30, 2023, email exchange that Respondent "actively discussed the 'upcoming resolution' – the Censure issued against her – with Lembo, the Board president," on that day. Petitioner maintains that Respondent "admits that her undisputed communications show that she 'sought information about whether the resolution could or should be read while a pending appeal was unresolved[,] which she characterizes as a 'routine and expected interaction[] between elected members of a Board of Education, related to the administration and procedural handling of a School Ethics matter pending.'" Petitioner further maintains that although she admits this, she "denies that these same communications can reasonably be seen as an attempt to secure the unwarranted advantage of removing the Resolution of Censure from the agenda." Moreover, Petitioner notes that Respondent "does not provide any support for any of her legal contentions" but rather reiterates the arguments she presented to the ALJ, and therefore, "do not warrant overturning the Initial Decision."

Petitioner asserts, as to Respondent's argument that the ALJ's determination was a "misapplication of *N.J.S.A. 18A:12-24(b)*," that the ALJ correctly noted, "the Censure at issue in this case stems from the [Commission's] admonition to [Respondent] 'that when, as here, a school official has a conflict of interest regarding a matter, recusal from any and all discussion...is absolute.'" Per Petitioner, despite this, Respondent "continues to insist that she was permitted to participate in discussions with other Board members about C71-20." Regarding Respondent's argument that "there was no procedural infirmity because the resolution was eventually read," Petitioner notes she is incorrect, because the matter was kept off the agenda as a result of Respondent's "outreach," and "the public was less aware than it could have been of her censure." Consequently, the "process was impacted by her conduct." Moreover, Petitioner contends that the record indicates that Respondent's "conduct created the appearance of impropriety, which is sufficient to sustain a violation of *N.J.S.A. 18A:12-24(b)*." Petitioner notes that a violation of *N.J.S.A. 18A:12-24(b)* "doesn't turn solely on evidence that a board member succeeded in using their official position to take actions that would secure benefits for themselves or others."

As to the penalty, Petitioner agrees with the ALJ and notes this was Respondent's "second infraction" and she "engaged in discussions about a matter in which she had a conflict of interest (her own Censure) almost immediately after receiving the Commission's decision in C71-20." According to Petitioner, Respondent does not "address why the ALJ was wrong to find her significant experience as a Board member, the close proximity of her infractions, and the fact that her second infraction was for conduct that the Commission specifically admonished her to refrain from, are aggravating factors that require an escalation of penalty," but rather she

“reasserts the argument that her offense is mitigated by the fact that the Resolution of Censure was read at the December 4, 2024, Board meeting, and the fact that . . . she did not ‘participate in any discussions in which the Board would take formal action . . . about the Resolution of Censure or about removing the resolution’ from the agenda.” Finally, Petitioner notes that whether the “Resolution of Censure was read or whether [Respondent] participated in such discussions had nothing to do with the Commission’s probable cause finding in this matter, let alone the aggravating factors (experience, proximity, earning) the ALJ relied upon to make a penalty determination,” and therefore, the penalty determination “was amply supported by the record and proper case law, and the Commission should find likewise.”

IV. Analysis

Upon a careful, thorough, and independent review of the record, the Commission adopts the ALJ’s findings of fact, rejects the legal conclusion that Respondent violated *N.J.S.A. 18A:12-24(b)*, and dismisses this matter.

N.J.S.A. 18A:12-24(b) prohibits school officials from using or attempting to use their official position to secure unwarranted privileges, advantages or employment for themselves, members of their immediate family or others. The record does not demonstrate that Respondent contacted the Board President to lobby for her censure to be delayed. Instead, the Board President, on his own, reached out to Respondent regarding the censure appearing on the agenda. The behavior at issue is Respondent’s reply to the Board President, in which she informed him that she had an appeal pending, which was accurate. The Commission finds that Respondent’s communication with the Board President updating him on the procedural status of her case does not amount to an attempt to use her official position to secure an unwarranted privilege or advantage. Unlike in C71-20, Respondent here did not fail to recuse herself from a deliberation on a matter in which she had a conflict. Instead, Respondent informed the Board President, in response to communication initiated by the Board President, of the fact that she had filed an appeal of C71-20. Respondent was not trying to influence the Board President when she shared this information but was making sure the Board had the correct information at the time. Further, the factual findings demonstrate that it was the ECS, and not Respondent, who advised the Superintendent to “leave the ethics resolution off the publicly released version of the agenda until advised otherwise by the Board President.” Accordingly, it has not been established that Respondent attempted to block her censure from being enforced. In fact, when the Board President emailed to ask Respondent whether the censure had been stayed, she responded and informed the Board President and the Superintendent that the stay was denied. Again, Respondent simply responded to an email with procedural information, updating the Board leadership about the status of her case. Notably, the censure was read in public, and it was posted in the minutes and publicly in locations where the Board publishes notices. As such, the Commission finds that Respondent did not violate *N.J.S.A. 18A:12-24(b)*.

Consequently, the Commission finds that this matter should be dismissed.

V. Decision

For the aforementioned reasons, the Commission adopts the ALJ's findings of fact, rejects the legal conclusion that Respondent violated *N.J.S.A. 18A:12-24(b)*, and dismisses the above-captioned matter.

Therefore, this is a final agency decision and is appealable only to the Superior Court-Appellate Division. *See, N.J.A.C. 6A:28-9.10(b)* and *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: December 16, 2025

***Resolution Adopting Decision
in Connection with C18-24***

Whereas, at its meeting on October 22, 2024, the School Ethics Commission (Commission) voted to transmit the above-captioned matter to the Office of Administrative Law (OAL) for a hearing; and

Whereas, the Administrative Law Judge (ALJ) issued an Initial Decision dated September 23, 2025; and

Whereas, the ALJ found that Respondent violated *N.J.S.A. 18A:12-24(b)* and recommended a penalty of 60-day suspension; and

Whereas, Respondent filed exceptions to the Initial Decision, and Petitioner filed a reply to Respondent's exceptions; and

Whereas, at its meetings on October 28, 2025, and November 25, 2025, the Commission reviewed the record in this matter, discussed adopting the ALJ's findings of fact, rejecting the legal conclusion that Respondent violated *N.J.S.A. 18A:12-24(b)*, and dismissing the above-captioned matter; and

Whereas, at its meeting on December 16, 2025, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meetings on October 28, 2025, and November 25, 2025; and

Now Therefore Be It Resolved, the Commission hereby adopts the within decision.

Robert W. Bender, Chairperson

I hereby certify that this Resolution was duly adopted by the School Ethics Commission at its meeting on December 16, 2025.

Brigid C. Martens, Director
School Ethics Commission