

Before the School Ethics Commission
Docket No.: C25-24
Decision on Probable Cause

**Heather Stott-Mason,
*Complainant***

v.

**Leigh McMichael, Lauren Collier, Kurt Morris,
Walter Knapp, LeeAnne Pitzer, and Christina Longo-Keiling,
Sparta Board of Education, Sussex County,
*Respondents***

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on March 1, 2024, by Heather Stott-Mason (Complainant), alleging that Leigh McMichael (Respondent McMichael), Lauren Collier (Respondent Collier), Kurt Morris (Respondent Morris), Walter Knapp (Respondent Knapp), LeeAnne Pitzer (Respondent Pitzer), Christina Longo-Keiling (Respondent Longo-Keiling) (collectively, Respondents), members of the Sparta 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 Respondents violated *N.J.S.A. 18A:12-24.1(f)* of the Code of Ethics for School Board Members (Code). Respondents filed a Written Statement on April 12, 2024, and also alleged that the Complaint was frivolous. Complainant filed a response to the allegation of frivolous filing on May 9, 2024.

The parties were notified by correspondence dated January 21, 2025, that the above-captioned matter would be discussed by the Commission at its meeting on January 28, 2025, in order to make a determination regarding probable cause and the allegation of frivolous filing. Following its discussion on January 28, 2025, the Commission adopted a decision at its meeting on February 18, 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. The Commission also adopted a decision finding the Complaint not frivolous, and denying Respondents' request for sanctions.

II. Summary of the Pleadings

A. *The Complaint*

By way of background, Complainant provides that Respondents ran for the Board together in November 2022 as "parental rights" candidates "under the slogan 'Students First.'" Further, they were "openly supported" by the local Republican political party, "the Sussex GOP

[(GOP)].” On September 7, 2023, the GOP hosted the Sussex County Republicans’ Salute to Freedom award night, which was promoted on various social media platforms and the GOP’s website. Respondents McMichael, Knapp, Longo-Keiling and Pitzer attended the event in person and accepted awards on their own behalf, as well as on behalf of Respondents, Collier and Morris, who were unable to attend. Complainant maintains that these six Respondents “have demonstrated an allegiance, both direct and implied, to their local Republican group, as demonstrated by their acceptance of awards and the policy-making that preceded and immediately followed the political event.”

Complainant maintains that “any reasonable person would deduce all six current and former [Board] members accepted the awards in their capacity as [Board] members during the event.” Namely, each Respondent had a caption on YouTube under their respective name which read, “Sparta Board of Education”; the TapInto news coverage headlined, “the Sparta Board of Education as the award recipient,” and the speakers’ remarks throughout the night mentioned the Board. Complainant further maintains that Respondent McMichael spoke about her past policy changes during her award acceptance speech and announced her intention for “future policy decision-making in collaboration with the shared ‘values’ of the” GOP. Respondent McMichael also read a similar statement on behalf of Respondent Collier, who was not present at the event. Moreover, all six Respondents “utilized their roles in their official capacities as [Board] members for the sake of personal gain (awards).”

Complainant asserts that Respondents “are indefinitely compromised after surrendering their independent judgment to this political group and are unable to successfully execute their roles as sworn, having compromised their future policy decision-making in exchange for political awards and potential fundraising,” including decisions such as the transgender policy in October 2023 and removing books. Complainant further asserts Respondents violated *N.J.S.A.* 18A:12-24.1(f) because they are “permanently compromised and cannot successfully represent all students as they are beholden to the [GOP] and have surrendered their independent judgment for a partisan political group and for personal gain.”

B. *Written Statement and Allegation of Frivolous Filing*

Respondents maintain that Complainant has been a “vocal critic” of Respondents for years, and referred to them as the “Hate Slate” during the 2022 campaign. Respondents admit that they were elected to the Board in November 2022, and that the terms of Respondents Knapp, Pitzer and Longo-Keiling expired on December 31, 2023. Respondents clarify that Respondents McMichael, Collier and Morris are current Board members. Respondents Knapp, Pitzer and Longo-Keiling are no longer Board members as Respondent Knapp did not run for re-election in November 2023 and Respondents Pitzer and Longo-Keiling did not win in November 2023.

Respondents note that at the February 23, 2023, Board meeting, Respondents McMichael, Knapp, Morris, Pitzer and Longo-Keiling voted to move a book from the middle school to the high school library. Respondents admit that on September 7, 2023, they attended an event hosted by the Sussex GOP noting that Respondents Collier and Morris did not attend. Respondents assert that Respondents Pitzer, Longo-Keiling, and McMichael spoke at the event, and Respondent McMichael read a statement prepared by Respondent Collier. Thereafter,

according to Respondents, at the October 19, 2023, Board meeting, Respondents McMichael, Morris, Knapp and Pitzer voted to abolish Policy 5756 regarding transgender students while Respondent Collier voted against abolishing the policy, and Respondent Longo-Keiling was absent.

As to the alleged violation in the Complaint, Respondents initially argue that Complainant fails “to establish a violation of the” Act, as a matter of law. More specifically, Respondents contend that Complainant has not identified “any Board action that Respondents allegedly took on behalf of, or at the request of, the [GOP] or any other political entity.” As to the named Respondents’ vote to abolish Policy 5756, Respondent Collier voted “no” and Respondent Longo-Keiling did not vote because she was absent from the meeting. Respondents deny that Complainant’s characterization of the abolished policy or its replacement is complete and/or accurate. Respondents argue that Complainant has not demonstrated that anyone from the GOP or any other political entity asked Respondents to vote the way they voted, or that Respondents cast their votes “on behalf of” anyone other than themselves and their beliefs. Furthermore, Respondents maintain the Complaint does not contain any evidence to support that Respondents used the schools to acquire a benefit for themselves or others. Respondents further maintain they attended a non-school event, on non-school grounds, hosted by a non-school entity, and therefore, this does not support “use of schools.”

Respondents note they are “permitted to speak at campaign events in support of their own, or others’, campaigns for election or re-election.” According to Respondents, Complainant did not provide any facts to support her “blanket assertion that a board members’ attendance at a political fundraising event constitutes improper use of the schools for the board member’s own benefit.” Moreover, Complainant did not provide any evidence to demonstrate that Respondents’ “independent judgment has been compromised by virtue of certain of them having attended a political event and having been handed plaques prepared by the [GOP].” Respondents maintain their “speeches made clear that they have held the personal views informing their Board actions since long before they attended the [GOP] event.”

Regarding Complainant’s assertion that Respondents “attended the [GOP] event and accepted the [GOP’s] plaques in their official capacity as Board members,” Respondents argue their statements “clearly expressed their personal beliefs, motivations, and commitment to the issues that they find important.” Moreover, none of them “made any suggestion that they were speaking on behalf of the Board, or that they had taken or would take any Board action on behalf of anyone or anything other than the personal beliefs that initially motivated them to enter into public service.” Therefore, Respondents assert that the Complaint does not contain any facts to support that a “reasonable person would view the statements made by [the named Respondents] as anything other than an expression of their personal motivations and plans to continue to pursue their personal beliefs.”

Finally, Respondents assert the Complaint is frivolous because Complainant “made her true intentions clear on Facebook long before she filed the Complaint.” Namely, Complainant has referred to Respondents as “bigots,” the “Hate Slate,” called them hypocrites and accused them of lying, among other things. According to Respondents, “Complainant’s election-season forecasting of her intentions, coupled with her well-publicized animus towards Respondents . . .

make clear that Complainant filed the Complaint to harass and injure the reputation of Respondents simply because she disagrees with their political views.” Respondents maintain the Commission is not the appropriate forum for the airing of political disputes, grievances, and vendettas.” Respondents further maintain the Complaint is an abuse of the system, and therefore, dismissal and monetary sanctions are appropriate.

C. *Response to Allegation of Frivolous Filing*

In response to the frivolous allegation, Complainant reaffirms her assertions and “emphatically” denies that the Complaint is frivolous, as she “carefully considered” filing and notes it was “driven by a sincere belief in the importance of addressing the issue at hand.” Complainant further notes that she is an active member of the community, and this is her first filing. Per Complainant, she has outlined the circumstances to show that Respondents violated the Act and asserts that “dismissing [the] complaint as frivolous would be unwarranted, and [her] original complaint demands serious attention and scrutiny from the SEC.”

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 Respondents violated *N.J.S.A.* 18A:12-24.1(f), and this provision of the Code provides:

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.

Pursuant to *N.J.A.C.* 6A:28-6.4(a), factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(f) shall include evidence that Respondents 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 Respondents used the schools to acquire some benefit for themselves, a member of the their immediate family or a friend.

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(f) was violated. The Commission notes that individuals who receive an award for their support of an issue would naturally have similar beliefs as the organization honoring them, but on its own, that does not demonstrate that the individual or

individuals took action, *on behalf of, or at the request of*, the special interest or political group, and as such, Complainant has not demonstrated that Respondents surrendered their independent judgment. Respondents' actions at subsequent Board meetings, and whether those actions are similar to the beliefs of an organization they support, do not establish that they took the actions at the request of the political party.

Accordingly, and pursuant to *N.J.A.C. 6A:28-9.7(b)*, the Commission dismisses the alleged violation of *N.J.S.A. 18A:12-24.1(f)*.

IV. Request for Sanctions

At its meeting on January 28, 2025, the Commission considered Respondents' request that the Commission find the Complaint frivolous, and impose sanctions pursuant to *N.J.S.A. 18A:12-29(e)*. Despite Respondents' 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 February 18, 2025, 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 Respondents 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 Respondents' 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: February 18, 2025

***Resolution Adopting Decision
in Connection with C25-24***

Whereas, at its meeting on January 28, 2025, the School Ethics Commission (Commission) considered the Complaint, the Written Statement and the 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 January 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 January 28, 2025, the Commission discussed finding the Complaint not frivolous, and denying the request for sanctions; and

Whereas, at its meeting on February 18, 2025, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on January 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 February 18, 2025.

Brigid C. Martens, Director
School Ethics Commission