

Before the School Ethics Commission
Docket No.: C28-25
Decision on Probable Cause

**Keith Rock,
Complainant**

v.

**David Carr,
Wallkill Valley Regional Board of Education, Sussex County,
Respondent**

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on March 13, 2025, by Keith Rock (Complainant), alleging that David Carr (Respondent), an administrator employed by the Wallkill Valley Regional 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(a)*, *N.J.S.A. 18A:12-24(b)*, *N.J.S.A. 18A:12-24(c)* and *N.J.S.A. 18A:12-24(g)*. Respondent filed a Written Statement on May 7, 2025.

The parties were notified by correspondence dated November 17, 2025, that the above-captioned matter would be discussed by the Commission at its meeting on November 25, 2025, in order to make a determination regarding probable cause. Following its discussion on November 25, 2025, the Commission adopted a decision at its meeting on December 16, 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

By way of background, Complainant provides that an incident happened in the locker room at the high school involving his child. Subsequently, the police showed up at his house to speak to his child. According to Complainant, the police noted that his child's coach filed a report with school administration accusing Complainant's child of making threatening statements against Respondent's (the Superintendent's) family and the school. Complainant further provides his child's "frustration was rooted in prior interactions, specifically incidents where [Respondent's child] had made inappropriate gestures" towards Complainant's child. Complainant contends Respondent was involved in the ongoing police investigation, "providing

information to the police department and withholding witness information until the prosecutor's office became involved.” Despite the police investigation finding that Complainant’s child was not a threat, Complainant asserts the assistant principal said the detective (who was later identified as the School Resource Officer) claimed the child was a threat, and therefore, the assistant principal issued a 10-day suspension. According to Complainant, despite being conflicted, Respondent was involved in the investigation and aftermath of same, and Complainant asserts that the coach was not truthful in relaying the alleged incident to the administration.

With the above in mind, in Count 1, Complainant contends that Respondent “failed to recuse himself from an incident in which he had multiple personal roles” as he was the alleged “victim,” the spouse of an alleged victim, and the parent to alleged victim(s); he did not appoint a designee to manage the incident once it was reported to him; Respondent’s subordinate (the assistant principal) attempted to cover up Respondent’s involvement in the initial incident; he took it upon himself to notify the police of the alleged incident, compromising the integrity of the investigation; withheld the identities of three witnesses potentially interfering with the investigation and spent taxpayer money on a forensic investigation of a student who was not facing any criminal charges in violation of *N.J.S.A. 18A:12-24(a)*, *N.J.S.A. 18A:12-24(b)*, *N.J.S.A. 18A:12-24(c)* and *N.J.S.A. 18A:12-24(g)*.

In Count 2, Complainant provides that on November 15, 2024, a meeting was held to discuss the results of a forensic psychological evaluation performed on his child and to assess whether Complainant’s child’s Individualized Education Program (IEP) required modifications. Respondent was present during the meeting, despite Complainant raising concerns because of the conflict due to the alleged threats. According to Complainant, during the meeting, Respondent took notes, offered his opinion and suggestions on how the District would provide assistance. Complainant asserts Respondent’s involvement in the meeting violates *N.J.S.A. 18A:12-24(a)*, *N.J.S.A. 18A:12-24(b)*, *N.J.S.A. 18A:12-24(c)* and *N.J.S.A. 18A:12-24(g)* because it constitutes a “clear and undeniable conflict of interest.” According to Complainant, by remaining in the meeting, Respondent “allowed his personal interest to unduly influence the proceedings, thereby undermining the fairness and integrity of the decision-making process.”

B. *Written Statement*

Respondent “categorically denies all allegations contained in the Complaint,” and notes that it is “factually unsupported, legally deficient, and retaliatory in nature.” Respondent maintains that he fulfilled his legal and professional obligations “in response to a credible and deeply troubling threat made by a student.” Respondent further maintains he “acted without hesitation, promptly contacting law enforcement, initiating appropriate safety measures, and complying with all mandatory reporting requirements under state law and district policy.” Respondent adds that following the police investigation, he removed himself from the disciplinary process and had the Vice Principal handle the matter.

Respondent argues that the alleged provisions “bear no meaningful relation to the conduct described.” Respondent further argues he did not have a financial interest in the matter, did not confer any unwarranted benefit upon himself or others, acted solely within the scope of

his official duties, and did not represent an individual or party other than the school district. Respondent asserts that his “conduct during and after the incident, including his limited participation in a non-disciplinary, post-clearance meeting, was entirely consistent with his dual role as Superintendent and Director of the Child Study Team in a small district.”

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.”

Jurisdiction of the Commission

In reviewing the allegations in this matter, the Commission notes that its authority is limited to enforcing the Act, *N.J.S.A. 18A:12-21 et seq.*, a set of minimum ethical standards by which all school officials must abide. In this regard, the Commission has jurisdiction only over matters arising under the Act, and it may not receive, hear, or consider any matter that does not arise under the Act, *N.J.A.C. 6A:28-1.4(a)*.

With the jurisdiction of the Commission in mind, to the extent that Complainant seeks a determination from the Commission that Respondent may have violated any Board policies, the Commission advises that such determinations fall beyond the scope, authority, and jurisdiction of the Commission. The Commission also notes that it does not review disciplinary investigations and/or police investigations, including the outcome of said investigations or whether certain evaluations were needed. Although Complainant may be able to pursue a cause of action(s) in the appropriate tribunal, the Commission is not the appropriate entity to adjudicate those claims. Accordingly, those claims are dismissed.

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

a. No school official or member of his immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest;

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;

g. No school official or business organization in which he has an interest shall represent any person or party other than the school board or school district in connection with any cause, proceeding, application or other matter pending before the school district in which he serves or in any proceeding involving the school district in which he serves or, for officers or employees of the New Jersey School Boards Association, any school district. This provision shall not be deemed to prohibit representation within the context of official labor union or similar representational responsibilities;

To credit a violation of *N.J.S.A. 18A:12-24(a)*, Complainant must provide sufficient factual evidence that Respondent, or a member of his immediate family, has an interest in a business organization, or engaged in any business, transaction, or professional activity which was in substantial conflict with the proper discharge of his duties in the public interest. An “interest” is defined as “the ownership or control of more than 10% of the profits, assets, or stock of a business but shall not include the control of assets in a labor union” pursuant to *N.J.S.A. 18A:12-23*.

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 his official position to secure an unwarranted privilege, advantage or employment for himself, members of his 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 his official capacity in a matter where he, or a member of his immediate family, had a direct or indirect financial involvement that might reasonably be expected to impair his objectivity, or in a matter where he had a personal involvement that created some benefit to him, or to a member of his immediate family.

To credit a violation of *N.J.S.A. 18A:12-24(g)*, Complainant must provide sufficient factual evidence that Respondent, or a business organization in which he has an interest, represented represent any person or party other than the school board or school district in connection with any cause, proceeding, application or other matter pending before the school district in which he serves or in any proceeding involving the school district in which he serves.

Count 1

In Count 1, Complainant contends Respondent violated *N.J.S.A. 18A:12-24(a)*, *N.J.S.A. 18A:12-24(b)*, *N.J.S.A. 18A:12-24(c)* and *N.J.S.A. 18A:12-24(g)* when he did not recuse from an incident involving his family. Respondent maintains that he fulfilled his legal and professional obligations with regard to the threats issued by a student and that he recused himself from the matter.

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(a)*, *N.J.S.A. 18A:12-24(b)*, *N.J.S.A. 18A:12-24(c)* and *N.J.S.A. 18A:12-24(g)* were violated in Count 1. As for a violation of *N.J.S.A. 18A:12-24(a)*, Complainant has not alleged that Respondent has an interest in a business organization or engaged in any business, transaction, or professional activity that was in substantial conflict with the proper discharge of his duties as an administrator. Regarding a violation of *N.J.S.A. 18A:12-24(b)*, Complainant has not shown how Respondent used or attempted to use his official position to secure an unwarranted privilege for himself or his family when he recused himself from the disciplinary process. As noted previously, the Commission does not review the merits of disciplinary investigations; however, the Commission fails to see how Respondent would receive an unwarranted privilege when he contacted the police about a potential threat made by a student against himself and his family. As to a violation of *N.J.S.A. 18A:12-24(c)*, as Respondent recused himself from the disciplinary process, Complainant has not shown how Respondent acted in his official capacity in a matter where he had a personal involvement that created some benefit to him, or to a member of his immediate family. Lastly, as for a violation of *N.J.S.A. 18A:12-24(g)*, Respondent did not represent any other person before the school board or in a proceeding before the school district.

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(a)*, *N.J.S.A. 18A:12-24(b)*, *N.J.S.A. 18A:12-24(c)* and *N.J.S.A. 18A:12-24(g)* in Count 1.

Count 2

In Count 2, Complainant argues Respondent violated *N.J.S.A. 18A:12-24(a)*, *N.J.S.A. 18A:12-24(b)*, *N.J.S.A. 18A:12-24(c)* and *N.J.S.A. 18A:12-24(g)* when he participated in a meeting involving Complainant's child after a forensic psychological evaluation. Respondent asserts that his participation in the meeting was consistent with his dual role as Superintendent and Director of the Child Study Team and noted that the conference was a non-disciplinary, post-clearance meeting.

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(a)*, *N.J.S.A. 18A:12-24(b)*, *N.J.S.A. 18A:12-24(c)* and *N.J.S.A. 18A:12-24(g)* were violated in Count 2. As for a violation of *N.J.S.A. 18A:12-24(a)*, Complainant has not alleged that Respondent has an interest in a business organization or engaged in any business, transaction, or professional activity that was in substantial conflict with

the proper discharge of his duties as an administrator. Regarding a violation of *N.J.S.A. 18A:12-24(b)*, Complainant has not shown how Respondent used or attempted to use his official position to secure an unwarranted privilege for himself or his family when he participated in the meeting as this meeting was designed to discuss the results of a forensic psychological evaluation performed on Complainant's child, and was held after the investigation into the incident in Count 1 was concluded. Likewise, as to a violation of *N.J.S.A. 18A:12-24(c)*, Complainant has failed to show what personal involvement Respondent had when this meeting was conducted. Lastly, as for *N.J.S.A. 18A:12-24(g)*, Respondent did not represent any other person before the school board or in a proceeding before the school district.

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(a)*, *N.J.S.A. 18A:12-24(b)*, *N.J.S.A. 18A:12-24(c)* and *N.J.S.A. 18A:12-24(g)* in Count 2.

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: December 16, 2025

***Resolution Adopting Decision
in Connection with C28-25***

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

Brigid C. Martens, Director
School Ethics Commission