

***Before the School Ethics Commission***  
***Docket No.: C39-24***  
***Decision on Probable Cause***

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**Deidre Thompson,**  
***Complainant***

v.

**Erika Pierce,**  
**Montclair Township Board of Education, Essex County,**  
***Respondent***

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**I. Procedural History**

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on April 23, 2024, by Deidre Thompson (Complainant), alleging that Erika Pierce (Respondent) 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), *N.J.S.A.* 18A:12-24(d), and *N.J.S.A.* 18A:12-24(g) in Counts 1-3. Respondent filed a Written Statement on May 13, 2024.

The parties were notified by correspondence dated December 10, 2024, that the above-captioned matter would be discussed by the Commission at its meeting on December 17, 2024, in order to make a determination regarding probable cause. Following its discussions on December 17, 2024, and January 28, 2025, the Commission adopted a decision at its meeting on January 28, 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***

In Count 1, Complainant asserts that on November 20, 2023, Respondent, principal of a middle school in the Montclair Township School District (District), contacted the Montclair Police Department (Police) and reported that Complainant “distributed a video (across social media) of a minor” student in the District. Complainant alleges that Respondent’s conduct 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), *N.J.S.A.* 18A:12-24(d) and *N.J.S.A.* 18A:12-24(g).

In Count 2, Complainant contends that Respondent contacted the parents of the minor student, and falsely stated that Complainant “shared a video of their minor child with Phaedra Dunn,” a member of the Montclair Township Board of Education (Board). Complainant alleges

that Respondent's actions violate *N.J.S.A. 18A:12-24(a)*, *N.J.S.A. 18A:12-24(b)*, *N.J.S.A. 18A:12-24(c)*, *N.J.S.A. 18A:12-24(d)* and *N.J.S.A. 18A:12-24(g)*.

In Count 3, Complainant maintains that on or about November 20, 2023, Respondent "officially filed a police report" with the Police based on false information about Complainant 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)*, *N.J.S.A. 18A:12-24(d)* and *N.J.S.A. 18A:12-24(g)*.

## **B. *Written Statement***

Respondent initially argues that the Complaint should be dismissed because "on its face, [it] fails to state a claim under the Act" and does not make a connection to the alleged provisions of the Act. Moreover, Respondent avers that at all times she "acted properly in the commission of her duties as the Principal." Per Respondent, the Complaint does not contain any "factual or legal basis to find the allegations made in the Complaint violate any of the cited sections of the Act," and therefore, should be dismissed. Respondent maintains that with the exception of citing violations 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)*, *N.J.S.A. 18A:12-24(d)* and *N.J.S.A. 18A:12-24(g)*, Complainant does not make any "other allegations to support her claims" and her pleadings do not present any "identifying information."

Respondent further provides the following background information:

- On or about November 18, 2023, Respondent received an email from Complainant (copying the Superintendent, the Superintendent's assistant, the Director of Curriculum and the Anti-Bullying Specialist) regarding a middle school student who allegedly stole a soft drink from a local convenience store. Respondent notes that Complainant indicated she had surveillance video that the store owner provided that documented the student taking the drink, and further noted that the store owner wanted to speak to the student's parents, and inquired if she could provide the store owner with the parents' contact information.
- In response to the email, Respondent informed Complainant that this was not a school issue, as it happened outside of school hours and off school property, and copied the School Resource Officer (SRO).
- The following Monday, Respondent received screenshots from a parent, which included a conversation between Complainant and a community member. Respondent was further informed that the community member requested a direct message from a "Glenfield parent" and was also incorrectly informed that the "video was posted on social media along with her internal email stating that the store owner should contact" the police.
- On November 21, 2023, Respondent contacted the police to discuss her "concerns about the student's safety because she was told by a parent that a community member and the [Parent Teacher Association (PTA)] President were posting about the student online and implying that the student was a thief on social media platforms." Respondent was directed to contact the student's parents.

- Respondent contacted the student’s parents and informed them of the situation, and they were upset and inquired who was responsible for “circulating the information about their [child].” Respondent indicated that Complainant and another parent notified her that “the video containing the student’s likeness was posted on social media.”
- The parents requested a meeting with Respondent to discuss the matter. Respondent contacted the SRO, who informed Respondent this was now a police matter, and the SRO contacted the police to be present in the meeting. At that time, Respondent was made aware that the video was not on social media, but rather circulating in a private text chain.
- During the meeting, Respondent informed the parents that the information was incorrect, and the video was not on social media; however, the parents were upset that Complainant was involved in spreading false negative information about their child.
- Immediately following the meeting, the police escorted the parents to the convenience store to speak with the owner. To the best of Respondent’s knowledge, the police told the store owner he should not have discussed the matter with Complainant nor shared the store’s video.
- Thereafter, the parents contacted Respondent and told her that Complainant had called the parents to say that Respondent “lied and misled them.”

Respondent notes she never filed a formal complaint with the police, and she does not have any knowledge of any communication about anything related to the incident discussed with Board member Dunn. Finally, Respondent asserts, “Notwithstanding the narrative of events set forth above, as the Complaint raises no facts, that even if true, would tend to violate the Act . . . the Complaint should be dismissed with prejudice.”

### **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(a)*, *N.J.S.A. 18A:12-24(b)*, *N.J.S.A. 18A:12-24(c)*, *N.J.S.A. 18A:12-24(d)*, and *N.J.S.A. 18A:12-24(g)*. 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;

d. No school official shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his independence of judgment in the exercise of his official duties;

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;

#### ***N.J.S.A. 18A:12-24(a)***

In order 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 her 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 her duties in the public interest.

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)* was violated in Counts 1-3. There is no evidence alleged in the Complaint

that Respondent 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 her duties in the public interest. 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(a)* in Counts 1-3.

***N.J.S.A. 18A:12-24(b)***

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.”

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)* was violated in Counts 1-3. Respondent’s actions in contacting the police and the parents of the minor child were an attempt to appropriately handle a concerning matter involving a student in her school. The Complaint fails to allege how Respondent’s actions sought to secure a privilege, advantage, or employment for anyone. 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(b)* in Counts 1-3.

***N.J.S.A. 18A:12-24(c)***

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.

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(c)* was violated in Counts 1-3. The Complaint is devoid of allegations as to how Respondent had or would have a financial and/or personal involvement in the matter involving a student, or how her actions as described in the Complaint sought personal financial gain for herself or a member of her family. 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(c)* in Counts 1-3.

***N.J.S.A. 18A:12-24(d)***

In order to credit a violation of *N.J.S.A. 18A:12-24(d)*, Complainant must provide sufficient factual evidence that Respondent engaged in employment or service, regardless of whether compensated, which might reasonably be expected to prejudice her independence of judgment in the exercise of her official duties.

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(d) was violated in Counts 1-3. At all times in the Complaint, Respondent was acting in her official capacity as a principal. Complainant did not allege that Respondent engaged in any outside employment or activity when she contacted either the police or the minor child's parents about the video. 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(d) in Counts 1-3.

***N.J.S.A.* 18A:12-24(g)**

In order to credit a violation of *N.J.S.A.* 18A:12-24(g), Complainant must provide sufficient factual evidence that Respondent represented any person or party other than the school board or school district in connection with any cause, proceeding, application or other matter before the School District.

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(g) was violated in Counts 1-3. Respondent acted in her official capacity as a principal when she contacted the police and the student's parents. The Complaint lacks allegations involving any proceeding or matter before the Board or how Respondent represented any person other than the Board in a matter before the 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(g) in Counts 1-3.

**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.

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Robert W. Bender, Chairperson

Mailing Date: January 28, 2025

***Resolution Adopting Decision  
in Connection with C39-24***

***Whereas***, at its meetings on December 17, 2024, and January 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 meetings on December 17, 2024, and 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 reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on December 17, 2024, and 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.

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Robert W. Bender, Chairperson

I hereby certify that the Resolution was duly adopted by the School Ethics Commission at its public meeting on January 28, 2025.

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Brigid C. Martens, Director  
School Ethics Commission