

Before the School Ethics Commission
Docket No.: C41-24
Decision on Probable Cause

**Michael Spille,
Complainant**

v.

**Michael Strouse,
South Hunterdon Regional 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 April 29, 2024, by Michael Spille (Complainant), alleging that Michael Strouse (Respondent), a member of the South Hunterdon 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:12-24.1(c) and *N.J.S.A.* 18A:12-24.1(e) of the Code of Ethics for School Board Members (Code). Respondent filed a Written Statement on June 5, 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. 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.

II. Summary of the Pleadings

A. The Complaint

By way of background, Complainant states that on March 20, 2024, the West Amwell Township Committee (Committee) voted to approve the confidential minutes from a Closed Session of the Committee meeting held on March 6, 2024. Subsequently, a member of the Committee “improperly leaked those confidential minutes” to Respondent. Thereafter, on March 21, 2024, Respondent shared the confidential minutes with the District.

Complainant further maintains that the Committee “recognized that the leaking of the closed session minutes . . . was improper, and are voting on a resolution to censure” the Committee member who shared the minutes. According to Complainant, Respondent is named in

the Committee's resolution, which notes that Respondent received the minutes and that he distributed them to others.

Complainant asserts Respondent violated *N.J.S.A.* 18A:12-24.1(c) because he "took action that did not involve policy making, planning, or appraisal, but instead was effectively passing private, confidential information from a local municipal body to the Superintendent and by extension the rest of the Board." Complainant notes as a trained Board member, Respondent "must be aware of the nature of any government body's closed session" minutes and their confidentiality, and therefore, "knowingly violated that confidentiality." Complainant further asserts Respondent violated *N.J.S.A.* 18A:12-24.1(e) because Respondent's "personal, private action of distributing copies of privileged, confidential closed session meeting minutes . . . puts the Board at risk of legal action" from the Township and its residents. Moreover, Complainant contends Respondent's action "further compromises the [B]oard by reducing the public's trust in the Board as a governing body." Complainant notes that if Respondent is willing to "improperly pass confidential information he is not legally privy to along to the school district," then that brings into question whether the public can trust him with confidential Board documents.

B. *Written Statement*

Respondent initially argues that he received the Committee minutes from a Committee member, who "assured [Respondent] that those meeting minutes were public" and then Respondent shared them with the Superintendent. Respondent further argues that once he "received the meeting minutes, he had no duty to reject it, keep it confidential, or refrain from disseminating it."

As to a violation of *N.J.S.A.* 18A:12-24.1(c), Respondent maintains he "did not violate any requirement of confidentiality" because he was "assured that the information was not confidential." Respondent further maintains, contrary to Complainant's theory, Respondent is not a municipal committee member, and therefore, does not have a duty to abide by the "applicable confidentiality rules which may apply to its members." Furthermore, Respondent states that "any confidentiality requirement attendant to the minutes in question was broken once the meeting minutes were disclosed to Respondent, and Respondent did nothing more than share those minutes – which contain information relevant to the District – with the District [S]uperintendent." Moreover, Respondent contends that his "receipt of meeting minutes from a municipal committee member does not relate to his duties or responsibilities as a board member, nor does it involve the implementation of board policies or plans."

Regarding a violation of *N.J.S.A.* 18A:12-24.1(e), Respondent asserts that "[n]either Respondent nor the Board owe any duty to the [Committee], much less to any private citizen, to refuse to receive closed session meeting minutes of the [Committee] or to keep confidential any closed session meeting minutes which they happen to receive." Respondent further asserts that neither he nor the Board "have taken any action concerning the meeting minutes or enacted any policy regarding the meeting minutes." Respondent argues that the United States Supreme Court has held that "a person ***cannot be liable for the receipt and dissemination of confidential information received from a government source, even if that information was unlawfully disclosed.***" Respondent notes that "[e]ven assuming the Township Committee improperly

disclosed confidential information,” Respondent “cannot be liable for receiving it and disseminating it.” Further, as to Complainant’s claim that Respondent’s actions provided Complainant with an opportunity to receive the minutes via an Open Public Records Act (OPRA) request from the Board, Respondent argues that Complainant could have also filed the same OPRA request with the Committee, and therefore, “Complainant’s arguments on this point are a disingenuous distraction.” Respondent maintains he did not request the minutes, they were provided to him, and therefore, he did not “take any action beyond the scope of his duty,” nor did he “abuse his status as a Board member to obtain them.” Respondent further maintains he did not compromise the Board as his conduct was neither “unlawful nor would subject the Board to potential legal liability.”

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 Respondent violated *N.J.S.A. 18A:12-24.1(c)* and *N.J.S.A. 18A:12-24.1(e)*, 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.

N.J.S.A. 18A:12-24.1(c)

Pursuant to *N.J.A.C. 6A:28-6.4*, 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.

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:12-24.1(c)* was violated. In the current matter, Complainant has not presented any

evidence that Respondent took board action or was acting in his capacity as a Board member when he accepted the Committee minutes or shared them with the Superintendent. The Commission does not see how accepting meeting minutes from another governing body would effectuate Board policies and plans. 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(c)*.

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

In accordance with *N.J.A.C. 6A:28-6.4(a)*, 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 his duties such that, by its nature, had the potential to compromise the board.

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:12-24.1(e)* was violated. The Complaint is devoid of any allegations or evidence that Respondent has made any personal promises. While Complainant argues that Respondent's actions of receiving the confidential meeting minutes and giving them to the Superintendent have left the Board open to potential litigation, Complainant failed to establish that Respondent was under any responsibility or obligation to keep the meeting minutes confidential. In addition, Complainant has not shown that Respondent acted in his capacity as a Board member when he received the meeting minutes or when he gave them to the District. As such, Complainant has not demonstrated how Respondent took any action beyond the scope of his duties that could compromise the Board. 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:12-24.1(e)*.

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: February 18, 2025

***Resolution Adopting Decision
in Connection with C41-24***

Whereas, at its meeting on 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 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 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