

Before the School Ethics Commission
Docket No.: C45-24
Decision on Probable Cause

Ryan and Jennifer Battershill,
Complainants

v.

Barbara Rigoglioso,
Wayne Board of Education, Passaic County,
Respondent

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on June 7, 2024,¹ by Ryan and Jennifer Battershill (Complainants), alleging that Barbara Rigoglioso (Respondent), a member of the Wayne Board of Education (Board), violated the School Ethics Act (Act), *N.J.S.A. 18A:12-21 et seq.* More specifically, the Complaint alleges that Respondent violated *N.J.S.A. 18A:12-24.1(f)* of the Code of Ethics for School Board Members (Code) in Counts 1 and 2. Respondent filed a Written Statement on August 1, 2024, and also alleged that the Complaint is frivolous. Complainants filed a response to the allegation of frivolous filing on August 14, 2024.

The above-captioned matter was discussed by the Commission at its meeting on February 18, 2025, in order to make a determination regarding probable cause and the allegation of frivolous filing. Following its discussion on February 18, 2025, the Commission adopted a decision at its meeting on March 25, 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 Respondent's request for sanctions.

II. Summary of the Pleadings

A. *The Complaint*

By way of background, Complainant Ryan Battershill is a Board member and Complainant Jennifer Battershill is his spouse. The Complaint asserts that Complainant Jennifer "has been the subject to an ongoing and directed series of attacks" from a group that was behind

¹ On May 15, 2024, Complainants filed a deficient Complaint; however, on June 7, 2024, Complainants cured all defects and filed an Amended Complaint that was deemed compliant with the requirements detailed in *N.J.A.C. 6A:28-6.3*.

the election of Respondent and two other Board candidates. According to Complainants, after Complainant Ryan requested that the group “back off” from attacking his family because they are not school officials, Respondent “sent a series of text messages to [him] attacking [his spouse] directly for her posts supporting professional school boards on her private Facebook page.” Additionally, Complainants contend that Respondent began “spreading lies” about Complainant Jennifer being fired from one of the Parent Teacher Organizations (PTO) in Wayne, when she never served on the PTO. Complainants further contend Respondent accused them of placing a negative sign about a Board member in front of a house; however, Complainants argue that is not true and they were not involved in the placement of the sign. Complainants maintain the verbal assault continued, including the “bullying of a private citizen from members of the [B]oard using their position of power and special interest group [and it] is not stopping.” Complainants attached text messages from Respondent, a letter from an individual affected by the negative sign to the homeowners about the sign, and Facebook posts from a Facebook page labeled as “Wayne Education Restoration Parents Association” (WERPA) to support their Complaint. On July 28, 2024, Complainants submitted an additional exhibit to bolster their Complaint consisting of a TapInto article about a cease-and-desist notice sent to Complainant Ryan over “a member of [his] family posting inflammatory, inaccurate statements and misinformation” on social media.

With the above in mind, and in Count 1, Complainants assert Respondent violated *N.J.S.A.* 18A:12-24.1(f), because this “clear group of collusion continues to permeate across the group that is determined to undermine and attack a private citizen . . . with a clear goal of removing Ryan Battershill from office and/or to control his vote.” Complainants claim Respondent has verbally stated this was the group’s goal.

In Count 2, Complainants also state that at the October 16, 2023, and February 22, 2024, Board meetings, Complainant Ryan made comments requesting that the group “cease attacks on the wife and family.” Despite these pleas, Complainants contend Respondent violated *N.J.S.A.* 18A:12-24.1(f), for “the continued attacks over prolonged period of time and the number of speeches to attempt to confine the board members to their abilities to administer the schools as elected officials,” and for using her “power to bully private citizens.”

B. *Written Statement and Allegation of Frivolous Filing*

Respondent initially denies that she engaged in attacks and/or bullying against Complainants, that she ran for the Board with the two other individuals, that she is/was part of an “outside” group or a “special interest group” and ultimately denies that she bullied a private citizen. Respondent admits that she participated in texts with Complainant Ryan, but denies that the texts were “attacking” his spouse or “spreading lies.”

As to Count 1, Respondent “denies that there is any ‘evidence’ of a violation” and that the “screenshots” or “text conversation” demonstrate a violation. Respondent again denies involvement in any “group of collusion.” Respondent further denies “making any verbal statement demonstrating any improper conduct.”

Regarding Count 2, Respondent denies “involvement in any ‘groups [making] attacks’ on” Complainants, denies “engaging in any ‘attacks online’” and denies blaming Complainants for being involved with “some sign.” Respondent states she did not use her “power to bully private citizens” and she did not participate in any “occurrences” on the dates provided (October 16, 2023, or February 22, 2024). Respondent also notes that any allegation pertaining to October 16, 2023, is untimely. Respondent also asserts that the allegations concerning October 16, 2023, or February 22, 2024, are unclear and appear to be the dates Complainants made comments at Board meetings but not the dates that Respondent allegedly took any actions.

Ultimately, Respondent asserts Complainants have not provided any evidence to demonstrate that Respondent took any action on behalf of any special interest group and the screenshots that Complainants provided highlight posts that were made by individuals other than Respondent. Further, Respondent argues that the TapInto article does not provide any evidence of “any impropriety on Respondent’s part.”

Finally, Respondent asserts the Complaint is frivolous because Complainants “filed this action without any factual evidence, and with an admission that ‘there was no proof’” Therefore, Respondent further asserts this Complaint is “abusive of a system which was designed to address conduct in violation of the public trust, *not* personal disagreements.”

C. *Response to Allegation of Frivolous Filing*

Complainants² argue that in order to be frivolous, the Complaint has to be “commenced, used or continued in bad faith” or “solely for the purpose of harassment, delay or malicious injury.” They contend that none of these requirements are met here: they aver that they are “trying to highlight and resolve a serious issue,” and “not trying to harass or cause malicious injury” as they “are attempting to stop the [R]espondent and other board members from doing the same.” Respondents state they “believe there is a significant and detailed pathway of collusion and attempts at control that despite many attempts to avoid and resolve permeates the usage of the school board’s usage and harms its effectiveness in the eyes of the public by the Respondent.” Complainants assert the Complaint is not frivolous and was “entered in good faith for the purpose of maintaining correct independent nonpartisan board workings”

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.”

² In addition to their response to the allegation of frivolous filing, Complainants filed a response to Respondent’s request for dismissal, and included additional exhibits, which is not permitted by the regulations, and therefore, was not considered by the Commission.

Alleged Violations of the Act

Complainants submit that based on the conduct more fully detailed above, Respondent 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, factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(f) shall include evidence that Respondent 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 Respondent used the schools in order to acquire some benefit for herself, a member of her 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 in Counts 1 and 2. The evidence submitted by Complainants does not demonstrate that Respondent wrote the social media posts, commented on the posts or wrote a letter to the homeowners about the sign, let alone did so in her capacity as a Board member or while representing herself as a Board member. The text message exchange between Complainant Ryan and Respondent does not show Respondent acting on behalf of a group or using her position to acquire some benefit for herself, a member of her immediate family or a friend. The Commission notes that Complainants have not produced any evidence that Respondent has taken any action as a Board member that would violate *N.J.S.A.* 18A:12-24.1(f). Therefore, Complainants have not demonstrated that Respondent took action on behalf of, or at the request of, a special interest group or political party, or that she used the schools for personal gain. 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) in Counts 1 and 2.

IV. Request for Sanctions

At its meeting on February 18, 2025, the Commission considered Respondent's request that the Commission find the Complaint frivolous, and impose sanctions pursuant to *N.J.S.A.* 18A:12-29(e). Despite Respondent's argument, the Commission cannot find evidence that might show that Complainants 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 Complainants 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 March 25, 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 Complainants 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 Commission further advises the parties that, following its review, it voted to find that the Complaint is not frivolous, and to deny Respondent's 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: March 25, 2025

***Resolution Adopting Decision
in Connection with C45-24***

Whereas, at its meeting on February 18, 2025, the School Ethics Commission (Commission) considered the Complaint, the Written Statement and 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 February 18, 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 discussed finding the Complaint not frivolous, and denying the request for sanctions; and

Whereas, at its meeting on March 25, 2025, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on February 18, 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 March 25, 2025.

Brigid C. Martens, Director
School Ethics Commission