

***Before the School Ethics Commission
OAL Docket No.: EEC 08764-22
SEC Docket No.: C51-22
Final Decision***

**Mike Mitchell, Deepa Karthik, Raja Krishna, Ray Kuehner, Barry Nathanson,
Dr. Smitha Raj, Lisa Rodgers, and Joseph Scaletti,
*Complainants***

v.

**Joyce Mehta,
South Brunswick Board of Education, Middlesex County,
*Respondent***

I. Procedural History

This matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on April 29, 2022, by Mike Mitchell, Deepa Karthik, Raja Krishna, Ray Kuehner, Barry Nathanson, Dr. Smitha Raj, Lisa Rodgers, and Joseph Scaletti (collectively referred to as Complainants), alleging that Joyce Mehta (Respondent), a member of the South Brunswick Board of Education (Board), violated the School Ethics Act (Act), *N.J.S.A. 18A:12-21 et seq.* Specifically, the Complaint alleged Respondent violated *N.J.S.A. 18A:12-24(a)* (Count 6), *N.J.S.A. 18A:12-24(b)* (Count 7), *N.J.S.A. 18A:12-24(d)* (Count 8), and *N.J.S.A. 18A:12-24(f)* (Count 9), as well as *N.J.S.A. 18A:12-24.1(e)* (Counts 1, 4, and 10), *N.J.S.A. 18A:12-24.1(f)* (Count 11), *N.J.S.A. 18A:12-24.1(g)* (Counts 2-3), and *N.J.S.A. 18A:12-24.1(i)* (Counts 5 and 12) of the Code of Ethics for School Board Members (Code). On June 14, 2022, Respondent filed an Answer to Complaint (Answer).

Prior to a determination on probable cause, Complainants voluntarily withdrew the allegations in Counts 6-12. Thereafter, at its special meeting on September 14, 2022, the Commission voted to transmit the matter to the Office of Administrative Law (OAL) for a plenary hearing, where Complainants would have the burden of proving the remaining alleged violations of the Code, namely *N.J.S.A. 18A:12-24.1(e)* in Counts 1 and 4; *N.J.S.A. 18A:12-24.1(g)* in Counts 2-3; and *N.J.S.A. 18A:12-24.1(i)* in Count 5.

At the OAL, the parties filed cross-motions for summary decision on July 15, 2024, and the parties filed opposition on July 29, 2024. Thereafter, the Administrative Law Judge (ALJ) issued an Initial Decision on June 27, 2025, finding that Respondent violated *N.J.S.A. 18A:12-24.1(e)*, *N.J.S.A. 18A:12-24.1(g)* and *N.J.S.A. 18A:12-24.1(i)*, and recommending a penalty of censure. Respondent filed exceptions to the Initial Decision, in accordance with *N.J.A.C. 1:1-18.4*, and Complainants filed a reply thereto.

At its meeting on September 23, 2025, the Commission considered the full record in this matter. Thereafter, at its meeting on October 28, 2025, the Commission voted to adopt the Initial Decision's factual findings, the legal conclusions that Respondent violated *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(g) and *N.J.S.A.* 18A:12-24.1(i), and the recommended penalty of censure.

II. Initial Decision

Based on the parties' Joint Stipulation of Facts, the ALJ found the facts are not in dispute, and therefore, issued the following findings of fact:

- Around September 2021, the District formed the Transportation/School Start Time Committee (Committee) to address the national bus driver shortage and rising costs. The stated goal of the Committee was "to manage the fiscal impact of transportation, decrease route packages, and explore the option of getting a late start time for the high school."
- Respondent was chair of the Committee.
- There were eight unions representing the District's employees, and all of the contracts were expiring at the end of the 2021-2022 school year.
- Due to the pending negotiations of the labor contracts for the eight unions, the Superintendent "warned Committee members that they should not publicly release information that may damage the Board's position during negotiations, as doing so could jeopardize the Board's position." Specifically, the Superintendent warned Respondent "on multiple occasions that she should not mention that reducing instructional time was a possibility or even that it was being considered by the Board, since doing so would harm the Board's negotiating position." Respondent disagreed.
- At the January 10, 2022, Committee meeting, Respondent explicitly raised the possibility of reducing instructional time. Respondent told the public that "the Board was prepared to reduce instructional time by forty minutes per day, which amounted to 'over \$3,000,000 in value not to even consider the learning impact on reducing school by this amount of time.'"
- On January 11, 2022, the Superintendent sent a letter with his concerns to Respondent, which, in sum, stated that she compromised the Board by divulging the information despite having been warned three times not to do so, and requested that Respondent recuse herself from the matter.
- Respondent contacted Board counsel on January 12.
- Subsequently, the Board received a bill from Board counsel for a 54-minute telephone conference with Respondent and related document review on January 12, 2022, and a 20-minute telephone conference with Respondent on January 13, 2022.
- After a Board investigation, the Superintendent informed Respondent that the bill would be discussed at the Board's annual retreat on March 3, 2022.
- Respondent refused to be forthcoming about the details of her conversations with Board counsel, asserting that the conversations were confidential, although she later learned that was incorrect. When questioned on the precise document she shared with Board counsel, Respondent indicated that she had "no idea" what document was being referenced on the invoice.

- It is now known that during the phone call on January 12, 2022, Board counsel told Respondent that she may seek legal advice, but that the Board as an entity was the client, and that the Board “would have the right to know about the substance of any conversations.” Respondent assured Board counsel that she understood, as she was an attorney herself.
- Based on Respondent’s refusal to answer questions, the Superintendent requested that Board counsel attend a meeting on March 10, 2022.
- Prior to the March 10 meeting, Respondent released a statement to the community saying, among other things, that her contact with Board counsel was proper, she did not do anything unethical regarding the Committee and negotiations, she now understood that her conversation with Board counsel was not confidential, and her refusal to answer questions was due to her “being taken aback” and being “defensive.” Further, Respondent indicated that Board counsel “assured [her] that [she] was doing nothing wrong.”
- Respondent departed the March 10 meeting early, and therefore, Board counsel was not questioned. A special meeting was scheduled for March 15, and Board counsel provided information regarding the conversation she had with Respondent. Board counsel also addressed Respondent’s statement that the invoices were inaccurate, stating “in all my years as a Board Attorney, I have never had a Board President (or client) make such a statement. I stand by our invoices and each billing entry.”
- Respondent retained private counsel and although she admitted that she was not forthcoming, she indicated that she would not be stepping down from her position despite “recent negative press and some very concerning threats from individuals whom I will not identify in this letter.”
- In the public portion of the March 15, 2022, special meeting of the Board, Respondent read aloud a prepared statement admitting, “when I was confronted by my colleagues about conversations with [Board counsel], I was not forthcoming.” She concluded her statement by saying “I will not be bullied by anyone[,] including [the] Superintendent[,] who is our employee and not our boss. This bullying, intimidation, and harassment has continued for some time, but it is time for it to end today.”

Initial Decision at 3-9.

First, the ALJ indicated that Respondent’s “blatant conduct was the precise kind of rogue, individual decision-making by a board member that *N.J.S.A.* 18A:12-24.1(e) contemplates and for which sanctions are made available.” *Id.* at 21. According to the ALJ, Respondent’s “decision to repeatedly ignore [the Superintendent’s] explicit advice not to mention at public Committee meetings that the District/Board was considering later start times . . . almost certainly harmed the Board’s negotiating position with the teacher’s union.” *Ibid.* The ALJ maintained that “there is no doubt that [Respondent’s] conduct had the potential to compromise the Board,” and therefore, the next question is whether it was “‘private action,’ or alternatively, if it qualified as a board action that was pursuant” to her duties as Board President. *Id.* at 22. To this end, the ALJ asserted that Respondent did not attempt to obtain approval from the Board. *Ibid.* Moreover, she was repeatedly warned by the Superintendent that the Board did not sanction her conduct; therefore, it was private action outside the scope of her duties as Board President. *Ibid.* In sum, the ALJ concluded that Respondent violated *N.J.S.A.* 18A:12-24.1(e) when she took

“unsanctioned, private action that had the clear potential to undermine the Board’s negotiating position with the teacher’s union.” *Id.* at 23.

As to a violation of *N.J.S.A.* 18A:12-24.1(g), the ALJ noted that Respondent decided to make the “sensitive Board information public,” despite several warnings from the Superintendent, and there is nothing in the record to suggest that the information was not actually confidential or had been made public some other way. *Ibid.* Turning to whether the information revealed injured individuals or the schools, the ALJ found although the “exact dimensions of the financial injury . . . cannot be ascertained,” it is undisputable that her disclosure “significantly undermined the Board’s negotiating position relative to the unions without cause,” and therefore, injured the District. *Id.* at 23-24. As such, the ALJ concluded Respondent violated the confidentiality provision of *N.J.S.A.* 18A:12-24.1(g). *Id.* at 24. As to the inaccurate information prong of *N.J.S.A.* 18A:12-24.1(g), the ALJ found “there is no doubt that [Respondent] shared inaccurate information” with the Board. *Ibid.* The ALJ noted that despite being an attorney and being told explicitly by Board counsel that the attorney-client privilege extended to the Board as an entity, and not to her personally, Respondent “still somehow thought she could claim the privilege” when questioned about the conversation. *Ibid.* Additionally, Respondent “lied and said that the invoice submitted by [Board counsel] was inaccurate.” While Respondent later apologized for her mistake as to confidentiality, she did not mention that she made inaccurate statements that placed Board counsel’s reputation in jeopardy. *Ibid.* Therefore, the ALJ concluded that Respondent violated the inaccurate information prong of *N.J.S.A.* 18A:12-24.1(g). *Id.* at 25.

Regarding a violation of *N.J.S.A.* 18A:12-24.1(i), the ALJ noted that Respondent’s statement against the Superintendent was made in person, during the last moments of a Board meeting’s public session, which allowed her to have the “last word.” *Id.* at 26. According to the ALJ, Respondent’s statement “essentially suggested that [the Superintendent] was using his position to target her with an unnecessary ethics investigation to force her” to resign. *Ibid.* The ALJ further noted that although it is unclear what the public “took away” from Respondent’s statement, “it likely did not reflect well” on the Superintendent. *Ibid.* Consequently, the ALJ concluded that Respondent’s free speech defense must be rejected, and her statement clearly violated *N.J.S.A.* 18A:12-24.1(i). *Ibid.*

Finally, as to penalty, the ALJ concluded that a censure is appropriate because the public recognition of Respondent’s misconduct can “set the record straight” as her conduct “played out during public sessions of Board meetings.” *Id.* at 27. Additionally, the ALJ noted that a censure was appropriate because of Respondent’s unwillingness to recognize the harm she did to the Board negotiations. *Ibid.*

III. Exceptions

Respondent’s Exceptions

Respondent initially argues that despite Complainants not meeting their burden of proof, the ALJ still concluded that Respondent violated the Code. Respondent argues that it is “illogical

that a Committee with this title [(Transportation/School Start Times)] would not be discussing alternatives to the start times of the schools,” and, further, that the information was confidential.

As to violations of *N.J.S.A. 18A:12-24.1(e)* and *N.J.S.A. 18A:12-24.1(g)*, Respondent maintains that the ALJ “speculates that the District could have reached a ‘better deal’ with the union if [Respondent] had not revealed that the Board was considering altering school start times.” Moreover, the ALJ incorrectly concluded that Respondent’s action at the committee meeting was “private action and compares it to sending a letter to the editor.” Respondent argues “[a]ctions taken during an official Board Committee meeting are not ‘private’ akin to sending editorial comments to the media without authorization.” Respondent further argues the Superintendent’s “repeated warnings” do not “render [Respondent’s] decision to do so as being private action.” In addition, Respondent maintains the Superintendent’s desire to keep the start times from the union, does not mean it was confidential. Respondent notes that she did not intentionally mispresent any communication, or date of any communication, with Board counsel. Respondent further notes her “inaccuracy” was nothing more than a reasonable mistake.

Regarding a violation of *N.J.S.A. 18A:12-24.1(i)*, Respondent once again maintains that the ALJ “speculated as to how [Respondent’s] statement that she felt bullied by [the Superintendent] *might have impacted* his relationships with District employees, but nowhere in the record is there any evidence that [Respondent’s] comments actually resulted in harm.”

As to the penalty of censure, Respondent argues that the ALJ “ignores much precedent wherein the Respondent has been reprimanded for public conduct,” and further the ALJ does not cite to any cases to support a censure. Although Respondent denies that her actions violate the Act, she notes that if a penalty is warranted it should be a reprimand.

Complainants’ Reply to Respondent’s Exceptions

Complainants initially argue that Respondent’s exceptions “do little more than repeat the same ill-fated arguments set forth in her motion for summary decision already considered, and refuted, by the thoughtful and comprehensive Initial Decision.” Moreover, Complainants note “Respondent disagrees with the ALJ’s legal analysis which does not adopt Respondent’s more charitable characterization of the nature of her ethically violative actions all of which [] were jointly stipulated by the parties and cited to by the ALJ.”

According to Complainants, the ALJ correctly determined that Respondent violated *N.J.S.A. 18A:12-24.1(e)* and *N.J.S.A. 18A:12-24.1(g)* when “she disclosed the Board’s potential negotiation strategy at a public committee meeting attended by members of the union with which the Board was negotiating.” Complainants aver that Respondent’s “characterization of the committee is misleadingly simplistic and ignores that the threat of harm to the Board came from her unilateral and premature release of information to the public before the Board could enact a negotiations strategy with its teachers’ union.” Complainants note that as the Board President, Respondent was “pry to related information regarding the Board ‘explor[ing] the option of getting a late start time for the high school’ (to manage the aforesaid fiscal impact of transportation).” Complainants further note that this information “stood to jeopardize the Board’s position related to negotiations over instructional time because the collective negotiations

agreement with the District's teachers' union 'had a maximum number of hours for pupil contact time.'" Finally, Complainants contend that the Commission should further find that Respondent violated *N.J.S.A. 18A:12-24.1(g)* because she misrepresented to the public and the Board the existence and nature of her communications with Board counsel.

As to the ALJ's finding that Respondent violated *N.J.S.A. 18A:12-24.1(i)*, Complainants assert the Commission should also adopt this finding because Respondent publicly accused the Superintendent of bullying, intimidation, and harassment and "it is evident that deliberate, publicly made, verbal attacks by a board member that question a school official's character, morals, or qualifications often serve to undermine the school official's ability to perform their duties, and that this is precisely the type of conduct that implicates *N.J.S.A. 18A:12-24.1(i)*."

Finally, Complainants assert the Commission should adopt the ALJ's decision that Respondent should be censured. According to Complainants, Respondent ignores the ALJ's "thorough analysis of the egregious and public nature of Respondent's misconduct warranting the penalty of censure."

IV. Analysis

Upon a careful, thorough, and independent review of the record, the Commission adopts the ALJ's findings of fact, the legal conclusions that Respondent violated *N.J.S.A. 18A:12-24.1(e)*, *N.J.S.A. 18A:12-24.1(g)* and *N.J.S.A. 18A:12-24.1(i)*, and the recommended penalty of censure.

Pursuant to *N.J.S.A. 18A:12-24.1(e)*, a board member must recognize that authority rests with the board and a board member shall not make any personal promises nor take any private action that may compromise the board. 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 her duties such that, by its nature, had the potential to compromise the board. The Commission finds that when Respondent told the public that the Board was prepared to reduce instructional time by forty minutes per day, after the Superintendent had explicitly told her numerous times that revealing that information would hurt the Board's position in union negotiations, Respondent certainly took action that, by its nature, may compromise the Board. Such action was outside the scope of her duties as a Board member, because she was advised in advance that Board members could not discuss details related to the Committee, notably while the Board was in the midst of negotiating with the union, but Respondent nevertheless took it upon herself to reveal the information. Accordingly, the Commission agrees with the ALJ that Respondent violated *N.J.S.A. 18A:12-24.1(e)*.

N.J.S.A. 18A:12-24.1(g) requires a board member to hold confidential all matters pertaining to the schools which, if disclosed, would needlessly injure individuals or the schools, and also to provide accurate information. Pursuant to *N.J.A.C. 6A:28-6.4(a)*, factual evidence of a violation of the confidentiality provision of *N.J.S.A. 18A:12-24.1(g)* shall include evidence that Respondent took action to make public, reveal or disclose information that was not public under any laws, regulations or court orders of this State, or information that was otherwise confidential in accordance with board policies, procedures or practices. Factual evidence that Respondent

violated the inaccurate information provision of *N.J.S.A. 18A:12-24.1(g)* shall include evidence that substantiates the inaccuracy of the information provided by Respondent and evidence that establishes that the inaccuracy was other than reasonable mistake or personal opinion or was not attributable to developing circumstances. The Commission finds that Respondent's disclosure of private Board information that was intended to be used in negotiations violated the confidentiality provision of *N.J.S.A. 18A:12-24.1(g)*. Information that is learned due to being on the Committee is considered confidential until discussed at a public meeting or voted upon. Further, the Commission finds that Respondent lied to the Superintendent and the Board when she knowingly misrepresented that her conversations with Board counsel were protected, and when she said she had "no idea" what document she discussed with Board counsel. Respondent's misrepresentations, at the very least with respect to Board counsel's invoice, cannot be attributed to reasonable mistake and violated the inaccurate information provision of *N.J.S.A. 18A:12-24.1(g)*. As such, the Commission agrees with the ALJ that Respondent violated *N.J.S.A. 18A:12-24.1(g)*.

N.J.S.A. 18A:12-24.1(i) requires a board member to support and protect school personnel in the proper performance of their duties. 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(i)* shall include evidence that Respondent took deliberate action which resulted in undermining, opposing, compromising or harming school personnel in the proper performance of their duties. The Commission finds that when Respondent indicated that she had been the subject of "some very concerning threats" followed by her public statement implying that the Superintendent had been committing "bullying, intimidation, and harassment" against her for some time, she took deliberate action to undermine the Superintendent in the performance of her duties. Thus, the Commission agrees with the ALJ that Respondent violated *N.J.S.A. 18A:12-24.1(i)*.

Finally, the Commission agrees with the ALJ that a censure is the appropriate penalty for Respondent's violations of *N.J.S.A. 18A:12-24.1(e)*, *N.J.S.A. 18A:12-24.1(g)* and *N.J.S.A. 18A:12-24.1(i)*. Respondent blatantly ignored the Superintendent's warnings regarding protecting confidential information to be used in negotiations, which compromised the Board's position, spread lies regarding her meeting with Board counsel that questioned Board counsel's integrity, and publicly accused the Superintendent of bullying her. Additionally, a majority of Respondent's actions occurred in public, and therefore, the public should be aware of her sanction. Accordingly, the Commission finds that a penalty of censure is warranted in this circumstance.

IV. Decision

For all of the aforementioned reasons, the Commission adopts the Initial Decision's findings of fact, the legal conclusions that Respondent violated *N.J.S.A. 18A:12-24.1(e)*, *N.J.S.A. 18A:12-24.1(g)* and *N.J.S.A. 18A:12-24.1(i)*, and the recommended penalty of censure.

Pursuant to *N.J.S.A. 18A:12-29(c)*, this decision shall be forwarded to the Commissioner of Education for review of the Commission's recommended penalty. The parties may either: 1) file exceptions to the recommended sanction; 2) file an appeal of the Commission's finding of

a violation; or 3) file both exceptions to the recommended sanction together with an appeal of the finding of a violation.

Parties taking exception to the recommended sanction of the Commission but *not disputing* the Commission's finding of a violation may file, **within thirteen (13) days** from the date the Commission's decision is forwarded to the Commissioner, written exceptions regarding the recommended penalty to the Commissioner. The forwarding date shall be the mailing date to the parties, as indicated below. Such exceptions must be forwarded to: Commissioner of Education, c/o Office of Controversies and Disputes, P.O. Box 500, Trenton, New Jersey 08625, marked "Attention: Comments on Ethics Commission Sanction," as well as to (ControversiesDisputesFilings@doe.nj.gov). A copy must also be sent to the Commission (school.ethics@doe.nj.gov) and all other parties.

Parties seeking to appeal the Commission's finding of violation *must* file an appeal pursuant to the standards set forth at *N.J.A.C. 6A:4:1 et seq.* **within thirty (30) days** of the filing date of the decision from which the appeal is taken. The filing date shall be three (3) days after the date of mailing to the parties, as shown below. In such cases, the Commissioner's review of the Commission's recommended sanction will be deferred and incorporated into the Commissioner's review of the finding of violation on appeal. Where a notice of appeal has been filed on or before the due date for exceptions to the Commission's recommended sanction (thirteen (13) days from the date the decision is mailed by the Commission), exceptions need not be filed by that date, but may be incorporated into the appellant's briefs on appeal.

Robert W. Bender, Chairperson

Mailing Date: October 28, 2025

***Resolution Adopting Decision
in Connection with C51-22***

Whereas, at its special meeting on September 14, 2022, the School Ethics Commission (Commission) voted to transmit the above-captioned matter to the Office of Administrative Law (OAL) for a plenary hearing; and

Whereas, the Administrative Law Judge (ALJ) issued an Initial Decision dated June 27, 2025; and

Whereas, the ALJ found that Respondent violated *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(g) and *N.J.S.A.* 18A:12-24.1(i), and recommended a penalty of censure; and

Whereas, Respondent filed exceptions to the Initial Decision, and Complainants filed a reply thereto; and

Whereas, at its meeting on September 23, 2025, the Commission reviewed the record in this matter, and discussed adopting the ALJ's findings of fact, the legal conclusions that Respondent violated *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(g) and *N.J.S.A.* 18A:12-24.1(i), and the recommended penalty of censure; and

Whereas, at its meeting on October 28, 2025, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on September 23, 2025; and

Now Therefore Be It Resolved, the Commission hereby adopts the within decision.

Robert W. Bender, Chairperson

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

Brigid C. Martens, Director
School Ethics Commission