

Before the School Ethics Commission
Docket No.: C52-24
Decision on Probable Cause

Cedric Holmes,
Complainant

v.

Eugene Medio,
Vineland Board of Education, Cumberland County,
Respondent

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on June 20, 2024, by Cedric Holmes (Complainant), Vice-President of the Vineland Board of Education (Board), alleging that Eugene Medio (Respondent), a member of the 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(d)* (Count 2), *N.J.S.A. 18A:12-24.1(e)* (Count 2), *N.J.S.A. 18A:12-24.1(g)* (Count 2) and *N.J.S.A. 18A:12-24.1(i)* (Count 1) of the Code of Ethics for School Board Members (Code).

Respondent filed a Written Statement on July 10, 2024, and also alleged that the Complaint is frivolous. Complainant filed a response to the allegation of frivolous filing on July 16, 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*

In Count 1, Complainant maintains that the Vineland Public School District (District) was "in a hiring process" for a principal for one of the District's high schools. According to Complainant, Respondent has a relative employed in the District at the high school, and therefore, had been advised by "[B]oard leadership" and "alternate counsel" that he "must recuse

himself from all discussion and voting” on the topic. Complainant asserts that on June 15, 2024, District personnel conducted interviews for the principal position, and despite being advised to recuse himself, Respondent tried to attend the meeting. However, after being told that he “cannot sit in the interview,” he left the building. Per Complainant, thereafter, on June 19, 2024, the Policy and Personnel committee had a meeting to discuss the candidate for principal. Complainant provides that neither he nor the Board President were present, but Respondent was advised by “[D]istrict personnel” that due to his conflict he could not participate in the meeting; however, Respondent did not leave the committee meeting and was present for the “entire discussion” related to the principal. Complainant further maintains that Respondent “has been identified by our staff and teachers as intimidating throughout this hiring process as he is advocating for a candidate that is not being recommended by the Advisory Committee or the Superintendent.” Complainant asserts that because Respondent “was involved in discussion at the committee meeting after being asked to leave” he violated *N.J.S.A. 18A:12-24.1(i)*.

In Count 2, Complainant contends that Respondent “has been witnessed . . . intimidating staff and sending message[s] to staff that were on the hiring committee for their building principal.” Complainant states that Respondent is “more than vocal about undermining, opposing, and compromising the decisions made by the hiring committee put together by the Superintendent.” Complainant further contends Respondent violated *N.J.S.A. 18A:12-24.1(d)*, *N.J.S.A. 18A:12-24.1(e)* and *N.J.S.A. 18A:12-24.1(g)* because Respondent “has made promises that the candidate that the committee did not choose would be approved by the [B]oard and the [B]oard would not honor their recommendation of another candidate.” Complainant notes that Respondent has had “multiple conversations with staff [who] were not on this committee,” and in doing so, breeched confidentiality and spoke for the whole Board.

B. *Written Statement and Allegation of Frivolous Filing*

Respondent addresses prohibited acts, in particular *N.J.S.A. 18A:12-24(d)*, (e), (g), and (i), in his response although the Complaint alleged potential violations of the Code, namely *N.J.S.A. 18A:12-24.1(d)*, (e), (g), and (i).

Respondent notes that the family member in question is his cousin’s adult son, who is over 50 years old, and asserts that Complainant has maintained that as Respondent’s cousin’s son teaches at the high school, Respondent should be excluded from “any conversation or vote on the next principal” of the school. Respondent also asserts that Complainant “knows that the distant family member in question is not a member of [Respondent’s] immediate family.” Further, Respondent argues that Complainant has not provided any evidence to support that “unidentified ‘[B]oard leadership’ and ‘alternate counsel’” advised Respondent to recuse himself from the matter. Moreover, Respondent notes that “[D]istrict personnel” does not have the authority to “exclude school board members from being present at subcommittee meetings,” and states that “it seems impossible that anyone is ‘intimidated’” by him. Lastly, Respondent argues the Complaint should be dismissed as frivolous.

C. *Response to Allegation of Frivolous Filing*

Complainant notes that Respondent referenced prohibited acts in his response, which were not alleged. Complainant does not answer the frivolous allegations and instead restates his initial Complaint.

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(d), *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 these provisions of the Code provide:

- d. I will carry out my responsibility, not to administer the schools, but, together with my fellow board members, to see that they are well run.
- 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.
- g. I will hold confidential all matters pertaining to the schools which, if disclosed, would needlessly injure individuals or the schools. In all other matters, I will provide accurate information and, in concert with my fellow board members, interpret to the staff the aspirations of the community for its school.
- i. I will support and protect school personnel in proper performance of their duties.

Pursuant to *N.J.A.C.* 6A:28-6.4(a), a violation(s) of *N.J.S.A.* 18A:12-24.1(d), *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(g), and/or *N.J.S.A.* 18A:12-24.1(i) need to be supported by certain factual evidence, more specifically:

- 4. Factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(d) shall include, but not be limited to, evidence that Respondent gave a direct order to school personnel or became directly involved in activities or functions that are the responsibility of school personnel or the day-to-day administration of the school district or charter school.

5. 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.
7. 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.
9. 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.

Count 1

In Count 1, Complainant argues that Respondent violated *N.J.S.A.* 18A:12-24.1(i) when he attended a Policy and Personnel committee meeting on June 19, 2024, where they discussed candidates for principal for one of the District high schools when his relative is employed at the high school. Respondent counters that the family member in question is his cousin's adult son, who is over 50 years old.

The Commission notes that effective March 6, 2023, the Commission's regulations for the term "relative" have become more expansive, and now corresponds to the definition set forth in the accountability regulations. More specifically, and pursuant to *N.J.A.C.* 6A:28-1.2, "relative" is defined as: "an individual's spouse, civil union partner pursuant to *N.J.S.A.* 37:1-33, domestic partner as defined in *N.J.S.A.* 26:8A-3, or the parent, child, sibling, aunt, uncle, niece, nephew, grandparent, grandchild, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother, or half-sister of the individual or of the individual's spouse, civil union partner, or domestic partner, whether the relative is related to the individual or the individual's spouse, civil union partner, or domestic partner by blood, marriage, or adoption." *N.J.A.C.* 6A:28-1.2. In keeping with the analysis set forth in *Advisory Opinion 07-23* (A07-23), a cousin's son is not defined as a family member by any controlling authority, but would be considered an "other" pursuant to *N.J.S.A.* 18A:12-24(b), which provides that a board of education member may not extend any "unwarranted privileges, advantages or employment for himself, members of his immediate family or others." Therefore, the fact that Respondent's cousin's son is employed by the Board does not create the presumption of a conflict for Respondent on any board activity.

Based on its review, and with the understanding that Respondent's cousin's adult son is an "other," 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(i) has been violated. In the current matter, Complainant has not presented any evidence that Respondent took deliberate action which resulted in undermining, opposing, compromising or harming school personnel in the proper performance of their duties. 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(i) in Count 1.

Count 2

In Count 2, Complainant contends that Respondent intimidated staff and sent messages to staff who were on the hiring committee for the principal in violation of *N.J.S.A.* 18A:12-24.1(d), 18A:12-24.1(e) and *N.J.S.A.* 18A:12-24.1(g). Complainant further contends that Respondent made promises that the candidate who the committee did not choose would be approved by the Board and breached confidentiality when he had conversations with staff who were not on the hiring committee, and in doing so, spoke for the whole Board. Respondent argues that "it seems impossible that anyone is 'intimidated'" by him.

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(d), 18A:12-24.1(e), and/or *N.J.S.A.* 18A:12-24.1(g) were violated in Count 2. Complainant has also not provided any evidence that Respondent gave an order to school personnel or became involved in activities or functions that are the responsibility of school personnel or the day-to-day administration of the school, as required by *N.J.S.A.* 18A:12-24.1(d). With respect to *N.J.S.A.* 18A:12-24.1(e), the Complaint lacks factual support that Respondent made any personal promises to any member of the hiring committee/Policy and Personnel committee or took action beyond the scope of his duties such that, by its nature, had the potential to compromise the board. The Complainant does not attach any evidence of messages that Respondent sent nor demonstrate how Respondent allegedly intimidated the staff. Finally, with regard to *N.J.S.A.* 18A:12-24.1(g), Complainant fails to include any evidence that Respondent disclosed confidential 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.

Therefore, and pursuant to *N.J.A.C.* 6A:28-9.7(b), the Commission dismisses the alleged violations of *N.J.S.A.* 18A:12-24.1(d), 18A:12-24.1(e) and *N.J.S.A.* 18A:12-24.1(g) in Count 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 Complainant 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 Complainant 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 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 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 C52-24***

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