

***Before the School Ethics Commission  
OAL Docket No.: EEC-04005-21  
SEC Docket No.: C56-20  
Final Decision***

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***In the Matter of Carlos Guzman, Michael J. Sprague, Rahul Vaghasia, Edward Cammarata,  
Kelly Wilson and Tammy Greenberg,  
Norwood Board of Education, Bergen County,  
Respondents***

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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 September 27, 2020, by Heather Garcia (Complainant), a member of the Norwood Board of Education (Board), alleging that Carlos Guzman (Respondent Guzman), Michael J. Sprague, (Respondent Sprague) Rahul Vaghasia (Respondent Vaghasia), Edward Cammarata (Respondent Cammarata), Kelly Wilson (Respondent Wilson) and Tammy Greenberg (Respondent Greenberg) (collectively, Respondents), also members of the Board, violated the School Ethics Act (Act), *N.J.S.A.* 18A:12-21 *et seq.* More specifically, the Complaint alleges that Respondents violated *N.J.S.A.* 18A:12-24(b) and *N.J.S.A.* 18A:12-24(f), as well as *N.J.S.A.* 18A:12-24.1(a) and *N.J.S.A.* 18A:12-24.1(c) of the Code of Ethics for School Board Members (Code).

At its meeting on January 26, 2021, and after reviewing Respondents' Motion to Dismiss in Lieu of an Answer (Motion to Dismiss), as well as Complainant's response thereto, the Commission adopted a decision granting the Motion to Dismiss as to the alleged violations of *N.J.S.A.* 18A:12-24.1(a) and *N.J.S.A.* 18A:12-24.1(c); denying the Motion to Dismiss as to the alleged violations of *N.J.S.A.* 18A:12-24(b) and *N.J.S.A.* 18A:12-24(f); and directing Respondents to file an Answer to Complaint (Answer) to the remaining allegations, which they did on February 12, 2021.

Thereafter, at its meeting on April 27, 2021, the Commission voted to find probable cause for the remaining allegations in the Complaint. Based on its finding of probable cause, the Commission voted to transmit the within matter to the Office of Administrative Law (OAL) for a hearing.

At the OAL, following cross-motions for summary decision, the Administrative Law Judge (ALJ) issued an Initial Decision on January 7, 2025, concluding that Respondents did not violate *N.J.S.A.* 18A:12-24(b) and/or *N.J.S.A.* 18A:12-24(f), and dismissing the matter. Petitioner filed exceptions to the Initial Decision, in accordance with *N.J.A.C.* 1:1-18.4, and Respondents filed a reply thereto.

At its meeting on February 18, 2025, the Commission discussed the above-captioned matter, and at its meeting on March 25, 2025, the Commission voted to adopt the Initial Decision's findings of fact, the legal conclusions that Respondents did not violate *N.J.S.A.* 18A:12-24(b) and/or *N.J.S.A.* 18A:12-24(f), and the dismissal of the above-captioned matter.

## II. Initial Decision

In or around December 2019, Complainant and her husband incorporated the Valley Kids Matter Foundation (VKMF), with a mission to “help families in the local area receive the services and support they need for their children with special needs.” *Initial Decision* at 3. In January 2020, Board members became concerned that Complainant’s involvement with VKMF “could be in conflict with her role as a Board member,” and they each expressed their concerns to Complainant. *Ibid.*

Thereafter, on February 4, 2020, Board counsel sent a letter to Respondent Guzman (Board President) in response to Respondent Guzman’s inquiry regarding Complainant’s foundation, and Board counsel stated, “the Board [m]ember’s involvement with [VKMF] may constitute a violation of the [Act],” and “it would be advisable to meet with the Board [m]ember to obtain additional information on [VKMF] and the member’s role, responsibilities and duties.” *Id.* at 3-4. From January 22 through February 4, 2020, Board counsel billed the District \$3,506.50 for legal research and drafting the letter to the Board President. *Id.* at 4. Respondent Guzman contacted Complainant via email on February 10, 2020, indicating that her involvement in the foundation might violate the Act. *Ibid.* Complainant responded to Respondent Guzman on February 26, 2020, noting that she was “not comfortable with what appears to be an investigation by the board attorney and [Respondent Guzman] of VKMF,” and Complainant also informed Respondent Guzman that she had requested an advisory opinion from the Commission. *Ibid.* Respondent Guzman then requested that Complainant provide a copy of the request for an advisory opinion, but Complainant informed Respondent Guzman that she “would like some time to consider [his] request,” but that she “hesitate[d] to provide [him] with the letter at this time” because she felt that he “singled [her] out for being involved with [VKMF].” *Ibid.* Thereafter, in March 2020, Respondent Guzman maintains that he unsuccessfully attempted to meet with Complainant regarding the Board’s concerns. *Ibid.*

On March 17, 2020, Respondents each filed separate complaints as individuals with the Commission against Complainant, which were deficient, and at the direction of the Commission’s staff, Respondents refiled one consolidated complaint against Complainant. *Id.* at 4-5. According to Respondents, Board counsel’s bills do not reflect any work related to drafting the complaint, nor advising Respondents about the complaint, but rather only with respect to the initial correspondence sent to Respondent Guzman on February 4, 2020. *Id.* at 5.

Complainant maintains she received an advisory opinion from the Commission on April 21, 2020, noting that her involvement with VKMF was not in violation of the Act, but that the foundation could not provide any services within the District. *Ibid.* Complainant filed the instant complaint against Respondents on September 27, 2020, alleging that Respondents used taxpayer funds to obtain guidance from Board counsel regarding VKMF, which they in turn used to file their consolidated complaint. *Id.* at 6. Complainant asserted, “[b]y using taxpayer funds . . . [R]espondents used their official position to secure an advantage against another fellow trustee,” and therefore, “got ‘free personal’ legal advice from the board attorney that was used to gain an advantage when filing the ethics complaint[.]” *Ibid.*

With respect to the alleged violations of the Act, the ALJ concluded that Petitioner failed to establish that Respondents used or attempted to use their official positions to secure any unwarranted privilege or advantage for themselves or others in violation of *N.J.S.A.* 18A:12-24(b). *Id.* at 9. The ALJ found the evidence demonstrates that Respondents “became concerned that [Complainant’s]

involvement with VKMF could be in conflict with her duties as a Board member, and each of [Respondents] expressed concerns to [Complainant] that her involvement” may violate the Act. *Id.* at 10. The ALJ further found based on their concerns, the Board President (Respondent Guzman), as the authorized contact with the District’s counsel, contacted Board counsel for guidance. *Ibid.* Board counsel advised that Complainant could be in violation of the Act and advised Respondents to meet with Complainant to obtain additional information regarding her involvement with VKMF. *Id.* at 11. Consequently, Respondent Guzman contacted Complainant with a list of questions, which Complainant refused to answer. *Ibid.* Moreover, Complainant did not comply with Respondent Guzman’s request for a copy of her advisory opinion request, nor would she meet with Respondent Guzman. *Ibid.* It was only after Respondents’ failed attempt to resolve the matter with Complainant that they filed their consolidated complaint. *Ibid.* The ALJ found that Respondents’ use of Board counsel to “offer guidance regarding the potential conflict of interest by [Complainant] cannot be said to be unwarranted and did not provide [R]espondents with any unwarranted personal privilege or advantage.” *Ibid.* Further, Respondents “did not engage in conduct that could reasonably be seen as an attempt to gain unwarranted benefits for themselves or action that took advantage of their positions.” *Ibid.* The ALJ further found the evidence does not support that Respondents “sought the advice of the Board attorney in order to file their complaints against [Complainant] or for the use in their complaints.” *Ibid.* On the contrary, the ALJ noted the evidence shows that Respondents sought the advice of Board counsel “to internally address [R]espondents’ concern that [Complainant’s] involvement with VKMF may be in violation of the [Act] and in furtherance of preventing violation of the laws regarding ethical conduct by a school board member.” *Ibid.* The ALJ pointed out that Board counsel’s invoices do not reflect any “work relating to drafting a complaint with the [Commission] or advising any of [R]espondents regarding such a complaint.” *Ibid.*

The ALJ also concluded Petitioner failed to demonstrate that Respondents violated *N.J.S.A.* 18A:12-24(f). *Id.* at 12. According to the ALJ, the “record demonstrates that the factual basis for [R]espondents’ complaint against [Complainant] entailed information that was generally available to members of the public.” The ALJ provided that the information contained in Respondents’ consolidated complaint about VKMF “was also obtained from an advertisement placed by VKMF on the Norwood [Parent Teacher Organization (PTO)] website.”

Therefore, the ALJ concluded Petitioner “failed to satisfy its burden of proving, by a preponderance of competent and credible evidence, that [R]espondents have violated *N.J.S.A.* 18A:12-24(b) and *N.J.S.A.* 18A:12-24(f)” and dismissed the Complaint.

### **III. Exceptions**

#### ***Petitioner’s Exceptions***

Petitioner initially argues the Initial Decision should be rejected because the ALJ “ignored consistent precedent concerning a board members’ ability to seek advice from board counsel on legal matters they pursue in their individual capacity.” Petitioner cites *In re Richardson*, No. A-1748-20, 2022 *N.J. Super. Unpub. LEXIS* 1291 (App. Div. July 18, 2022) and *Shauna Williams v. Robert Cianciulli, et al.*, SEC Consolidated Docket Nos. C64-22, C77-22, and C92-22 (February 18, 2025), to support its claim that Respondents “were not representing themselves in pursuit of their own interest when they filed their ethics complaint against another Board member.” On the contrary, Petitioner asserts Respondents were “representing a portion of Board members attempting to resolve an ethics concern they could not do through the Board itself since a board of education cannot file an

ethics complaint.” Therefore, Petitioner contends “like *Cianciulli*, the Commission should find that Respondents violated *N.J.S.A.* 18A:12-24(b) and (f) by using their positions to avoid paying \$3,506.50 in legal expenses for the Board attorney’s research on whether [Complainant’s] involvement with VKMF violated the Act before filing ethics complaints with the Commission against [Complainant] for her involvement with VKMF, a benefit not generally available to the public.”

Petitioner further argues Respondents’ “actions warrant a penalty” because “their failure to pay any legal expense for the Board attorney’s research and advice on whether another Board member’s involvement in a non-profit organization violated the Act, before deciding to file individual ethics complaints with the Commission . . . made it reasonable for the public to believe that Respondents were using their positions on the Board to gain an unwarranted advantage that the public would not be afforded if they wanted similar advice before filing ethics complaints with the Commission.” Petitioner asserts similar to the cited cases, Respondents here “acted on the Board’s behalf by filing individual [] complaints against another Board member after receiving the benefit of free legal counsel from the Board’s attorney regarding that ethics complaint.” Petitioner contends that censure is appropriate “in matters where board members violated the Act – and received a benefit.” Petitioner further contends Respondents “received the benefit of free legal counsel from the Board’s attorney regarding the viability of filing individual ethics complaints against Garcia for her involvement with VKMF.”

### ***Respondents’ Reply to Petitioner’s Exceptions***

Respondents argue that the ALJ appropriately found that Respondents did not violate *N.J.S.A.* 18A:12-24(b) and *N.J.S.A.* 18A:12-24(f) because Petitioner “failed to demonstrate that any of the Respondents secured any ‘unwarranted privileges’ for their own personal gain by individually filing” a Complaint. According to Respondents, filing a complaint “against another person does not confer any benefit to the filer” and “there is nothing in the record to support [] Petitioner’s claims that [the ALJ’s] findings are arbitrary, capricious or unreasonable or are not supported by sufficient, competent, and credible evidence in the record.”

Respondents note, “Petitioner’s position in this case would render Board [m]embers who believe that another member has violated the [Act] powerless to do anything to remedy the situation if they had previously sought the advice of the Board Attorney for guidance on their colleague’s activities. Or, equally problematic would be the outcome of Board [m]embers not seeking the advice of the Board Attorney regarding a fellow Board [m]ember’s conduct because they might eventually feel the need to file a Complaint with the [Commission].” Respondents maintain, “[s]hould [] Petitioner’s position in this case prevail, it would lead to two undesired outcomes: Board [m]embers being unable to file a Complaint alleging unethical behavior because the Board Attorney had previously opined on this situation to the Board or the Board being proscribed from obtaining the Board Attorney’s guidance because they feel a particular Board [m]ember’s conduct violates the [Act].”

In this matter, Respondents maintain they had concerns about another member’s conduct, they presented their concerns to Board counsel for guidance and after Board counsel advised that the Board member’s conduct was problematic, Respondents attempted to resolve the situation with the Board member via emails. Respondents further maintain it was not until the Board member refused to answer their questions, that the “remaining Board [m]embers, as individuals, filed Complaints

with the [Commission] regarding her conduct.” Respondents assert that Board counsel did not draft the Complaint, nor have any involvement in filing the Complaint as evidenced by Board counsel’s billing.

Respondents argue that Petitioner’s reliance on *Cianciulli* “is misplaced” because in this matter, Board counsel “provided advice on an internal issue that unfortunately did not resolve after his opinion that [Complainant’s] involvement with her Foundation was problematic.” Respondents further argue the ALJ correctly found that Board counsel was not involved in filing the Complaint and the billing “on the internal question ended approximately six weeks prior to the filing of the” Complaint.

Respondents assert the ALJ also correctly concluded that Petitioner “failed to show how the filing of an [ethics] Complaint using, in part, information they received from the Board Attorney was for the purpose of securing financial gain.” According to Respondents, if Board counsel had advised that Complainant’s Foundation was not a conflict, and Respondents filed a complaint anyway, “they would not have been using the Board Attorney’s opinion as a basis for their Complaint, but still would have received the information from the Board Attorney.” Petitioner’s argument that Respondents’ receipt of “free legal counsel” is the “very essence of Respondents’ violation of the [Act]” is false. With the above in mind, Respondents contend the ALJ properly dismissed the matter.

#### **IV. Analysis**

Upon a thorough, careful, and independent review of the record, the Commission adopts the ALJ’s factual findings, the legal conclusions that Respondents did not violate *N.J.S.A.* 18A:12-24(b) and/or *N.J.S.A.* 18A:12-24(f), and the dismissal of this matter.

*N.J.S.A.* 18A:12-24(b) prohibits school officials from using or attempting to use their official position to secure unwarranted privileges, advantages or employment for themselves, members of their immediate family or others. The Commission finds that, in this circumstance, Respondents did not seek the advice of counsel for the purpose of filing an ethics complaint, but rather to internally resolve a potential concern with a fellow Board member. Therefore, Respondents were not attempting to secure an unwarranted privilege or advantage in their future ethics proceeding that was not anticipated at the time they reached out to counsel. But for Complainant’s unwillingness to speak to Respondents regarding their concerns, Respondents may not have resorted to the filing of ethics complaints. As such, the Commission agrees with the ALJ that a violation of *N.J.S.A.* 18A:12-24(b) has not been established.

*N.J.S.A.* 18A:12-24(f) prohibits school officials from using, or allowing to be used, their public office or employment, or any information, not generally available to the members of the public, which they receive or acquire in the course of and by reason of their office or employment, for the purpose of securing financial gain for themselves, any member of their immediate family, or any business organization with which they are associated. The Commission finds that the information Respondents used in their ethics complaints was available publicly and not obtained through their Board membership. Additionally, the advice that they received from Board counsel, which did not provide any substantive guidance and simply indicated that Complainant’s conduct may violate the Act, and which was received before Respondents intended to file ethics complaints and while they were attempting to communicate internally to their fellow Board member, did not provide

Respondents with financial gain. Accordingly, the Commission agrees with the ALJ that a violation of *N.J.S.A.* 18A:12-24(f) has not been demonstrated.

The Commission does not find Petitioner's exceptions to be persuasive. Contrary to Petitioner's contention, Respondents were not attempting to resolve an ethics concern on behalf of the Board as a whole through the filing of their individual ethics complaints. The School Ethics Act requires that individuals file ethics complaints, and multiple Board members are not prohibited from filing individual complaints and/or one complaint with individually named complainants. Unlike *Cianciulli*, the Board as a whole did not adopt a resolution and/or otherwise authorize Respondents to file ethics complaints on the Board's behalf. Instead, Respondents filed their ethics complaints on their own accord. Further, unlike the respondents in *Cianciulli*, here, the record demonstrates Respondents drafted their own ethics complaints, and did not use Board resources or have Board counsel draft or file the ethics charges free of cost to them individually. Such differences are critical in determining why Respondents in this matter did not violate the alleged provisions of the Act.

Accordingly, the Commission agrees with the ALJ that this matter should be dismissed.

#### **IV. Decision**

Upon review, the Commission adopts the Initial Decision's findings of fact, the legal conclusions that Respondents did not violate *N.J.S.A.* 18A:12-24(b) and/or *N.J.S.A.* 18A:12-24(f), and the dismissal of the above-captioned matter.

Therefore, this is a final agency decision and is appealable only to the Superior Court-Appellate Division. *See, N.J.A.C.* 6A:28-9.10(b) and *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: March 25, 2025

***Resolution Adopting Decision  
in Connection with C56-20***

***Whereas***, at its meeting on April 27, 2021, the School Ethics Commission (Commission) voted to transmit the above-captioned matter to the Office of Administrative Law (OAL) for a hearing; and

***Whereas***, the Administrative Law Judge (ALJ) issued an Initial Decision dated January 7, 2025; and

***Whereas***, in the Initial Decision, the ALJ found that Respondents did not violate *N.J.S.A.* 18A:12-24(b) and/or *N.J.S.A.* 18A:12-24(f), and ordered the dismissal of the above-captioned matter; and

***Whereas***, Petitioner filed exceptions to the Initial Decision and Respondents filed a reply to the exceptions; and

***Whereas***, at its meeting on February 18, 2025, the Commission reviewed and discussed the record, including the ALJ's Initial Decision; and

***Whereas***, at its meeting on February 18, 2025, the Commission discussed adopting the Initial Decision's findings of fact, the legal conclusions that Respondents did not violate *N.J.S.A.* 18A:12-24(b) and/or *N.J.S.A.* 18A:12-24(f), and the dismissal of the above-captioned matter; 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***, the Commission hereby adopts the within decision.

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Robert W. Bender, Chairperson

I hereby certify that this Resolution was duly adopted by the School Ethics Commission at its meeting on March 25, 2025.

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Brigid C. Martens, Director  
School Ethics Commission