

***Before the School Ethics Commission
OAL Docket No.: EEC 09539-22
SEC Docket No.: C82-22
Final Decision***

**Pio Pennisi, Thomas Cassio, Jim Giannakis, Keith Both, Divon Pender, John Farinella,
and William Seesselberg,
*Complainants***

v.

**Deborah Boyle,
South Plainfield 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 August 23, 2022, by Pio Pennisi, Thomas Cassio, Jim Giannakis, Keith Both, Divon Pender, John Farinella, William Seesselberg, and Noreen Tansey Lishak¹ (Complainants), alleging that Deborah Boyle (Respondent), a member of the South Plainfield Board of Education (Board), violated the School Ethics Act (Act), *N.J.S.A. 18A:12-21 et seq.* More specifically, the Complaint alleged that Respondent violated *N.J.S.A. 18A:12-24.1(c)*, *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)* of the Code of Ethics for School Board Members (Code) stemming from allegations that Respondent shared confidential Board documents with an individual, Robert C. Diehl (Diehl), who had filed a lawsuit against the Board and Superintendent for age discrimination.

On September 16, 2022, Respondent filed an Answer to the Complaint. At a special meeting on October 17, 2022, the Commission adopted a letter decision transmitting the matter to the Office of Administrative Law (OAL).

At the OAL, following several days of hearings, Complainants served subpoenas on Diehl and his attorney, Robert A. Diehl (Attorney Diehl), seeking testimony. Diehl and Attorney Diehl filed a motion to quash the subpoenas, which the Administrative Law Judge (ALJ) granted by Order dated December 28, 2023. On January 5, 2024, Complainants filed a request for interlocutory review with the Commission, and at a special meeting on February 13, 2024, the Commission adopted a decision modifying the ALJ's Order and finding that the motion to quash the subpoena for Attorney Diehl was granted, but the motion to quash the subpoena for Diehl

¹ Superintendent Noreen Tansey Lishak was listed as a Complainant on the Complaint in this matter, but it appears her name was inadvertently omitted from the transmittal of the file to the Office of Administrative Law.

was denied. Thereafter, another day of hearing was held, in which Diehl testified, and the record closed on July 22, 2025.²

On August 29, 2025, the ALJ issued an Initial Decision finding that Respondent violated *N.J.S.A.* 18A:12-24.1(c), *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 reprimand. The parties did not file exceptions to the Initial Decision.

At its meeting on October 28, 2025, the Commission considered the full record in this matter. Thereafter, at its meeting on November 25, 2025, the Commission voted to adopt the Initial Decision's factual findings, and the legal conclusions that Respondent violated *N.J.S.A.* 18A:12-24.1(c), *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), but voted to modify the recommended penalty to a censure.

II. Initial Decision

Based on documentary evidence and witness testimony, the ALJ issued the following findings of fact:

- Diehl was an administrator (vice principal) serving as the Interim High School Principal when he applied for the permanent position.
- After being denied the principal's position, Diehl brought an age discrimination action against the Board and the Superintendent.
- On June 23, 2022, Attorney Diehl sent a letter to the Board's insurance counsel, which indicated that Respondent "hand delivered" a package to Diehl's home.
- In response to questioning from Board counsel regarding the 20-pages of documents that Attorney Diehl advised Respondent hand delivered to Diehl, Respondent stated, "Please be advised that I have never hand delivered documents to Mr. Bob Diehl."
- Attorney Diehl clarified that his letter did not "make any representation that [Respondent] personally handed any such documents to my client, to the extent that your letter suggested that I made such representation." Attorney Diehl noted that the documents "appeared at his [client's] home without postage in the handwritten envelope."
- On July 7, 2022, Attorney Diehl sent a similar letter of clarification to another attorney for the District.
- Complainants alleged these documents were privileged and contained confidential attorney-client communications, and by delivering these documents to Diehl, Respondent willingly disseminated confidential and privileged information without the approval of the Board.
- Respondent acknowledged in her testimony that one of the documents contained in the package received by Diehl contained her handwriting, and that the packet of documents is the same documents that she transferred from her Board email and printed from her home

² After the submission of closing statements and supplemental briefing, the ALJ remanded the matter to the Commission on April 11, 2025, on a procedural issue. The Commission issued a resolution on June 17, 2025, clarifying the matter, and returning the matter to the OAL.

computer. However, Respondent testified that she created the legal file after a lawsuit was filed against the Board and Superintendent regarding an incident on a school bus, and Board counsel requested the documents in response to discovery. Therefore, she left them at the Business Administrator's (BA) seat at a Board meeting, and then "never saw them again."

- The Superintendent testified that Respondent indicated she forwarded the documents from her Board email address to her personal email address, printed them, and gave them to her personal attorney, but she did not recall Respondent saying anything about giving the documents to the BA.
- The BA recalled Respondent saying that she sent the documents to her personal email so that she could print them out and give them to her personal attorney. The BA was not aware whether Respondent actually gave her attorney the documents, but testified that Respondent did not say that she gave the documents to him.
- The assistant to the BA testified that she also recalled Respondent stating that she provided the documents to her attorney, but did not state that she provided them to the BA.
- Respondent's attorney testified that he could not recall having received the documents, and he could not locate them in the file system that he typically uses.
- Diehl testified that he believed the documents were from Respondent because she shared with him that she supported his age discrimination case, and when he opened the package, he saw Respondent's name on it. Respondent further testified that he had no firsthand knowledge of how the documents ended up outside his home.

Initial Decision at 4-12.

As to witness credibility, the ALJ found that the "[w]itnesses for the Board provided clear testimony as to their view on how the package of confidential Board documents ended up on the driveway of the former vice principal" who had a lawsuit against the Superintendent and the Board, while Respondent's testimony was "inconsistent," and the inconsistencies "negatively affect[ed] the believability of her testimony." *Id.* at 12-13.

The ALJ noted that "[i]n addition to the evidence and testimony, the chain of custody of the documentation demonstrates that [Respondent] was the source of the documents contained in the package that arrived on Robert C. Diehl's driveway." *Id.* at 14. The ALJ further noted, despite Respondent's testimony that she did not hand deliver the documents, "she acknowledged that she had transferred the documents contained in the package from her Board email account to her personal email account, and printed them." *Ibid.* The ALJ found that "under these facts, it has been demonstrated that the package was not 'handed' to Robert C. Diehl; it was found on his driveway." *Ibid.* With the above in mind, the ALJ found that Respondent "caused confidential and privileged communications between the Board and its attorney, as well as other confidential records, including personnel records related to [the Superintendent's] workplace complaint and the findings of the investigation, to be disclosed to a third party without Board approval." *Ibid.*

As to the alleged Code violations, the ALJ stated that Respondent "disclosed confidential attorney-client communications of the Board and confidential personnel information related to

[the Superintendent] to an individual who was actively suing the Board and the [S]uperintendent.” *Id.* at 17. The ALJ further stated the documents that Respondent disclosed were provided to her in connection with her role as a Board member. *Ibid.* As such, the ALJ concluded there is sufficient evidence to demonstrate that Respondent disclosed confidential attorney-client communications of the Board and confidential personnel information, which were unrelated to her duties as a Board member, in violation of *N.J.S.A.* 18A:12-24.1(c). *Ibid.* The ALJ further concluded that Respondent’s conduct in disclosing confidential information to an individual who was in litigation with the Board had the potential to compromise the Board because “the information could have been used to support the individual’s position in the lawsuit to the detriment of the Board” in violation of *N.J.S.A.* 18A:12-24.1(e). *Id.* at 18. The ALJ also concluded that Respondent’s disclosure of confidential information violated *N.J.S.A.* 18A:12-24.1(g). *Id.* at 19. Finally, the ALJ concluded that Respondent was “privity to the information due to her position as a Board member, and by her actions she took affirmative steps to negatively impact” the Superintendent and the Board in violation of *N.J.S.A.* 18A:12-24.1(i). *Ibid.*

As to the appropriate sanction, the ALJ concluded that because Respondent is no longer on the Board, a penalty of reprimand is warranted. *Ibid.*

III. Analysis

Upon a careful, thorough, and independent review of the record, the Commission adopts the ALJ’s findings of fact and the legal conclusions that Respondent violated *N.J.S.A.* 18A:12-24.1(c), *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), but modifies the recommended penalty of reprimand to a censure.

N.J.S.A. 18A:12-24.1(c) requires that board members must their confine board action to “policy making, planning, and appraisal” and “frame policies and plans only after the board has consulted those who will be affected by them.” 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(c) shall include evidence that Respondent took official action to effectuate policies and plans without consulting those affected by such policies and plans, or took action that was unrelated to the respondent’s duty to (1) develop the general rules and principles that guide the management of the school district; (2) formulate the programs and methods to effectuate the goals of the school district; or (3) ascertain the value or liability of a policy. The Commission agrees with the ALJ that Respondent’s actions in sharing confidential information that she only has access to due to her Board membership is action unrelated to her duties of policy making, planning, and appraisal, and as such, is a violation of *N.J.S.A.* 18A:12-24.1(c).

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 disclosed confidential information to an individual who had a lawsuit against the Board and the

Superintendent, her actions had the potential to compromise the Board as she was attempting to assist the individual in his lawsuit, which could harm the Board's position. Accordingly, the Commission agrees with the ALJ that Respondent's actions 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. It has been established that Respondent disclosed confidential information, including attorney-client communications between the Board and its attorney, as well as personnel records related to the Superintendent's workplace complaint and findings of the investigation. The Commission finds that such records were confidential, and the disclosure could needlessly injure the Superintendent and/or school in its lawsuit. Therefore, 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. 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(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 disclosed confidential information, including information about the Superintendent's workplace complaint, to an individual who has a lawsuit against the Superintendent and the Board, 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)*.

As to the appropriate penalty, the Commission recommends a penalty of censure for Respondent's violations of *N.J.S.A. 18A:12-24.1(c)*, *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)* because that is the maximum penalty it can impose on Respondent, who is no longer on the Board. However, the Commission notes that if Respondent were still on the Board, it would have recommended a much higher penalty, as Respondent's actions were completely inappropriate and in direct contravention of her duties to the Board. Respondent not only disclosed confidential information, but she deliberately provided that information to help a former employee in his lawsuit against the Board and Superintendent. Board members are privy to confidential information, and it is fundamental that they can be trusted to keep such information private. Respondent violated that trust, and did so to the detriment of the Board, the very entity she should be protecting. Additionally, the Commission notes that this is not Respondent's first violation of the Act; she was previously censured for violations 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(i)*, and *N.J.S.A. 18A:12-24.1(j)* in *Jim Giannakis, Keith Both, Thomas Cassio, Pio Pennisi, Doug Chapman and William Seesselberg v. Debbie Boyle*, South Plainfield Board of Education, Middlesex County, C86-21 (July 17, 2023). Accordingly, as Respondent is no longer on the Board, the Commission is constrained to recommend a penalty of censure.

IV. Decision

For all of the aforementioned reasons, the Commission adopts the Initial Decision's findings of fact and the legal conclusions that Respondent violated *N.J.S.A.* 18A:12-24.1(c), *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), but modifies the recommended penalty to a 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: November 25, 2025

***Resolution Adopting Decision
in Connection with C82-22***

Whereas, at its special meeting on October 17, 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 August 29, 2025; and

Whereas, the ALJ found that Respondent violated *N.J.S.A.* 18A:12-24.1(c), *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 reprimand; and

Whereas, the parties did not file exceptions to the Initial Decision; and

Whereas, at its meeting on October 28, 2025, the Commission reviewed the record in this matter, and discussed adopting the ALJ's findings of fact and the legal conclusions that Respondent violated *N.J.S.A.* 18A:12-24.1(c), *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), but modifying the recommended penalty to a censure; and

Whereas, at its meeting on November 25, 2025, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on October 28, 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 November 25, 2025.

Brigid C. Martens, Director
School Ethics Commission