

Before the School Ethics Commission
Docket No.: C95-24
Decision on Probable Cause

**Daniel Jude Maxwell,
Complainant**

v.

**Noelle Giblin,
Spring Lake Board of Education, Monmouth County,
Respondent**

I. *Procedural History*

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on December 13, 2024,¹ by Daniel Jude Maxwell (Complainant), alleging that Noelle Giblin (Respondent), a member of the Spring Lake Board of Education (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(b)*, as well as *N.J.S.A. 18A:12-24.1(a)*, *N.J.S.A. 18A:12-24.1(c)*, *N.J.S.A. 18A:12-24.1(f)*, and *N.J.S.A. 18A:12-24.1(g)*, of the Code of Ethics for School Board Members (Code). Respondent filed a Written Statement on January 6, 2025.

The parties were notified by correspondence dated August 12, 2025, that the above-captioned matter would be discussed by the Commission at its meeting on August 19, 2025, in order to make a determination regarding probable cause. Following its discussion on August 19, 2025, the Commission adopted a decision at its meeting on September 23, 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.

II. *Summary of the Pleadings*

A. *The Complaint*

According to Complainant, he was campaigning for a Board seat and delivered campaign flyers to community members on September 14, 2024. Thereafter, Complainant alleges that Respondent, as Board President, prepared a “President’s Statement” in response to Complainant’s campaign flyers, which was read at the September 30, 2024, Board meeting by

¹ On November 25, 2024, Complainant filed a deficient Complaint; however, on December 13, 2024, Complainant 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 Vice President. According to the meeting minutes, which included a copy of the Statement, the Vice President spoke “on behalf of the Board” to set forth the “facts” about tax levies, construction contracts, the administration, and student costs because “several inaccurate statements have been made with incorrect data and bad math.” Complainant notes that the Superintendent confirmed to the local newspaper, in an email on October 1, 2024, that the “President’s Statement” was offered in response to the flyers that Complainant distributed.

In Count 1, Complainant asserts Respondent violated *N.J.S.A.* 18A:12-24(b), because she “abused her position by using it to issue the ‘President’s Statement’ to secure unwarranted privileges and advantages for herself” when she “responded to her political opponent’s campaign materials.”

In Count 2, Complainant contends Respondent violated *N.J.S.A.* 18A:12-24.1(f), because she used her position on the Board, the Board meeting, Board resources and the school building “by platforming her political positions at the September 20, 2024,” Board meeting.

In Count 3, Complainant maintains Respondent violated *N.J.S.A.* 18A:12-24.1(a), because she “directly engaged herself, or otherwise failed to prevent other [Board] [m]embers from, activities involving promotional efforts to advance a particular position on a forthcoming school election.”

In Count 4, Complainant asserts Respondent violated *N.J.S.A.* 18A:12-24.1(c), because she failed to confine her Board actions when she engaged in the described actions.

In Count 5, Complainant asserts Respondent violated *N.J.S.A.* 18A:12-24.1(g), because the “‘President’s Statement’ contained inaccurate information,” and therefore, Respondent “failed to provide accurate information.”

B. Written Statement

Respondent notes that Complainant distributed the flyers to the community, and although she did not receive one, she was made aware of its contents and then “viewed it on Complainant’s campaign” social media pages. According to Respondent, because she “was concerned” that the flyer contained false information about the Board’s operations, she contacted the Board Vice President/Finance committee chairperson. Thereafter, Respondent consulted with the Superintendent and Board counsel, who advised that Respondent “could legally provide a truthful response as long as no Board resources were expended supporting or opposing the candidacy of anyone running in the Board election.” Respondent was unable to attend the September 30th Board meeting, and therefore, the Vice President read a statement, as its sole author, and shared his statement with the Board, including Respondent, prior to reading it at the meeting. The Board meeting minutes labeled the statement as “Vice President’s Statement.” Respondent notes that she did not take any part in drafting the statement, but “was satisfied it was accurate.” Respondent maintains that Complainant has not provided any evidence to support that she drafted the statements. Complainant argues that even if she did write it, a law does not exist that would prohibit a Board member from “rebutting misleading statements uttered by candidates running for” the Board. Therefore, Respondent asserts that because she did not author

the statement a violation of *N.J.S.A.* 18A:12-24(b) and *N.J.S.A.* 18A:12-24.1(f) should be dismissed.

As to a violation of *N.J.S.A.* 18A:12-24.1(a), in addition to the argument above, Respondent provides that Complainant has failed to provide a final decision, and therefore, Respondent argues Count 3 should be dismissed.

Regarding a violation of *N.J.S.A.* 18A:12-24.1(c), Respondent argues “if there is one function squarely within the scope of a Board member’s duties, it is assuming that the public is adequately informed about the operation of the school district”; including setting the record straight concerning false, misleading or unfair information, such as the information contained in Complainant’s flyer.

As to a violation of *N.J.S.A.* 18A:12-24.1(g), Respondent maintains that the information in Complainant’s flyer “were either untrue or, at the very least, misleading without additional information.” The Vice President’s public statement “shared relevant factual data to set the record straight.” According to Respondent, even if the Commission was persuaded by Complainant’s assertions, “the Board’s statement was fair comment freely permitted by *N.J.S.A.* 18A:12-24.1(g).”

Finally, Respondent contends “the statement was prepared in good faith reliance on the advice of the Board’s legal counsel that a truthful response was permitted . . . Even if [R]espondent were held vicariously responsible . . . good faith reliance on advice of counsel is a defense to any disciplinary action.”

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, based on the conduct more fully detailed above, Respondent violated *N.J.S.A.* 18A:12-24(b), and this provision of the Act states:

b. No school official shall use or attempt to use his official position to secure unwarranted privileges, advantages or employment for himself, members of his immediate family or others;

In order to credit a violation of *N.J.S.A.* 18A:12-24(b), Complainant must provide sufficient factual evidence that Respondent used or attempted to use her official position to

secure an unwarranted privilege, advantage or employment for herself, members of her immediate family, or “others.”

Complainant further submits that Respondent violated *N.J.S.A.* 18A:12-24.1(a), *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(f), and *N.J.S.A.* 18A:12-24.1(g), and these provisions of the Code provide:

a. I will uphold and enforce all laws, rules and regulations of the State Board of Education, and court orders pertaining to schools. Desired changes shall be brought about only through legal and ethical procedures.

c. I will confine my board action to policy making, planning, and appraisal, and I will help to frame policies and plans only after the board has consulted those who will be affected by them.

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.

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.

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

1. Factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(a) shall include a copy of a final decision from any court of law or administrative agency of this State demonstrating that Respondent failed to enforce all laws, rules and regulations of the State Board of Education, and/or court orders pertaining to schools or that Respondent brought about changes through illegal or unethical procedures.

3. Factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(c) shall include evidence that Respondent took board action to effectuate policies and plans without consulting those affected by such policies and plans, or took action that was unrelated to Respondent’s duty to (i) develop the general rules and principles that guide the management of the school district or charter school; (ii) formulate the programs and methods to effectuate the goals of the school district or charter school; or (iii) ascertain the value or liability of a policy.

6. 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.

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.

Following its assessment, 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 Respondent violated *N.J.S.A. 18A:12-24(b)*, *N.J.S.A. 18A:12-24.1(a)*, *N.J.S.A. 18A:12-24.1(c)*, *N.J.S.A. 18A:12-24.1(f)*, and/or *N.J.S.A. 18A:12-24.1(g)* as alleged in the Complaint. As an initial matter, it was the Board Vice President, not Respondent, who read the statement at the Board meeting. Complainant has not shown that Respondent authored or read the statement. Even assuming that it was Respondent who authored and read the statement, Complainant has not provided evidence that Respondent used or attempted to use her official position to secure an unwarranted privilege, advantage or employment for herself, members of her immediate family, or “others.”

Moreover, despite being required by *N.J.A.C. 6A:28-6.4(a)(1)*, the Commission finds that Complainant has not provided a copy of a final decision from any court of law or other administrative agency demonstrating or specifically finding that Respondent violated a specific law, rule, or regulation of the State Board of Education and/or court orders pertaining to schools, or that she brought about changes through illegal or unethical procedures. Without the required final decision(s), a violation of *N.J.S.A. 18A:12-24.1(a)* is not supported.

With respect to an alleged violation of *N.J.S.A. 18A:12-24.1(c)*, Complainant has not provided evidence that Respondent took board action to effectuate policies and plans without consulting those affected by such policies and plans, or took any action that was unrelated to Respondent’s duties to develop the general rules and principles that guide the management of the school district or charter school; formulate the programs and methods to effectuate the goals of the school district or charter school; or ascertain the value or liability of a policy.

As for the alleged violation of *N.J.S.A. 18A:12-24.1(f)*, Complainant has not provided 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.

Finally, regarding the alleged violation of *N.J.S.A.* 18A:12-24.1(g), the Complaint lacks evidence that establishes that any inaccuracies were said by Respondent or attributed to Respondent.

Accordingly, 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(b), as well as *N.J.S.A.* 18A:12-24.1(a), *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(f), and *N.J.S.A.* 18A:12-24.1(g) in the Complaint.

IV. 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 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: September 23, 2025

***Resolution Adopting Decision
in Connection with C95-24***

Whereas, at its meeting on August 19, 2025, the School Ethics Commission (Commission) considered the Complaint, and the Written Statement submitted in connection with the above-referenced matter; and

Whereas, at its meeting on August 19, 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 September 23, 2025, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on August 19, 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 September 23, 2025.

Brigid C. Martens, Director
School Ethics Commission