

***Before the School Ethics Commission***  
***Docket No.: C96-24***  
***Decision on Probable Cause***

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**Chad Hyett,  
Complainant**

**v.**

**Danielle Bellomo,  
Marlboro Township Board of Education, Monmouth County,  
Respondent**

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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 December 2, 2024, by Chad Hyett (Complainant), alleging that Danielle Bellomo (Respondent), a member of the Marlboro Township 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:12-24.1(g) of the Code of Ethics for School Board Members (Code).

Respondent filed a Written Statement on January 10, 2025, and also alleged that the Complaint is frivolous. On February 2, 2025, Complainant filed a response to the allegation of frivolous filing.

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 and the allegation of frivolous filing. 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. 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**

According to Complainant, on October 19, 2024, another Board member posted a screenshot of an email the Board received on the Facebook group, the "Marlboro NJ Community Page." Complainant notes, in response to a comment from a member of the public questioning whether the Board member was allowed to post the email, Respondent then posted "a screenshot

of a confidential email from” Board counsel. Complainant maintains by posting the email, Respondent violated “attorney-client privilege and legal confidentiality,” as well as breached Respondent’s “fiduciary responsibility as a board member.” Complainant further maintains the screenshot was “presumably taken from [Respondent’s] official board email account, was deliberately truncated to omit any identifying information,” and contained a caption to a community member, which stated, “Huh? You really do just make up the rules as you go. Should I start screaming LIAR LIAR?” Complainant further maintains Respondent’s “blatant bullying and harassment of a community member” is one of “many compelling examples of [Respondent’s] escalating misuse of her Board responsibilities and her apparent intent to create division within the community.” Complainant avers that despite reporting Respondent’s conduct to the Board President and Vice President, they did not take any action.

With the above in mind, Complainant asserts Respondent violated *N.J.S.A.* 18A:12-24.1(g) because she disclosed a privileged communication and its “dissemination on a public forum constitutes a grave breach of her fiduciary duties, directly eroding the integrity of the Board and public trust.”

### **B. *Written Statement and Allegation of Frivolous Filing***

Respondent notes, “the allegations contained in the Complaint are unequivocally denied and should be dismissed in their entirety, as they are without merit.” Respondent posted an excerpt from a letter from the municipal attorney as a screenshot which read:

As long as the email does not contain information that would be considered confidential or privileged (for example, names of students, performance of staff, attorney/client privileged information, executive session information, etc.), there is no legal or ethical prohibition for Board members to share or read aloud those emails with other members of the public.

Respondent argues that the excerpt is a “general and accurate articulation of the law regarding the sharing of non-confidential communications” and “did not contain any confidential or privileged information.” She maintains that the posted email “lacked identifying details, specific context, or sensitive content, and there is no evidence of injury to the Board, its members, or any individual.”

Moreover, Respondent asserts she “acted in her private capacity, as evidenced by the clear and unequivocal disclaimer accompanying her statement.” Respondent’s disclaimer stated:

**DISCLAIMER:** These statements are made in my capacity as a private citizen, and not in my capacity as a board member. These statements are also not representative of the board or its individual members, and solely represent my own personal opinions.

Finally, Respondent asserts “the timing and the nature of the Complaint suggests it was filed in bad faith.” According to Respondent, the Complaint “appears politically motivated and

intended to harass Respondent rather than address any legitimate ethical concerns.” Therefore, Respondent maintains the Complaint is frivolous, without merit and should be dismissed.

### ***C. Response to Allegation of Frivolous Filing***

In response to the allegation of frivolous filing, Complainant argues his Complaint was “filed in good faith and is supported by specific, well-founded concerns regarding [] Respondent’s actions,” which Complainant reaffirms violates the Code.

## **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.”

### ***Jurisdiction of the Commission***

In reviewing the allegations in this matter, the Commission notes that its authority is limited to enforcing the Act, *N.J.S.A. 18A:12-21 et seq.*, a set of minimum ethical standards by which all school officials must abide. In this regard, the Commission has jurisdiction only over matters arising under the Act, and it may not receive, hear, or consider any matter that does not arise under the Act, *N.J.A.C. 6A:28-1.4(a)*.

With the jurisdiction of the Commission in mind, to the extent that Complainant seeks a determination from the Commission that Respondent may have violated attorney-client privilege and/or any Board policies, the Commission advises that such determinations fall beyond the scope, authority, and jurisdiction of the Commission. Although Complainant may be able to pursue a cause of action(s) in the appropriate tribunal, the Commission is not the appropriate entity to adjudicate those claims. Accordingly, those claims are dismissed.

### ***Alleged Violations of the Act***

Complainant submits that Respondent violated *N.J.S.A. 18A:12-24.1(g)*, and this provision of the Code provides:

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 of *N.J.S.A.* 18A:12-24.1(g) needs to be supported by certain factual evidence, more specifically:

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.

At the outset, as the Complaint involves allegations involving a social media post, the Commission finds it necessary to set forth the standard for when Board member involvement in social media implicates the Act. The Commission has explained that in order for a social media post to be offered pursuant to official duties, there must be a sufficient nexus between the social media page and the role/membership on the Board. *Hodrinsky v. Faussette, Hasbrouck Heights Board of Education, Bergen County*, Docket No. C11-21 (August 30, 2021). As the Commission explained in *Aziz v. Nikitinsky et al., Monroe Township Board of Education, Middlesex County*, Docket No. C56-22 (October 17, 2022)

... Although social media activity by a school official can be regarded as action [I/M/O *Treston, Randolph Township Board of Education, Morris County*, Docket No. C71-18 (April 27, 2021) and *Kwapniewski v. Curioni, Lodi Board of Education, Bergen County*, Docket No. C70-17 (December 17, 2019)], it is only when certain competent and credible factual evidence is proffered therewith that a violation can be substantiated.

As a general matter, a school official does not violate the Act merely because he/she engages in social media activity. Instead, the Commission's analysis is guided by whether a reasonable member of the public could perceive that the school official is speaking in his or her official capacity or pursuant to his or her official duties. Whether a school official is perceived as speaking in his or her official capacity and pursuant to his or her official duties turns, in large part, on the content of the speech. If the speech in question has absolutely no correlation or relationship to the business of the Board and/or its operations and, therefore, could not possibly be regarded as a statement or position on behalf of the Board (as a body), a school official will not violate the Act. Conversely, if the speech in question does relate to the business of the Board and/or its operations, it is then reasonable for the reader to perceive the speech as being offered in an official capacity and pursuant to his or her official duties. Nonetheless, the filing party would still need to prove all elements of the cited provision of the Act...

Moreover, the use of a disclaimer on social media can help to clarify whether an individual is speaking in his or her official capacity and pursuant to his or her

official duties; however, the presence of a disclaimer is not dispositive. ... The failure of a school official to parrot the exact language recommended by the Commission will not mean, without more, that he or she did not use an appropriate disclaimer. In addition, if a school official utilizes an appropriate disclaimer, but the content or substance of the statements would still lead a reasonable member of the public to believe that the school official is speaking in his or her official capacity or pursuant to his or her official duties, then the disclaimer will be inadequate and of no force or effect, and the social media activity could violate the Act. See *I/M/O Treston*, Randolph Township Board of Education, Morris County, Docket No. C71-18].

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(g) was violated. In this matter, despite the inclusion of a disclaimer, the Commission finds that there does appear to be a sufficient nexus between Respondent's social media page and her role/membership on the Board as she was posting an email she received as a Board member and commenting on Board matters where the other members of the public knew she was a Board member. As a general rule, the Commission does not believe that Board members should be sharing emails from the Board attorney and cautions that despite the inclusion of a disclaimer, sharing of emails from Board counsel could still violate the Act. However, in this circumstance, given the content of the excerpt Respondent shared, which only contained generic legal advice and did not provide any specific details related to a Board matter, a violation of *N.J.S.A.* 18A:12-24.1(g) could not be substantiated.

Therefore, and pursuant to *N.J.A.C.* 6A:28-9.7(b), the Commission dismisses the alleged violation(s) of *N.J.S.A.* 18A:12-24.1(g).

#### **IV. Request for Sanctions**

At its meeting on August 19, 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 September 23, 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.

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Robert W. Bender, Chairperson

Mailing Date: September 23, 2025

***Resolution Adopting Decision  
in Connection with C96-24***

***Whereas***, at its meeting on August 19, 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 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 August 19, 2025, the Commission discussed finding the Complaint not frivolous, and denying the request for sanctions; 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.

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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.

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Brigid C. Martens, Director  
School Ethics Commission