

Before the School Ethics Commission
Docket No.: C99-24
Decision on Probable Cause

**Kristen Pedersen,
Complainant**

v.

**Jason Garcia,
Westwood Board of Education, Bergen County,
Respondent**

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on December 18, 2024, by Kristen Pedersen (Complainant), alleging that Jason Garcia (Respondent), a member of the Westwood 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)* and *N.J.S.A. 18A:12-24(c)*,¹ as well as *N.J.S.A. 18A:12-24.1(e)*, and *N.J.S.A. 18A:12-24.1(f)* of the Code of Ethics for School Board Members (Code).

Respondent filed a Written Statement on February 7, 2025, and also alleged that the Complaint is frivolous. On February 27, 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 any allegations stemming from before June 21, 2024, were untimely filed, and of the remaining allegations, 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.

¹ Complainant submitted a Complaint alleging violations of *N.J.S.A. 18A:12-24.1(b)* and *N.J.S.A. 18A:12-24.1(c)* of the Code of Ethics for School Board Members; however, cited the language for *N.J.S.A. 18A:12-24(b)* and *N.J.S.A. 18A:12-24(c)* – prohibited acts. Therefore, the Commission reviewed these allegations as prohibited acts.

II. Summary of the Pleadings

A. *The Complaint*

As an initial matter, Complainant notes that “some of this relevant action occurred past the 6 months statute of limitations. However, [she] only became aware of the ethical breaches upon finally reading the complaint on June 20th and so the ethics violation is within the 180 days window to file.”

By way of background, Complainant provides the following timeline of events to support her allegations:

- November 14, 2023, during public session of a Board meeting, the Superintendent accused Board member Cooper of shaking her head at the Superintendent. Board member Cooper addressed the matter in private with the Superintendent, who later accused Board member Cooper of “yell[ing] at her and prevent[ing] her from leaving her office, triggering PTSD.” Of note, Respondent Garcia was not in the building at the time of this exchange.
- December 1, 2023: Respondent and the Superintendent engaged in a text exchange regarding the November 14 occurrence to which Respondent “encourage[d]” the Superintendent to take action against the Board. Complainant notes Respondent was not the Board President, and therefore, “had no credible reason to bypass protocol and interact with the superintendent” directly and he “lacked any legitimate board purpose that would credibility [(sic)] permit any communication with her on his cell phone to her personal cell phone.”
- March 18, 2024: Respondent, who is now the Board President, received notice of the Superintendent’s intention to file a legal complaint against the Board and against Respondent and other Board members personally. Respondent did not notify the Board, but “collude[s] with the superintendent privately in an effort to protect his reputation, which is an unwarranted advantage.” Thereafter, Respondent’s name is withdrawn from the complaint.
- April 4, 2024: Two Board members “escalated a growing concern that there is collusion happening between” Respondent and the Superintendent and that Respondent is not acting in the best interest of the Board.
- June 6, 2024: Respondent sends an email to the “non-conflicted” Board members presenting a “buyout” package for the Superintendent and refuses to answer any questions related to the proposed buyout.
- June 12, 2024: The Superintendent files a claim against two current (Pedersen and Cooper) and one previous (Pontillo) Board members. Despite the complaint “revolv[ing] around” Respondent’s behavior from December 2023 to the time of her filing, the Superintendent no longer includes Respondent on the complaint. At this time, the named Board members are still not aware of the filing.
- June 16, 2024: The local newspaper reports about the complaint; however, at this time the Superintendent and Respondent are the only individuals aware of the complaint.

- June 17, 2024: Respondent notifies the Board of the lawsuit; however, none of the named respondents have received a copy of the complaint.
- September 5, 2024: Respondent does not recuse himself from the “final voting of the settlement” involving the Superintendent.

With the above in mind, Complainant asserts Respondent violated *N.J.S.A. 18A:12-24(b)* because he “acted in collusion with the Superintendent to secure her a buyout of her contract immediately prior to her filing a lawsuit of which he had notice of in an attempt to prevent himself from being personally named” which allowed him to “direct the settlement negotiations as well as work in the superintendent’s favor throughout the process and final vote”; violated *N.J.S.A. 18A:12-24(c)* because he was “listed throughout the complaint as a primary cause of the lawsuit, directed the negotiation and participated and voted inappropriately during the final settlement meeting”; violated *N.J.S.A. 18A:12-24.1(e)* because he “deliberately and knowingly encouraged the Superintendent to take action against the board which had the potential to, and indeed did, compromise the board in the eyes of the community” and he did not have a reason to interact with the Superintendent because he was not the Board President at the time; and violated *N.J.S.A. 18A:12-24.1(f)* because he “privately encouraged the superintendent to take action against a board member and the board in an effort to harm the previous board of which he was a highly unpopular member.”

B. *Written Statement and Allegation of Frivolous Filing*

Respondent initially argues the allegations are stated to have “occurred between November 2023 and early-mid June 2024,” and as such are time barred because Complainant was “aware of these events as she was contemporaneously commenting on and objecting to them in real time.”

If not dismissed as untimely, Respondent argues as to a violation of *N.J.S.A. 18A:12-24(b)* that as the Board President, Respondent, along with Board counsel, were negotiating with the Superintendent to “secure her departure from the District and allow the District to move on from her leadership.” Moreover, Respondent maintains Complainant’s “unsubstantiated conspiracy theories aside, there is no benefit to [Respondent] in negotiating the Superintendent’s settlement of litigation in conjunction with” Board counsel.

Regarding a violation of *N.J.S.A. 18A:12-24(c)*, Respondent argues Complainant has not provided any evidence to demonstrate that Respondent “had any ‘direct or indirect financial involvement’ in the settlement of a lawsuit to which he was not a party.” Moreover, Respondent did not have an “interest” in the litigation” between the Superintendent and the District, nor did he have “any personal stake in the outcome of the lawsuit.”

As to a violation of *N.J.S.A. 18A:12-24.1(e)*, Respondent maintains that his show of “empathy” toward the Superintendent was not improper. Respondent states he is permitted to contact the Superintendent in his private capacity. As to withholding the lawsuit, Respondent contends he did not have a copy of said document, but rather only the “Acknowledgment of Service signed by” Board counsel. Moreover, Board counsel advised the Board “not to comment on the lawsuit undermining [Complainant’s] argument that the Board could or would have issued a statement about the lawsuit.” Respondent further contends, as the Board President, it was part of his

duties to negotiate the Superintendent's departure and if any of the non-conflicted Board members would have objected to the settlement, they could have voted against it.

Regarding a violation of *N.J.S.A. 18A:12-24.1(f)*, Respondent argues "the Board oversees the Superintendent's conduct, not the other way around." As such, Respondent maintains he did not have a "reason to 'ingrate [(sic presumably meaning "ingratiate")]" himself with the Superintendent to become Board President." Respondent asserts he was not obligated to inform the Board of the lawsuit as the filing was sent to Board counsel. Moreover, Complainant does not have any evidence that Respondent "tipped off" the press.

Finally, Respondent asserts the Complaint is frivolous because "it does not have a factual basis." According to Respondent, Complainant's "attempts to attack [Respondent's] character by use of information well outside of the applicable statute of limitations indicates the desperation to find anything to discredit" Respondent. Further, Respondent avers "its willful ignorance as to the process by which the Superintendent's negotiated settlement was approved demonstrates that it was filed in bad faith to attack a perceived rival Board member." Respondent maintains "the unsupported, conclusory allegations and language demonstrate that it was brought for the purpose of harassment."

C. Response to Allegation of Frivolous Filing

Complainant argues she submitted "numerous pieces of evidence to support all claims"; it was filed in good faith and was driven by a sincere concern regarding Respondent's actions and conduct.

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 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 Untimeliness

In his Written Statement, Respondent argues that, as the Complaint was filed on December 18, 2024, any allegations relating to actions occurring more than 180 days before that date, specifically, on or before June 21, 2024, are time-barred and, therefore, should be dismissed. Respondent also argues in his Written Statement that Complainant was “aware of these events as she was contemporaneously commenting on and objecting to them in real time.” Complainant counters that she only became aware of the “ethical breaches” contained in the Superintendent’s complaint, which was filed on June 12, 2024, when she read the complaint on June 20, 2024.

The Commission’s regulations provide a one hundred eighty (180) day limitation period for filing a complaint. More specifically, *N.J.A.C. 6A:28-6.5(a)* provides, in relevant part:

- (a) Complaints shall be filed within 180 days of notice *of the events which form the basis of the alleged violation(s)*. A complainant shall be deemed to be notified of events that form the basis of the alleged violation(s) *when the complainant knew of the events, or when such events were made public so that one using reasonable diligence would know or should have known* (emphasis added).

With the above in mind, and pursuant to *N.J.A.C. 6A:28-6.5(a)*, the Commission must determine when Complainant knew of the events which form the basis of the Complaint, or when such events were made public so that one using reasonable diligence would know, or should have known, of such events.

After review, the Commission finds that there is not a credible basis upon which to find that Complainant was unaware of Respondent’s actions/conduct until the Superintendent’s complaint. Complainant should have known of the allegations at least in April when by Complainant’s admission, two Board members came forward with allegations about Respondent. Notwithstanding, Complainant should have known of the allegations when the Superintendent’s complaint was filed on June 12, 2024, as she was a party to the litigation. Regardless of whether Complainant says she waited until June 20, 2024, to read the Superintendent’s complaint, she should have been aware the facts and allegations when she received the Superintendent’s complaint on or about June 12, 2024, and waited more than 180 days to file this Complaint. Although the Commission recognizes that the regulatory time period may be relaxed, in its discretion, in any case where strict adherence may be deemed inappropriate or unnecessary or may result in injustice, it does not find extraordinary circumstances in the within matter that would compel relaxation.

Therefore, the Commission finds that all allegations before June 21, 2024, namely the allegations that Respondent engaged in a text exchange with the Superintendent and encouraged the Superintendent to take action against the Board, colluded with the Superintendent privately in an effort to not be named in any litigation or complaint, and did not inform the Board of any legal

proceedings against it, which Complainant alleges violated *N.J.S.A. 18A:12-24(b)*, *N.J.S.A. 18A:12-24(c)*, *N.J.S.A. 18A:12-24.1(e)* and *N.J.S.A. 18A:12-24.1(f)*, should be dismissed as untimely.

Alleged Violations of the Act

As the Commission dismissed the allegations that Respondent engaged in a text exchange with the Superintendent and encouraged the Superintendent to take action against the Board, colluded with the Superintendent privately in an effort to not be named in any litigation or complaint, and did not inform the Board of any legal proceedings against it, which Complainant alleges violated *N.J.S.A. 18A:12-24(b)*, *N.J.S.A. 18A:12-24.1(e)* and *N.J.S.A. 18A:12-24.1(f)* as being untimely, the only allegation that remains is whether Respondent violated *N.J.S.A. 18A:12-24(b)* and/or *N.J.S.A. 18A:12-24(c)* when he participated in the vote on the Superintendent's settlement.

Accordingly, with respect to the remaining allegations of the Complaint, Complainant submits that Respondent violated *N.J.S.A. 18A:12-24(b)* and *N.J.S.A. 18A:12-24(c)* and these provisions of the Act state:

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;

c. No school official shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial involvement that might reasonably be expected to impair his objectivity or independence of judgment. No school official shall act in his official capacity in any matter where he or a member of his immediate family has a personal involvement that is or creates some benefit to the school official or member of his immediate family;

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 his official position to secure an unwarranted privilege, advantage or employment for himself, members of his immediate family, or "others."

To credit a violation of *N.J.S.A. 18A:12-24(c)*, Complainant must provide sufficient factual evidence that Respondent acted in his official capacity in a matter where he, or a member of his immediate family, had a direct or indirect financial involvement that might reasonably be expected to impair his objectivity, or in a matter where he had a personal involvement that created some benefit to him, or to a member of his immediate family.

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)* and/or *N.J.S.A. 18A:12-24(c)* were violated as alleged in the Complaint. Complainant has not shown how Respondent used or attempted to use his official position to secure an unwarranted privilege, advantage or employment for himself,

members of his immediate family, or “others” when he voted on the Superintendent’s settlement as required by *N.J.S.A.* 18A:12-24(b). As for *N.J.S.A.* 18A:12-24(c), Complainant has not provided any evidence to demonstrate that Respondent had any direct or indirect personal or financial involvement in the settlement of a lawsuit to which he was not a party.

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) and *N.J.S.A.* 18A:12-24(c) in the Complaint.

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 any allegations stemming from before June 21, 2024, were untimely filed, and of the remaining allegations, 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: September 23, 2025

***Resolution Adopting Decision
in Connection with C99-24***

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 any allegations stemming from before June 21, 2024, were untimely filed; and

Whereas, at its meeting on August 19, 2025, the Commission discussed finding that of the remaining allegations, 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.

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