

***Before the School Ethics Commission***  
***Docket No.: C06-26***  
***Decision on Probable Cause***

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**Jonathan Castro,**  
***Complainant***

v.

**Kathleen Gesumaria, Christina Punturieri and Jason Bing,**  
**South Orange Maplewood Board of Education, Essex 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 January 29, 2026,<sup>1</sup> by Jonathan Castro (Complainant), alleging that Kathleen Gesumaria, Christina Punturieri, and Jason Bing (collectively Respondents), members of the South Orange Maplewood 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 Respondents violated *N.J.S.A.* 18A:12-24(b) and *N.J.S.A.* 18A:12-24(f). On March 20, 2026, Respondents filed a Written Statement.<sup>2</sup>

The parties were notified by correspondence dated May 19, 2026, that the above-captioned matter would be discussed by the Commission at its meeting on May 26, 2026, to determine whether probable cause exists. Following its discussion on May 26, 2026, the Commission adopted a decision at its meeting on June 23, 2026, finding the Commission does not have jurisdiction over the allegations in the Complaint as they do not arise under the Act, and administratively dismissing the above-captioned matter in accordance with its authority as set forth in *N.J.A.C.* 6A:28-9.2(a)(1).

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<sup>1</sup> On March 23, 2026, Complainant filed additional exhibits; on April 6, 2026, Respondents consented to the submission of additional exhibits.

<sup>2</sup> On April 24, 2026, Respondents filed a Supplement to the Written Statement addressing the additional exhibits.

## II. Summary of the Pleadings

### A. *The Complaint*

According to Complainant, following the “District’s loss in” the Department of Education (DOE), Office of Special Education (OSE) matter involving Complainant’s child, Respondents “leveraged a series of ‘Governance Maneuvers’ (Policy 6111, 0174, Staff Shuffles) which functioned to exclude the [Board] from material facts.” Complainant maintains that his child’s “Child Find<sup>3</sup> statutory default began on August 7, 2025,” and the “utilization of transportation audits and legal policy resolutions to manage these defaults was not knowable until the adoption of Policy 0174 . . . and the ‘No Purview’ admission.” Complainant further maintains these “actions resulted in an escalation of regulatory non-compliance where administrative procedures were prioritized over a student’s mandated needs and physical safety.”

With the above in mind, in Count 1, Complainant asserts that on November 21, 2025, Respondents Bing and Gesumaria had certified under oath “that they exercise ‘no control or influence over the Child Study Team’s [(CST)] actions.”” Despite this certification, Complainant further asserts on January 8, 2026, Respondent Punturieri “intervened in a private evaluation process for [Complainant’s child], asserting control over scheduling and determining legal ‘purview.’” Complainant maintains Respondents Bing and Gesumaria were copied “and thus sanctioned this direct interference.” Complainant asserts Respondents violated *N.J.S.A. 18A:12-24(b)* and *N.J.S.A. 18A:12-24(f)* because they utilized “sworn statements that conflict with documented administrative actions [that] serves to bypass state oversight while managing a statutory default” and “[t]his creates an unwarranted professional advantage by protecting [] Respondents’ administrative standing and state certifications from the corrective consequences of documented ‘pattern and practice’ findings.”

In Count 2, Complainant contends on January 8, 2026, Respondent Punturieri “utilized her official authority to attempt to monitor and supervise a private classroom observation for [Complainant’s child].” Per Complainant this “occurred while the District simultaneously disclaimed ‘purview’ to avoid its statutory obligation to fund the [Independent Educational Evaluation (IEE)].” Complainant asserts he served a formal written objection on January 9, 2026, to Respondents Bing and Gesumaria, “citing [Respondent] Punturieri’s documented conflict of interest [ties to the ZPH Group, LLC]. Complainant notes, despite his objection, and a request for a “neutral administrator,” Respondents “failed to provide any written clarification.” Complainant further contends Respondents violated *N.J.S.A. 18A:12-24(b)* by “using a position of authority to monitor a sibling – while disclaiming authority to avoid funding mandated services and ignoring formal recusal requests – demonstrates a selective and inconsistent application of ‘purview.’”

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<sup>3</sup> Child Find is a legal mandate under the Individuals with Disabilities Education Act (IDEA) requiring all school districts to proactively identify, locate, and evaluate all children with disabilities (birth to age 21) who may need special education, regardless of the severity of their disability. Failure to identify and evaluate these students constitutes a violation of the Child Find mandate, which can lead to denial of a Free and Appropriate Public Education (FAPE).

In Count 3, Respondent provides that after his “whistleblower declaration” on October 17, 2025, Respondents “removed the sibling’s bus service while in possession of the OSE” report. According to Complainant, the OSE report “explicitly documented that the eligibility determination was not final and could not be finalized until the Corrective Action Plan (CAP) was completed, thus maintaining the student’s status as a protected ‘qualified individual.’” Complainant provides that on October 24, 2025, the Transportation Department “rescinded this order after admitting Respondent Punturieri ordered this change based on a ‘false pretext.’” Complainant further provides shortly after, Board counsel emailed Respondents Bing and Gesumaria overriding the safety restoration and “characterizing the whistleblower report as ‘frivolous.’” Per Complainant, beginning on December 1, 2025, Respondents began using the “newly formed ‘Transportation Action Committee’ . . . as a retroactive administrative shield to frame the October retaliation as part of a routine ‘Audit’ which subsequently identified over 15 non-compliant bus routes and resulted in multiple contract terminations.” Complainant alleges that on December 2, 2025, Respondents violated *N.J.S.A. 18A:12-24(f)* because they “leverage[ed] district policy making resources to create a pretextual ‘audit’ that retroactively justifies an act of personal retaliation” and “is a misuse of official position intended to protect the Respondents from ‘Conduct Unbecoming’ charges.”

In Count 4, Complainant maintains that October 28, 2025, Respondents “bypassed parental safety protocols by delivering transportation news to the sibling via a substitute teacher and withholding these instructions from [Complainant’s child’s] teacher.” Complainant further maintains this resulted in “staff attempting to place [his child] on a bus against explicit parental revocation of consent of the leadership and the District’s attorney.” Complainant contends Respondents violated *N.J.S.A. 18A:12-24(f)* because they ignored a State mandated CAP, used administrative secrecy to hide these actions from the Board and overrode parental safety instructions creating a physical risk to a student.

In Count 5, Complainant asserts on January 15, 2026, Respondent Bing admitted to a substantial “structural deficit” and despite this, authorized additional legal fees to block a State mandated evaluation. Per Complainant this was a “‘Personal Professional Insulation’ maneuver designed to prevent objective clinical findings from confirming the Respondents’ ‘Child Find’ defaults, thereby protecting their state certifications at public expense.” Complainant further asserts Respondents violated *N.J.S.A. 18A:12-24(f)* by “leveraging their official positions for the expenditure of public funds for personal legal defense to avoid personal and professional consequences of their administrative failures [and by] prioritizing the depletion of district resources to insulate their own licensure over the fiscal health of the district and the mandated services of the student, the Respondents have committed a gross breach of fiduciary and ethical duty.”

In Count 6, Complainant contends October 28, 2025, Respondents deliberately withheld material facts from an internal affirmative action complaint from the Board and used “No-Contact” orders to suppress the systemic failures rather than use the report to improve the district standing and student equity. Complainant further contends Respondents violated *N.J.S.A. 18A:12-24(f)* because they “utilized public funds and administrative resources to prioritize their own job security and the protection of their professional licenses over the fiscal health of the district and civil rights of the student body” and by “withholding material data and clinical

conflicts from the Board of Education, the Respondents secured a personal benefit in the form of avoided discipline, avoided corrective action, and the concealment of professional misconduct.”

## **B. *Written Statement***

In their Written Statement, Respondents initially note that this Complaint is about Complainant’s child; however, there is another pending matter related to Complainant’s other child.

Respondents deny the allegation “of not providing for [Complainant’s child’s] needs and physical safety.” Respondents further deny allegations of any non-compliance and/or manipulation of administrative procedures taken to or intended to have the effect of not meeting [the child’s] needs and/or providing for [the child’s] safety.”

Regarding Count 1, Respondents assert that at Complainant’s request, Respondent Punturieri did not attend the scheduled classroom observation of Complainant’s child. Moreover, Complainant “makes allegations against Respondents Bing and Gesumaria based solely on an allegation that they were ‘CC’d’ on a document that is not produced, that allegedly contained information about the original plan for [Respondent] Punturieri to attend the third-party observation.” Respondents maintain Complainant’s allegations “do not establish their involvement in the scheduling of that observation.” Respondents further maintain Complainant has not provided any evidence to demonstrate that they violated *N.J.S.A. 18A:12-24(b)* and/or *N.J.S.A. 18A:12-24(f)*.

As to Count 2, Respondents argue that a conflict of interest does not exist for Respondent Punturieri meeting her job responsibilities as the supervisor and Respondents again deny any wrongdoing. As for the IEE, Respondents maintain the request was initially denied, Complainant filed a letter of complaint objecting to the denial, and then the District reversed the denial and requested an evaluation by the CST; however, Complainant has not responded to the offer nor signed the request for parental authority to perform the evaluation. Respondents further maintain Complainant has not provided any evidence to support the allegation that Respondents violated *N.J.S.A. 18A:12-24(b)*.

Regarding Count 3, Respondents contend it “is not clear what allegations are made” as they do not relate to Complainant’s child, but rather related to Complainant’s other child’s bus service. Nonetheless, Respondents further contend “there was a mistake regarding that student’s busing, it was brought to the appropriate individual’s attention[,] and the busing error was corrected.” Respondents note Complainant did not provide any correspondence and if he did it would speak for itself and the allegation about the “emails being ‘striped’” (sic) does not apply to them. Respondents reaffirm their denial of wrongdoing and maintain Complainant has not provided any evidence to demonstrate that Respondents attempted to secure financial gain.

As to Count 4, Respondents reassert that they were not involved in the busing matter or the “transfer of information” to Complainant and/or his child. Per Respondents, Complainant has not provided any information that his child had any bus safety issues. Moreover, they assert that transportation matters are not within their purview. Respondents note Complainant has not

provided any evidence to show that Respondents did not comply with a CAP, secretly hid information from the Board or overrode any safety instructions as to transportation for Complainant's child. Respondents argue, even if Complainant provided evidence that Respondents did not comply with a CAP and participated in the bus safety matter, it does not come under their day-to-day job responsibilities. Respondents deny any wrongdoing as to all allegations in Count 4 of the Complaint.

Regarding Count 5, Respondents admit there is a reported \$8M deficit. Respondents deny they have the authority to authorize the alleged expenditure for legal fees as that authority rests solely with the Board. According to Respondents, they do not understand what Complainant is referencing regarding "Respondents' 'Child Find' defaults." Respondents deny any wrongdoing on their part as to all allegations in Count 5, namely "administrative failures," including those alleged that are not specified or documented. Respondents maintain Complainant has not provided any evidence to support a violation of *N.J.S.A.* 18A:12-24(f) nor to support any allegations of administrative failures. Respondents note the claims in Count 5 are related to their professional actions and they have not acted outside the scope of their duties to secure an advantage. Therefore, Respondents argue they are entitled to legal representation pursuant to their contracts. Respondents further note they do not "have the authority or ability otherwise to 'leverage their official positions' to secure the expenditure of District funds" which is the Board's responsibility.

Finally, as to Count 6, Respondents note Complainant did not allege that Respondents took any action to secure financial gain nor that they utilized "public funds and administrative resources" for job security or any other purpose. Respondents contend these allegations are "mere speculation" and they deny any wrongdoing.

### **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 Respondents may have violated any Board policies, the

Commission advises that such determinations fall beyond the scope, authority, and jurisdiction of the Commission. The Commission also does not have jurisdiction over internal Board investigations or affirmative action complaints.

Additionally, the Commission notes that it does not have jurisdiction over whether the District or Respondents complied with the findings of the OSE matter and/or the CAP that was established. If a party believes that the District has not complied with the CAP, they can notify the OSE. The OSE also handles complaints about failure to implement a student's Individualized Education Program (IEP). Accordingly, Complainant was able to pursue a cause of action in the appropriate tribunal. However, the Commission is not the appropriate entity to adjudicate these claims. Accordingly, as the Commission is authorized, in accordance with *N.J.A.C. 6A:28-9.2(a)(1)*, to administratively dismiss a complaint for lack of jurisdiction pursuant to *N.J.A.C. 6A:28-1.4*, the Commission finds that the Complaint should be dismissed.

## **V. Decision**

Based on the foregoing, and pursuant to its authority as set forth in *N.J.A.C. 6A:28-9.2(a)(1)*, the Commission administratively dismisses the above-captioned matter for lack of jurisdiction pursuant to *N.J.A.C. 6A:28-1.4*.

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: June 23, 2026

**Resolution Adopting Decision  
in Connection with C06-26**

*Whereas*, at its meeting on May 26, 2026, 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 May 26, 2026, the Commission discussed administratively dismissing the above-captioned matter in accordance with its authority as set forth in *N.J.A.C.* 6A:28-9.2(a)(1) due to lack of jurisdiction pursuant to *N.J.A.C.* 6A:28-1.4, as the allegations in the Complaint do not arise under the Act; and

*Whereas*, at its meeting on June 23, 2026, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on May 26, 2026; 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 June 23, 2026.

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Brigid C. Martens, Director  
School Ethics Commission