

Before the School Ethics Commission
Docket No.: C10-26
Decision on Probable Cause

George Fedorczyk,
Complainant

v.

Francis Scott Sarno,
Barnegat Township Board of Education, Ocean County,
Respondent

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on February 20, 2026, by George Fedorczyk (Complainant), alleging that Francis Scott Sarno (Respondent), a member of the Barnegat 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(a)*, *N.J.S.A. 18A:12-24.1(e)*, and *N.J.S.A. 18A:12-24.1(i)* of the Code of Ethics for School Board Members (Code). On April 17, 2026, Respondent filed a Written Statement.

The parties were notified by correspondence dated June 16, 2026, that the above-captioned matter would be discussed by the Commission at its meeting on June 23, 2026, to determine whether probable cause exists. Following its discussion on June 23, 2026, the Commission adopted a decision at its meeting on July 28, 2026, 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*

Complainant provides that on November 21, 2025, Respondent “was involved in a physical altercation at a local establishment” in town that was witnessed by members of the public, including the local union president. According to Complainant, despite the union president’s attempt to “de-escalate the situation by urging” Respondent to disengage, Respondent refused and the situation worsened. Complainant further provides the police were called; however, charges were not filed.

With the above in mind, Complainant asserts Respondent violated *N.J.S.A. 18A:12-24.1(a)* because he failed “to uphold and enforce legal and ethical conduct as a board member, which includes demonstrating personal behavior that reflects the standards expected of public

officials”; violated *N.J.S.A.* 18A:12-24.1(e) because he engaged “in private actions or conduct that may compromise the Board and its reputation among staff, students, and the public”; and violated *N.J.S.A.* 18A:12-24.1(i) because his conduct “could undermine confidence and support in school personnel and the educational environment when the duties of leadership require professionalism and deescalation.”

B. *Written Statement*

In his Written Statement, Respondent initially argues that the “Complaint does not concern conduct governed by the [Act], but instead attempts to recast a purely private, non-school-related interaction as an alleged ethics violation.” Respondent notes “the Complaint arises from a brief and isolated incident that occurred during a private evening at a local restaurant—an event wholly unrelated to Respondent’s role as a member of the [Board].” Respondent maintains he “was not acting in any official capacity, was not engaged in Board business, and did not exercise any authority associated with his position,” instead the “events described involve only private individuals in a private setting and bear no connection to the governance of the school district or to the performance of any official duties.” Moreover, Respondent contends the Complaint “does not identify any enforceable legal obligation, any personal promise, any Board-related action, or any interference with school personnel performing their duties.” Respondent further contends Complainant “relies on speculation and conclusory assertions that fall well short of the evidentiary threshold required to establish probable cause.”

Respondent “categorically denies the allegations set forth in the Complaint” and notes the attached police report “further confirms that Respondent did not engage in any conduct that could reasonably be construed as an ethics violation.”

As to the incident, Respondent clarifies that while at a restaurant with his wife, “a separate patron at the establishment began behaving in an aggressive and disrespectful manner toward Respondent’s wife,” making remarks aimed at Respondent’s wife. Respondent states “[a]s a result of those remarks, tensions briefly escalated among several individuals in the restaurant.” Respondent notes “this interaction involved only private patrons and had no nexus to Respondent’s role as a member of the [Board],” he “was not acting in any official capacity, was not conducting Board business, and was present solely as a private individual.” Respondent maintains he was identified in the police “narrative by name.” Moreover, Respondent notes that Complainant was not present at the restaurant, and therefore, did not have “firsthand knowledge of what occurred.” Despite Complainant’s assertion that the union president “attempted to de-escalate the situation,” Respondent contends that Complainant did not identify the individual by name and did not provide a certification of a statement. In addition, Respondent states he does not recall “any union official having participated in or witnessed any interaction involving Respondent.”

As to the specific allegations, Respondent argues as to a violation of *N.J.S.A.* 18A:12-24.1(a), Complainant does not allege any conduct that falls within the scope of this subsection because this “provision is implicated only when a school official fails to uphold or enforce a law, rule, regulation, or court order pertaining to the public schools” and Respondent notes Complainant has not identified any such obligation, does not cite an enforceable legal mandate,

and does not allege any action by Respondent, “official or otherwise,” that could plausibly trigger the provision. Moreover, Complainant did not provide a final decision.

Regarding a violation of *N.J.S.A.* 18A:12-24.1(e), Respondent asserts that Complainant does not allege that Respondent “made any personal promise or took any action beyond the scope of his duties as a member of the Board.”

Finally, as to a violation of *N.J.S.A.* 18A:12-24.1(i), Respondent contends that Complainant “does not identify any school employee who was engaged in the performance of professional duties at the time of the alleged incident, nor does [he] claim that Respondent directed any conduct toward school personnel.” Respondent asserts “the allegations concern a brief disturbance among private patrons at a local restaurant during a purely personal evening.” Respondent notes district staff, administration, or other district employees were not performing school duties nor was a school function or district activity involved. Therefore, Respondent denies all of the allegations in the Complaint and requests that it be dismissed in its entirety.

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 Respondent violated *N.J.S.A.* 18A:12-24.1(a), *N.J.S.A.* 18A:12-24.1(e) and *N.J.S.A.* 18A:12-24.1(i) 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.
- e. I will recognize that authority rests with the board of education and will make no personal promises nor take any private action that may compromise the board.
- i. I will support and protect school personnel in proper performance of their duties.

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(e) and *N.J.S.A.* 18A:12-24.1(i) 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.

5. 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 his duties such that, by its nature, had the potential to compromise the board.

9. 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 his duties.

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(a)*, *N.J.S.A. 18A:12-24.1(e)* and *N.J.S.A. 18A:12-24.1(i)* were violated. As to the alleged violations of the Code, 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, as required by *N.J.S.A. 18A:12-24.1(a)*. Additionally, as to a violation of *N.J.S.A. 18A:12-24.1(e)*, Complainant has not established that Respondent made a personal promise to anyone, or that he took action beyond the scope of his duties that had the potential to compromise the Board. The mere fact that Respondent is a Board member and was involved in an “incident” in his personal capacity does not mean that his actions have compromised the Board. The Commission does not see how a member of the public could believe or interpret that Respondent was acting on behalf of the Board when he was involved in this incident. Finally, with respect to a violation of *N.J.S.A. 18A:12-24.1(i)*, the Complaint lacks any allegation that Respondent took any action to undermine, oppose, compromise or harm school personnel in any way as school personnel were not involved in the incident.

Consequently, and pursuant to *N.J.A.C. 6A:28-9.7(b)*, the Commission dismisses the alleged violations of *N.J.S.A. 18A:12-24.1(a)*, *N.J.S.A. 18A:12-24.1(e)* and *N.J.S.A. 18A:12-24.1(i)*.

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.

Dennis M. Roberts, Chairperson

Mailing Date: July 28, 2026

***Resolution Adopting Decision
in Connection with C10-26***

Whereas, at its meeting on June 23, 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 June 23, 2026, 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 July 28, 2026, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on June 23, 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.

Dennis M. Roberts, Chairperson

I hereby certify that the Resolution was duly adopted by the School Ethics Commission at its public meeting on July 28, 2026.

Brigid C. Martens, Director
School Ethics Commission