

Before the School Ethics Commission
Docket No.: C109-25
Decision on Probable Cause

Pearly Tan,
Complainant

v.

Kacy Knight, Paula Colbath, and Michael Rubino,
Fort Lee Board of Education, Bergen County,
Respondents

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on November 4, 2025, by Pearly Tan (Complainant), alleging that Kacy Knight (Respondent Knight), Paula Colbath (Respondent Colbath), and Michael Rubino (Respondent Rubino) (collectively, Respondents), members of the Fort Lee 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), as well as *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(f) and *N.J.S.A.* 18A:12-24.1(i) of the Code of Ethics for School Board Members (Code). Respondents filed a Written Statement on December 31, 2025.

The parties were notified by correspondence dated March 17, 2026, that the above-captioned matter would be discussed by the Commission at its meeting on March 24, 2026, to determine whether probable cause exists. Following its discussion on March 24, 2026, the Commission adopted a decision at its meeting on April 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*

By way of background, Complainant provides that in October 2025, the Israeli-American Coalition for Action (IAC) published a “Policy Survey on Antisemitism” featuring responses from multiple Board members, including Respondents. According to Complainant, the survey materials prominently display the phrase “Fort Lee Board of Education” along with Respondents’ photographs, thereby identifying them as current Board members. Complainant further provides that the survey included “politically and internationally sensitive topics.” Among the questions asked on the survey were “[d]o you support the adoption of the IHRA [International Holocaust Remembrance Alliance] Working Definition of antisemitism for state agencies and public schools?”; “[d]o you support

implementing specific policies and programs to ensure that Jewish students and staff feel safe and supported in schools, particularly in the context of rising antisemitism?"; and "[a]s a Board of Education candidate, would you use your platform to ensure educational programs reflect understanding of Jewish history and identity?"

Complainant further notes that a post showing the questions and Respondents' answers from the IAC survey was publicly shared in a Facebook group where Respondent Knight serves as the sole administrator. Complainant avers by "responding to and allowing publication of their answers under their official board titles, [Respondents] created a public impression" that the Board "endorses or affiliates with a political advocacy position on international matters not within its purview."

With the above in mind, in Count 1, Complainant asserts Respondent Knight violated *N.J.S.A.* 18A:12-24(b), by "administering and/or permitting the public dissemination of a politically motivated advocacy survey within a large community forum, [Respondent Knight] may have used his official standing and administrative authority to enhance the reach of partisan material, thereby obtaining an unwarranted advantage for himself and others."

In Count 2, Complainant further asserts Respondents Knight, Colbath and Rubino violated *N.J.S.A.* 18A:12-24.1(c), by "engaging in advocacy on international political issues unrelated to district policy or student welfare, [Respondents] acted outside the scope of board policy-making responsibilities"; violated *N.J.S.A.* 18A:12-24.1(e), because the "publication of individual political positions under the 'Fort Lee Board of Education' label compromises the *neutrality of the board* and could be perceived as representing official district positions"; violated *N.J.S.A.* 18A:12-24.1(f), because Respondents' "participation in and public promotion of an advocacy-driven policy survey distributed by an external political organization (IAC) constitutes engagement with a special interest group"; and violated *N.J.S.A.* 18A:12-24.1(i), by "introducing politicized issues into the public sphere under the board's name, [Respondents] risk undermining the perception of neutrality and trust that educators and staff rely upon to perform their duties in an unbiased environment."

B. *Written Statement*

Respondents provide that on or around October 1, 2025, the IAC distributed a survey form to each Board candidate seeking information regarding each candidate's individual viewpoints. Respondents further provide that the three "non-incumbent candidates did not respond." Respondents note that, in addition to answering the survey questions, Respondents Colbath and Rubino submitted supplemental comments. According to Respondents, the supplemental comments did not reference specific policies or programs actively before the Board, or anticipated to come before the Board, during 2025. Moreover, Respondents note when they submitted their responses, they did not know how the IAC would use or disseminate their submissions.

Respondents maintain that the private Fort Lee Facebook page includes a disclaimer stating that it is a personal Facebook page and not affiliated with any organization to which Respondent Knight belongs, including the Board. Per Respondents, Respondent Knight further includes a disclaimer noting that "[t]he content and opinions I share here are mine alone and do not necessarily reflect those of the Fort Lee Board of Education." Moreover, Respondents maintain that a member of the Facebook group posted the "Graphic" on her own, not Respondents, and without Respondents'

“input or direction.” Further, Respondents provide that Respondent Colbath reposted the “Graphic” to her personal Facebook page and included a disclaimer.

Respondents note that they were “unsuccessful in their bids for re-election” on November 4, 2025, and despite that, Complainant filed this Complaint on that same day.

As to a violation of *N.J.S.A.* 18A:12-24(b), Respondent Knight argues Complainant “fails to allege that any Respondent used, attempted to use, or sought to use their official position to secure any unwarranted privileges, advantages, or employment for themselves, members of their immediate family, or others.” Respondent Knight further argues the Complaint is “barren of any such allegation and does nothing more than complain about lawful campaign activity and private social media posts, which had clear and visible disclaimers.”

As to a violation of *N.J.S.A.* 18A:12-24.1(e), Respondents argue that Complainant has not demonstrated that Respondents “negotiated on behalf of the Board, bound the Board to any position, exercised Board authority, or acted contrary to any Board resolution or directive.” Respondents further argue Complainant did not provide any evidence to show that Respondents made personal promises, usurped the authority of the Board or took private action that could reasonably be said to compromise the Board’s ability to function collectively. Respondents maintain Complainant “relies on conjecture and perceived optics, which the Commission has repeatedly held are insufficient as a matter of law.” Therefore, Complainant fails to allege facts demonstrating that “Respondents acted beyond the scope of their duties or engaged in conduct that could reasonably be imputed to their authority as Board members.”

Regarding a violation of *N.J.S.A.* 18A:12-24.1(f), Respondents maintain they did not speak during Board business, did not invoke their authority as Board members, did not use school property or resources, or purport to act on behalf of the Board. Respondents further maintain they did not “solicit political support in an official forum or leverage their positions for personal gain.” Moreover, Respondents note that their “association with an advocacy-driven survey” does not “constitute[] engagement with a special interest group.”

Finally, as to a violation of *N.J.S.A.* 18A:12-24.1(i), Respondents maintain that their “views supporting policies and programs that make Jewish students and staff feel safe and supported in schools cannot rationally be equated to harming school personnel in the proper performance of their duties.”

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

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

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.

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.

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.

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(c), *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(f), and *N.J.S.A.* 18A:12-24.1(i) need to be supported by certain factual evidence, more specifically:

3. Factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(c) shall include evidence that Respondents took board action to effectuate policies and plans without consulting those affected by such policies and plans, or took action that was unrelated to Respondents’ 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.

5. Factual evidence of a violation of *N.J.S.A. 18A:12-24.1(e)* shall include evidence that Respondents made personal promises or took action beyond the scope of their duties such that, by its nature, had the potential to compromise the board.

6. Factual evidence of a violation of *N.J.S.A. 18A:12-24.1(f)* shall include evidence that Respondents 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 Respondents used the schools in order to acquire some benefit for themselves, a member of their immediate family or a friend.

9. Factual evidence of a violation of *N.J.S.A. 18A:12-24.1(i)* shall include evidence that Respondents took deliberate action which resulted in undermining, opposing, compromising or harming school personnel in the proper performance of their duties.

Count 1

In Count 1, Complainant asserts Respondent Knight violated *N.J.S.A. 18A:12-24(b)* when, as the administrator of a social media page, he allowed a post to be published about the IAC survey. Respondent Knight argues Complainant has not provided evidence of how he used his Board position to secure an unwarranted privilege or advantage.

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 *N.J.S.A. 18A:12-24(b)* was violated. While Respondent Knight may be an administrator of a group on social media, Complainant has failed to demonstrate how this role equates to him using his Board position to secure an unwarranted privilege, advantage or employment for himself, members of his immediate family, or “others” as required to find a violation of *N.J.S.A. 18A:12-24(b)*.

Consequently, and pursuant to *N.J.A.C. 6A:28-9.7(b)*, the Commission dismisses the alleged violation of *N.J.S.A. 18A:12-24(b)* in Count 1.

Count 2

In Count 2, Complainant argues Respondents violated *N.J.S.A. 18A:12-24.1(c)*, *N.J.S.A. 18A:12-24.1(e)*, *N.J.S.A. 18A:12-24.1(f)* and *N.J.S.A. 18A:12-24.1(i)* when they answered a “Policy Survey on Antisemitism” by the Israeli-American Coalition for Action (IAC). Respondents counter that they did not invoke their authority as Board members, did not use school property or resources, or purport to act on behalf of the Board when they answered the survey.

At the outset, the Commission notes that many groups, such as the League of Women Voters, as well as news publications and websites, distribute surveys to candidates for elected office. These surveys are designed to help the general public know where candidates stand on a variety of issues. The Commission does not want to discourage the use of such instruments as they provide a useful tool for transparency in elections.

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(c), *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(f) and *N.J.S.A.* 18A:12-24.1(i) were violated. As for a violation of *N.J.S.A.* 18A:12-24.1(c), Complainant has not provided any evidence that Respondents took any official board action to effectuate policies and plans without consulting those affected by such policies and plans, or took action that was unrelated to Respondents' duties as Board members when they answered the survey. As to a violation of *N.J.S.A.* 18A:12-24.1(e), while Respondents' views or answers on the survey may potentially be unpopular or controversial, this does not mean that Respondents have taken action beyond the scope of their duties that, by its nature, had the potential to compromise the board when they participated in a survey that was provided to all Board candidates. Regarding a violation of *N.J.S.A.* 18A:12-24.1(f), the Commission notes that some individuals who answer surveys from an organization or group might naturally have similar beliefs as the organization asking the questions, but on its own, that does not demonstrate that the individual or individuals took action, on behalf of, or at the request of, the special interest or political group, and as such, Complainant has not demonstrated that Respondents surrendered their independent judgment. Finally, Complainant has not shown how Respondents' responses on a survey could or would undermine any school personnel as required by *N.J.S.A.* 18A:12-24.1(i).

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:12-24.1(c), *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(f) and *N.J.S.A.* 18A:12-24.1(i) in Count 2.

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 Respondents 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: April 28, 2026

***Resolution Adopting Decision
in Connection with C109-25***

Whereas, at its meeting on March 24, 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 March 24, 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 April 28, 2026, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on March 24, 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.

Robert W. Bender, Chairperson

I hereby certify that the Resolution was duly adopted by the School Ethics Commission at its public meeting on April 28, 2028.

Brigid C. Martens, Director
School Ethics Commission