

***Before the School Ethics Commission***  
***Docket No.: C113-25***  
***Decision on Probable Cause***

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**Joanne Greene Tobias,**  
***Complainant***

v.

**Kristina Menzel Heinold,**  
**Florham Park Board of Education, Morris 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 November 1, 2025, by Joanne Greene Tobias (Complainant), alleging that Kristina Menzel Heinold (Respondent), a member of the Florham Park 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(e)*, *N.J.S.A. 18A:12-24.1(f)* and *N.J.S.A. 18A:12-24.1(g)* of the Code of Ethics for School Board Members (Code).

On December 1, 2025, Respondent filed a Written Statement, which included an allegation that the Complaint is frivolous. On December 19, 2025, Complainant filed a response to the allegation of frivolous filing.

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 and whether the Complaint is frivolous. Following its discussion on March 24, 2026, the Commission tabled the matter at its meeting on April 28, 2026. Thereafter, the Commission adopted a decision at its meeting on May 26, 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. 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***

Complainant maintains that she was running for re-election for a position on the Hanover Park Regional Board of Education, and Respondent was the President of the Florham Park Board

of Education. According to Complainant, Respondent “is a friend and ardent supporter of the candidate running against” Complainant in the Hanover Park Board election. Complainant further maintains Respondent wrote a letter of endorsement that was published in the Florham Park Eagle newspaper and has commented on Complainant’s campaign social media posts stating that Complainant is a liar and misleading the public.

The letter to the editor had as the headline “Florham Park Board of Education President endorses John Miscia” with the text as follows:

TO THE EDITOR: It is with unwavering confidence that I endorse John Miscia for the Hanover Park Regional Board of Education.

I’ve had the privilege of knowing John in many capacities—as a dedicated Florham Park Board of Education member, a respected coach, a devoted parent, a community leader, and a Chief of Police. In every role, John has exemplified integrity, commitment, and a deep-rooted passion for serving others in a community he loves.

With over a decade of experience on the Florham Park Board of Education, I understand the immense dedication, time and thoughtful decision-making required to make meaningful progress in our schools. John not only understands this responsibility—he embraces it. He has consistently leaned into the tough conversations, asked the hard questions, and challenged the status quo when necessary, always with the best interests of our students and community in mind.

John brings a calm, balanced perspective to every discussion. Whether we’ve collaborated on board matters or navigated the journey of raising children in this community, I’ve witnessed firsthand his ability to listen, reflect, and lead with both a level head and compassion. His advocacy for mental health is especially commendable—he brings a common sense approach to every issue, ensuring that the emotional and psychological well-being of our students is never overlooked.

Beyond the board of education, John has selflessly volunteered countless hours coaching and mentoring our children across Florham Park and East Hanover. His presence on and off the field has made a lasting impact on countless families. What sets John apart is his commitment to transparency and collaboration. He actively seeks input from parents, educators, and community members to make informed, thoughtful decisions that reflect the needs of all stakeholders.

When John says he stands for Leadership, Experience, Transparency, and a Vested Interest as a Parent and Mental Health Advocate, he’s not just stating campaign values—he’s living them every day.

I wholeheartedly endorse John Miscia for the Hanover Park Regional Board of Education. Our students, families, and schools will be better for it.

*KRISTINA HEINOLD  
Briarwood Road  
Florham Park*

In addition, Complainant attaches an exhibit where Respondent commented on a post written by Complainant about her re-election and who has endorsed her, stating “Hanover Park teachers? I haven’t seen any endorsements. Please share.” On the same post, in response to a comment asking why opponents are commenting on the campaign post, Respondent states “I think the frustration comes when lines such as ‘endorsed from teachers’ etc[.] are posted and imply things that simply aren’t true. It’s misleading and deserves to be clarified.” Complainant notes that Respondent’s “inflammatory comments on a public forum have stirred a barrage of negative comments aimed at discrediting [Complainant] and [her] campaign for re-election.”

Complainant asserts by using a public platform, her elected public school office and position as Board President “to influence the election in favor of a friend and preferred candidate,” Respondent violated *N.J.S.A.* 18A:12-24.1(e), because she “failed to recognize that authority rests with the [Board] and has made personal promises that compromise the [B]oard”; *N.J.S.A.* 18A:12-24.1(f), because she has “surrendered her independent judgement to use her position as [Board] President for the gain of a friend”; and *N.J.S.A.* 18A:12-24.1(g), because she “has not provided accurate information in concert with her fellow [B]oard members and has not interpreted to the staff the aspirations of the community for its school(s).”

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

Respondent maintains although she is a resident and Board member in Florham Park, she has children who attend the Hanover Park Regional School District. Respondent further maintains that after seeing Complainant’s campaign post in a community Facebook group, namely that she was endorsed by Hanover Park teachers, Respondent questioned the teacher endorsements using her personal Facebook account. Respondent provides that her post “did not reference her position on the Board.” Respondent further provides that her letter that was published in the local newspaper was sent from her private email account, does not reference or mention her Board position or title, and the letter only highlights the candidate’s “attributes and does not disparage [] Complainant.” Moreover, Respondent contends she did not have “control over the title that the editor . . . assigned to her letter and she was unaware that the letter would be published with the title ‘Florham Park Board of Education President endorses John Miscia.’”

As to a violation of *N.J.S.A.* 18A:12-24.1(e), Respondent argues a Board member does not forfeit his or her right to freedom of speech. Respondent further argues her Facebook comments were from her personal page and “consisted of a polite request for clarification.” Respondent further argues her “rights as a constituent and parent to question or challenge statements made by candidates are not extinguished simply because she serves on a separate board of education.” Moreover, Respondent maintains she sent a “personal endorsement” from her personal email account, and her title as Board President was not included in her signature. Respondent further maintains a reasonable member of the public would not believe Respondent was “speaking on behalf of” the Board or in her capacity as President.

Regarding a violation of *N.J.S.A.* 18A:12-24.1(f), Respondent asserts she was “not asked to or coerced to submit the endorsement for John Miscia.” Respondent further asserts that Complainant did not provide any evidence that Respondent surrendered her independent judgment because there is none.

As to a violation of *N.J.S.A.* 18A:12-24.1(g), Respondent contends there is nothing in her letter or in her posts that could be construed as confidential or inaccurate information. Respondent further contends the letter speaks for itself, was based on her personal knowledge and does not reference any specific details regarding the schools. Respondent notes her Facebook communication merely asked for clarification, and that is “not equivalent to making an affirmative statement attacking one’s character.”

Finally, Respondent asserts the Complaint is frivolous, because Complainant “alleges a violation of the [Act] based upon facts that do not support the accusation that [Respondent] presented inaccurate information and instead indicate a misapplication of *N.J.S.A.* 18A:12-24.1(g) or a complete disregard of the provision’s purpose.” Respondent further asserts the Complaint “is completely devoid of any factual evidence to support a violation of *N.J.S.A.* 18A:12-24.1(g).”

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

Complainant maintains her Complaint was “filed in good faith and is supported by specific well-founded concerns regarding Respondent’s actions.” Complainant further maintains she filed the Complaint “with the honest belief in its merits, not maliciously or to harass” and to “address serious, legitimate concerns about ethical 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.”

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

Complainant submits that Respondent violated *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(g), and these provisions of the Code provide:

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.

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.

At the outset, as this matter involves a political endorsement article and social media comments, the Commission finds it necessary to set forth the framework by which it will review such allegations. With respect to the social media comments, 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.

Respondent's social media comments in this matter were posted from her personal Facebook account. Additionally, the comments did not invoke Respondent's Board membership in any way, nor did they involve matters before the Board. As such, there is not sufficient nexus

between Respondent's social media comments and her role/membership on the Board, and a reasonable member of the public would not find that the posts were made in her official capacity as a Board member.

Regarding the op-ed article that Respondent wrote and published in the Florham Park Eagle newspaper, the Commission notes that Respondent did not use a disclaimer indicating that the views were her own and not those of the Board. The Commission further notes the content of the endorsement appears to reference Respondent's membership on the Board, specifically in one sentence: "With over a decade of experience on the Florham Park Board of Education, I understand the immense dedication, time and thoughtful decision-making required to make meaningful progress in our schools." Further, although Respondent asserts she did not write the headline and was unaware that her title would be used, the headline of the article states: "Florham Park Board of Education President endorses John Miscia." Regardless of whether Respondent personally drafted the headline, she did not include a disclaimer in her article, and therefore, a reasonable member of the public who reads the op-ed would not know that the headline was not included in the article submitted by Respondent, and accordingly, may perceive that Respondent was speaking in her official capacity as a Board member. The Commission reiterates that use of a disclaimer is of utmost importance, and in this circumstance, it would have made clear to the public in what capacity Respondent intended to author the endorsement article.

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

Pursuant to *N.J.A.C. 6A:28-6.4(a)*, 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 her duties such that, by its nature, had the potential to compromise the board.

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:12-24.1(e)* was violated. Despite the lack of a disclaimer, Respondent's endorsement does not offer a personal promise, nor does it appear to compromise the Board. While it may appear to the public that Respondent wrote the op-ed endorsement as a Board member, it does not appear that she was speaking for the *entire* Board. Additionally, notably, the endorsement was for a different board of education than Respondent's. Further, Complainant has not demonstrated how Respondent's Facebook comments on her personal social media platform, in her private capacity, would constitute a personal promise or compromise the Board. Accordingly, and pursuant to *N.J.A.C. 6A:28-9.7(b)*, the Commission dismisses the alleged violation of *N.J.S.A. 18A:12-24.1(e)*.

***N.J.S.A. 18A:12-24.1(f)***

Pursuant to *N.J.A.C. 6A:28-6.4(a)*, factual evidence of a violation of *N.J.S.A. 18A:12-24.1(f)* shall include evidence that Respondent 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 Respondent used the schools in order to acquire some benefit for herself, a member of her immediate family or a friend.

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(f) was violated. The Complaint lacks any evidence that Respondent took action on behalf of a special interest or political group when she published the op-ed, nor does Complainant demonstrate how Respondent used the school or its resources to benefit a friend in submitting the article. Additionally, Complainant has not established how Respondent surrendered her independent judgment or used the schools to benefit a friend when she posted comments on her personal social media platform, in her private capacity. Therefore, and pursuant to *N.J.A.C.* 6A:28-9.7(b), the Commission dismisses the alleged violation of *N.J.S.A.* 18A:12-24.1(f).

#### ***N.J.S.A.* 18A:12-24.1(g)**

Pursuant to *N.J.A.C.* 6A:28-6.4(a), factual evidence of a violation 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.

Based on its 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. Complainant has not demonstrated what information Respondent published in the political endorsement article or posted on social media that was inaccurate or confidential. To the extent Complainant alleges Respondent made false statements on social media when she asked for evidence as to Complainant's endorsements by teachers and indicated that Complainant was "imply[ing] things that simply aren't true," Complainant has not established that such statements were inaccurate. Stated differently, Respondent's mere questioning of Complainant's endorsements does not, without more, establish that she made inaccurate statements. Nevertheless, even if the statements were inaccurate, Complainant does not show how those statements would not otherwise be a reasonable mistake or personal opinion, as Respondent made the social media posts in her private capacity. 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:12-24.1(g).

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

At its meetings on March 24, 2026, and April 28, 2026, 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 May 26, 2026, 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: May 26, 2026

***Resolution Adopting Decision  
in Connection with C113-25***

***Whereas***, at its meetings on March 24, 2026, and April 28, 2026, the School Ethics Commission (Commission) considered the Complaint, the Written Statement and the 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 meetings on March 24, 2026, and April 28, 2026, the Commission discussed finding that 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 meetings on March 24, 2026, and April 28, 2026, the Commission discussed finding the Complaint not frivolous, and denying the request for sanctions; and

***Whereas***, at its meeting on May 26, 2026, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meetings on March 24, 2026, and April 28, 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 May 26, 2026.

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Brigid C. Martens, Director  
School Ethics Commission