

Before the School Ethics Commission
Docket No.: C114-25
Decision on Probable Cause

**Joanne Greene Tobias,
*Complainant***

v.

**John Miscia,
Florham Park Board of Education, Morris County,
*Respondent***

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on November 10, 2025,¹ by Joanne Greene Tobias (Complainant), alleging that John Miscia (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(a), *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 2, 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 adopted a decision at its meeting on April 28, 2026, finding that the Commission does not have jurisdiction over matters that do not arise under the Act. The Commission also adopted a decision finding the Complaint not frivolous, and denying Respondent's request for sanctions.

¹ On November 5, 2025, Complainant filed a deficient Complaint; however, on November 10, 2025, Complainant cured all defects and filed an Amended Complaint that was deemed compliant with the requirements detailed in *N.J.A.C.* 6A:28-6.3.

II. Summary of the Pleadings

A. *The Complaint*

Complainant notes Respondent was her opponent in the Hanover Park Board of Education election, is the Chief of Police in the Borough of Madison and was a current Board member at Florham Park. According to Complainant, on November 4, 2025, after voting, she sat for a while “in a chair designated for challengers” and then went home. Complainant maintains while home, she received a text that a police officer came to the polling site and questioned workers about an “alleged election violation” by Complainant. Complainant further provides she contacted the police department to inquire as to who contacted them and was informed that Respondent called the Chief of Police of Florham Park, who then had an officer sent to the polling place. Complainant notes that Respondent was not at the polling site when Complainant was there but instead was contacted by “an unknown person” and “acted on [hearsay] from a person(s) who privately contacted him.” Complainant argues Respondent “abused his rank, influence, and power to violate election laws.”

With the above in mind, Complainant asserts Respondent reported “a false allegation of an election violation (Electioneering) to harass, bully, discredit [Complainant] and influence the outcome of the election.” Complainant further asserts Respondent violated *N.J.S.A. 18A:12-24.1(a)* as he violated *N.J.S.A. 19:6-15* and *N.J.S.A. 19:15A-1(d)* when he enlisted the assistance of the police and requested that a police officer be sent to an active polling site.

Complainant also asserts Respondent violated *N.J.S.A. 18A:12-24.1(e)*, because he took private action that compromised the Board; violated *N.J.S.A. 18A:12-24.1(f)*, because he surrendered his independent judgement for personal gain because “[t]hrough his actions, [Respondent] is responsible for the violation of election laws, specifically, *N.J.S.A. 19-6-16(b)*; and violated *N.J.S.A. 18A:12-24.1(g)*, because he did not provide accurate information when he “contacted the Florham Park Chief of Police to report a false allegation of Electioneering against” Complainant.

B. *Written Statement and Allegation of Frivolous Filing*

In his Written Statement, which includes an allegation of frivolous filing, Respondent confirms that he “was contacted and notified” that Complainant was “at the polling site speaking with others,” and that it could be “perceived as a possible election law violation.” Respondent admits that he contacted the police chief to “relay the information.” Respondent notes that he was unaware of the individual to whom Complainant was speaking.

Respondent argues that each allegation “fails as a matter of law and fact.” Specifically, as to a violation of *N.J.S.A. 18A:12-24.1(a)*, Respondent further argues that Complainant has not provided a “decision, evidence, or authority demonstrating any violation of law pertaining to schools.”

As to a violation of *N.J.S.A. 18A:12-24.1(e)*, Respondent maintains Complainant has not provided any evidence to demonstrate that Respondent “compromised the Board, made personal

promises, or undertook any action related to Board operations.” Moreover, Respondent notes there is not any evidence that “shows public discrediting, harassment, or any compromise of the Board.”

Regarding a violation of *N.J.S.A.* 18A:12-24.1(f), Respondent contends “it appears that the Complainant has a misunderstanding of the language of the Act.” Respondent further contends that Complainant did not allege that Respondent used his Board influence to receive or confer any benefit, nor that he acted at the request of a political group. Respondent provides that he “related a credible concern to police.”

As to a violation of *N.J.S.A.* 18A:12-24.1(g), Respondent argues that he did not share school related information, but rather, he “conveyed a credible report to law enforcement only.”

Finally, Respondent alleges the Complaint is frivolous because Complainant “attempts to manufacture violations where none exist, consuming taxpayer resources to defend against meritless claims. Respondent further alleges that the allegation that Respondent “was spreading false information, publicly harassing or bullying [Complainant], compromised the Board, or used his position for personal gain is nonsensical.”

C. Response to the Allegation of Frivolous Filing

In her 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.”

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 election laws, including *N.J.S.A.* 19:6-15, *N.J.S.A.* 19:15A-1(d) and *N.J.S.A.* 19-6-16(b), 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.

Additionally, Complainant does not allege that Respondent has taken any action as a school board member. The Commission further notes it does not have jurisdiction over Respondent's actions as a police chief.

Accordingly, the Complaint is dismissed due to the lack of jurisdiction by the Commission.

IV. Request for Sanctions

At its meeting on March 24, 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 April 28, 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 as the Commission does not have jurisdiction over matters that do not arise under the Act, the Commission dismisses the above-captioned matter. 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: April 28, 2026

***Resolution Adopting Decision
in Connection with C114-25***

Whereas, at its meeting on March 24, 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 meeting on March 24, 2026, the Commission discussed finding that it did not have jurisdiction over the facts and circumstances presented in the Complaint, and therefore, dismissing the above-captioned matter; and

Whereas, at its meeting on March 24, 2026, the Commission discussed finding the Complaint not frivolous, and denying the request for sanctions; 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, 2026.

Brigid C. Martens, Director
School Ethics Commission