

Before the School Ethics Commission
Docket No.: C122-25
Decision on Probable Cause

Michael Sheldon,
Complainant

v.

Gabrielle Bennett-Meany, Michael Derro, Jean Gillis,
Esteban Leon, Lissa Missaggia, Luis Muniz, and Brenda Pacheco
Belleville Board of Education, Essex County,
Respondents

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on November 28, 2025,¹ by Michael Sheldon (Complainant), alleging that Gabrielle Bennett-Meany, Michael Derro, Jean Gillis, Esteban Leon, Lissa Missaggia, Luis Muniz, and Brenda Pacheco (Respondents), members of the Belleville 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:12-24.1(a) and *N.J.S.A.* 18A:12-24.1(e) of the Code of Ethics for School Board Members (Code).

On January 30, 2026, Respondents filed a Written Statement, which included an allegation that the Complaint is frivolous. On March 6, 2026, Complainant filed a response to the allegation of frivolous filing.

The parties were notified by correspondence dated May 26, 2026,² that the above-captioned matter would be discussed by the Commission at its meeting on June 23, 2026, to determine whether probable cause exists and whether the Complaint is frivolous. Following its discussion on May 26, 2026, the Commission adopted a decision at its meeting on June 23, 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 Respondents' request for sanctions.

¹ On November 14, 2025, Complainant filed a deficient Complaint; however, on November 28, 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.

² This matter was scheduled to be discussed at the April 21, 2026, meeting but was rescheduled due to a lack of a quorum.

II. Summary of the Pleadings

A. *The Complaint*

According to Complainant, the Superintendent was formerly employed by the Secaucus Board of Education and was placed on administrative leave approximately eight months into his tenure in that district. Consequently, Complainant asserts the Secaucus Board conducted an investigation “into multiple unnamed allegations,” which yielded a confidential document known as the “Fallon Report” and as a result, the Superintendent was terminated from Secaucus. Thereafter, per Complainant, and despite the existence of the Fallon Report, the Belleville Board hired the Superintendent on May 19, 2025, and offered him a three-year contract. Complainant provides that subsequently, on October 27, 2025, the Board then voted to extend the Superintendent’s contract to a five-year contract. Complainant maintains “despite the clear public record of his recent, abrupt, and investigated departure from Secaucus,” the Board did not make an “effort to obtain a copy of the Fallon Report when they were in the process of considering hiring” the Superintendent.

With the above in mind, in Count 1, Complainant asserts despite the “significant and publicly known red flags,” Respondents “knowingly and willfully failed to exercise their legally mandated fiduciary responsibilities and due diligence in fully researching the employment history” of the Superintendent “before making the decision on May 19, 2025 to hire him as Belleville’s new [Chief School Administrator (CSA)].” Moreover, their “collective failure to seek the critical information . . . demonstrates a willful disregard for the legally required vetting process and potentially compromised the Belleville District putting it at unnecessary risk” in violation of *N.J.S.A. 18A:12-24.1(a)* and *N.J.S.A. 18A:12-24.1(e)*.

In Count 2, Complainant maintains that on October 27, 2025, after “less than four months of employment – before sufficient performance data could possibly exist,” the Board extended the Superintendent’s contract to five years. Complainant further maintains this action “suggests a lack of professional judgement and an abdication of fiscal responsibility” in violation of *N.J.S.A. 18A:12-24.1(a)* and *N.J.S.A. 18A:12-24.1(e)* because Respondents “failed to exercise due diligence, have breached professional conduct, and have exhibited conduct unbecoming a school official wherein there has been reckless stewardship of public funds in providing this contract.”

B. *Written Statement and Allegation of Frivolous Filing*

In their Written Statement, which includes an allegation of frivolous filing, Respondents argue that Complainant filed this Complaint because he “disagrees with the Board’s choice for the recent hire of the Superintendent.” Respondents further argue Complainant’s “claims are based on his subjective belief that the Board did not sufficiently vet” the Superintendent, his “accusations stem from the fact that the Board did not obtain a confidential employment investigation report,” which is “flawed,” and on his “belief that the Superintendent’s employment history had ‘red flags,’” which is “immaterial to whether the vote on his hiring or extension of contract were proper actions of the Board and its members.”

Respondents note Complainant chooses “to ignore” the statements that the Board made during the meeting to appoint the Superintendent “about the efforts” the Board made regarding the Superintendent’s qualifications. Respondents provide that “the idea that the Board, and its members, failed to properly vet [the Superintendent] for the position is completely unwarranted.” Moreover, Respondents contend Complainant’s “arguments fail to state any action by any of the Respondents that violated the [Code].”

As to a violation of *N.J.S.A.* 18A:12-24.1(a) in Counts 1 and 2, Respondents assert Complainant “has failed to identify, let alone attach, ‘a final decision from any court of law or any administrative agency’ indicating that the Respondents failed to enforce all laws or brought changed about through illegal or unethical procedures.”

Regarding a violation of *N.J.S.A.* 18A:12-24.1(e) in Counts 1 and 2, Respondents argue Complainant has “failed to set forth any factual allegations, which if proven true, suggest that Respondents made any personal promises or took any private action which could have compromised the Board.” Respondents further argue Complainant is not a Board member, and therefore, he would not have “information as to the Board’s process of selecting the superintendent, including what efforts were made to research his former employment.” Respondents maintain Board members’ votes, “even for an unpopular measure, are not violations of the Act or the Code without some conflict of interest disqualifying participation.”

Finally, Respondents assert the Complaint is frivolous because it “does not have a factual basis and was filed merely to attack the Respondents’ reputation within the community.” Further, Respondents note that as a former Board member, Complainant filed the Complaint “with knowledge that it is without merit.”

C. *Response to the Allegation of Frivolous Filing*

Complainant argues the Complaint “is grounded in a well-documented timeline of events that the Respondents have not disputed.” Complainant further argues the Complaint “is supported by public record, admissions from the Board President, and a legitimate concern for the welfare of the” District.

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 hired an unqualified Superintendent, 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. Accordingly, those claims are dismissed.

Alleged Violations of the Act

Complainant submits that Respondent violated *N.J.S.A.* 18A:12-24.1(a) and *N.J.S.A.* 18A:12-24.1(e), 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.

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

Pursuant to *N.J.A.C.* 6A:28-6.4(a), in order to credit a violation of *N.J.S.A.* 18A:12-24.1(a), Complainant must include a copy of a final decision from any court of law or administrative agency of this State demonstrating that Respondents failed to enforce all laws, rules and regulations of the State Board of Education, and/or court orders pertaining to schools or that Respondents brought about changes through illegal or unethical procedures.

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) was violated. Despite being required by *N.J.A.C.* 6A:28-6.4(a)(1), 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 Respondents violated a specific law, rule, or regulation of the State Board of Education and/or court orders pertaining to schools, or that he brought about changes through illegal or unethical procedures. Without the required final decision(s), a violation of *N.J.S.A.* 18A:12-24.1(a) is not supported.

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(a) in Counts 1 and 2.

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

Pursuant to *N.J.A.C.* 6A:28-6.4(a), in order to credit a violation of *N.J.S.A.* 18A:12-24.1(e), the Complaint 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.

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(e) was violated. Complainant has not shown how Respondents made any personal promises or took action beyond the scope of their duties as they acted as Board members at all times when they hired the Superintendent and extended his contract. While Complainant argues that the choice of Superintendent was not the best choice for the district, such review is not under the jurisdiction of the Commission. Consequently, and pursuant to *N.J.A.C.* 6A:28-9.7(b), the Commission dismisses the alleged violation(s) of *N.J.S.A.* 18A:12-24.1(e) in Counts 1 and 2.

IV. Request for Sanctions

At its meeting on May 26, 2026, the Commission considered Respondents' request that the Commission find the Complaint frivolous, and impose sanctions pursuant to *N.J.S.A.* 18A:12-29(e). Despite Respondents' 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 June 23, 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 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 Commission further advises the parties that, following its review, it voted to find that the Complaint is not frivolous, and to deny Respondents' 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: June 23, 2026

***Resolution Adopting Decision
in Connection with C122-25***

Whereas, at its meeting on May 26, 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 May 26, 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 May 26, 2026, the Commission discussed finding the Complaint not frivolous, and denying the request for sanctions; 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.

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.

Brigid C. Martens, Director
School Ethics Commission