

Before the School Ethics Commission
Docket No.: C126-25
Decision on Probable Cause

April Maxwell-Henley,
Complainant

v.

Dr. Malcolm X. Outlaw,
Willingboro Board of Education, Burlington County,
Respondent

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on November 18, 2025,¹ by April Maxwell-Henley (Complainant), alleging that Dr. Malcolm X. Outlaw (Respondent), Superintendent² of the Willingboro School District (District) 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(b), *N.J.S.A.* 18A:12-24(c), *N.J.S.A.* 18A:12-24(d), *N.J.S.A.* 18A:12-24(e) and *N.J.S.A.* 18A:12-24(f).

On January 4, 2026, Respondent filed a Written Statement, which included an allegation that the Complaint is frivolous. On January 6, 2026, Complainant filed a response to the allegation of frivolous filing.

The parties were notified by correspondence dated April 21, 2026, that the above-captioned matter would be discussed by the Commission at its meeting on April 28, 2026, to determine whether probable cause exists and whether the Complaint is frivolous. Following its discussion on April 28, 2026, 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 frivolous, and granting Respondent's request for sanctions.

¹ On November 17, 2025, Complainant filed a deficient Complaint; however, on November 18, 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 Respondent was on administrative leave at the time the Complaint was filed.

II. Summary of the Pleadings

A. *The Complaint*

According to Complainant, during 2025, the “Willingboro Hall of Fame Ad Hoc Committee [(ad hoc committee)] and the 50th Anniversary/Homecoming events were operated without a Board motion or vote to create the committee as required” by Board policy. Complainant maintains that the planning activities “continued for months without proper authorization.” Complainant further maintains despite being aware of these activities the Superintendent/Respondent did not “stop or correct the unauthorized committee activity.”

Complainant notes although the ad hoc committee reports are dated March and April 2025, she “was not informed, nor was the full Board informed, that the Board President had created and operated an ad hoc committee without Board approval until August 29, 2025.” Complainant further notes that an email from the Superintendent “explicitly confirmed that the Board President created the [ad hoc committee] unilaterally.”

With the above in mind, and in Count 1, Complainant asserts on March 27, 2025, and April 3, 2025, Respondent violated *N.J.S.A.* 18A:12-24(b) and *N.J.S.A.* 18A:12-24(d) because he “permitted district resources to be used for an unauthorized committee” and he “failed to act in the best interest of the district by not stopping unauthorized activities.”

In Count 2, Complainant contends on August 28, 2025, the District issued an email promoting the “Hall of Fame nomination process,” and because the committee was not authorized, Respondent violated *N.J.S.A.* 18A:12-24(c) because he “allowed district resources and communication systems to be used for an unauthorized program.”

In Count 3, Complainant maintains the “Blast publicized nominees including an individual running for the Board.” Complainant further maintains Respondent violated *N.J.S.A.* 18A:12-24(f) because he “permitted actions that created the appearance of political advantage.”

In Count 4, Complainant asserts that from September 5-8, 2025, “email notices were issued announcing Hall of Fame presentations for a public Board meeting.” Complainant further asserts despite knowing the committee was unauthorized, Respondent allowed the activity to be presented publicly in violation of *N.J.S.A.* 18A:12-24(d) and failed to “inform the full Board of governance irregularities” in violation of *N.J.S.A.* 18A:12-24(e).

In Count 5, Complainant contends that on October 2, October 28 and November 12, 2025, “financial reconciliation information was requested, but not provided,” and therefore, Respondent violated *N.J.S.A.* 18A:12-24(c) because he failed “to ensure proper financial oversight” and *N.J.S.A.* 18A:12-24(d) because he “failed to act in the district’s best interest by not ensuring transparency.”

B. *Written Statement and Allegation of Frivolous Filing*

In his Written Statement, which includes an allegation of frivolous filing, Respondent initially notes that when Complainant was the Board President (2024-2025), Complainant formed a Board referendum ad hoc committee, acting “within the authority explicitly conferred on the Board President.” Now, Respondent further notes the current Board President has formed the current ad hoc committees as mentioned by Complainant, and Complainant herself “made the motion to approve” the Hall of Fame program and voted in favor of the resolution. Respondent maintains that as the Superintendent he did not “create, charge, or appoint” members to either committee and his “role was limited to providing administrative support in accordance with standard practice.”

As to Count 1, Respondent denies the allegations and notes that the committee “reports were generated and that he understood, based on the Board President’s instruction, that the [ad hoc committee] had been formed by the President under District Policy 0155.”

Regarding Count 2, Respondent again denies the allegations and states the “Blast” was an administrative communication supporting a committee the Board President formed. Respondent maintains he “did not initiate any unauthorized program and did not direct district resources to any improper purpose.”

As to Count 3, Respondent denies that “any of his actions created an appearance of political influence, favoritism, or impropriety.”

Regarding Count 4, Respondent denies that the committee was unauthorized and further denies that he “failed to act in the best interests of the district or to ensure appropriate disclosure.”

As to Count 5, Respondent maintains that he was placed on administrative leave on October 13, 2025, and from that time he has not had any “operational authority over district affairs,” has not had any “access to district systems or records,” has not had “supervisory authority over staff,” nor the “ability to direct or control document production or financial reconciliation.” Therefore, Respondent further maintains any “alleged non-response after October 13, 2025 is beyond the scope of Respondent’s responsibility.”

Finally, Respondent asserts the Complaint is frivolous because as Complainant is aware, it is within the Board President’s authority to create a committee and the Board, including Complainant, approved the committees in question. Moreover, Respondent was not involved in the process, and was placed on administrative leave, and therefore, the Complaint “could not reasonably have been expected to succeed and is therefore frivolous.”

C. *Response to the Allegation of Frivolous Filing*

In response to the allegation of frivolous filing, Complainant argues the Complaint is not frivolous because it is “based on documented events and board activity,” “was filed in good faith and with required timelines.” Complainant further argues it “raises issues that fall within the

jurisdiction of the [Commission], and “a different interpretation does not make a complaint frivolous.”

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 Board policies, the Commission advises that such determinations fall beyond the scope, authority, and jurisdiction of the Commission. The formation and organization of Board committees is within the jurisdiction of the Board.

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, based on the conduct more fully detailed above, Respondent violated *N.J.S.A. 18A:12-24(b)*, *N.J.S.A. 18A:12-24(c)*, *N.J.S.A. 18A:12-24(d)*, *N.J.S.A. 18A:12-24(e)* and *N.J.S.A. 18A:12-24(f)* and these provisions of the Act state:

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;

c. No school official shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial involvement that might reasonably be expected to impair his objectivity or independence of judgment. No school official shall act in his official capacity in any matter where he or a

member of his immediate family has a personal involvement that is or creates some benefit to the school official or member of his immediate family;

d. No school official shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his independence of judgment in the exercise of his official duties;

e. No school official, or member of his immediate family, or business organization in which he has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the school official has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the school official in the discharge of his official duties;

f. No school official shall use, or allow to be used, his public office or employment, or any information, not generally available to the members of the public, which he receives or acquires in the course of and by reason of his office or employment, for the purpose of securing financial gain for himself, any member of his immediate family, or any business organization with which he is associated;

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.”

To credit a violation of *N.J.S.A.* 18A:12-24(c), Complainant must provide sufficient factual evidence that Respondent acted in his official capacity in a matter where he, or a member of his immediate family, had a direct or indirect financial involvement that might reasonably be expected to impair his objectivity, or in a matter where he had a personal involvement that created some benefit to him, or to a member of his immediate family.

In order to credit a violation of *N.J.S.A.* 18A:12-24(d), Complainant must provide sufficient factual evidence that Respondent engaged in employment or service, regardless of whether compensated, which might reasonably be expected to prejudice his independence of judgment in the exercise of his official duties.

To credit a violation of *N.J.S.A.* 18A:12-24(e), Complainant must provide sufficient factual evidence that Respondent, a member of his immediate family, or a business organization in which he had an interest, solicited or accepted a gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that

the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his official duties.

To credit a violation of *N.J.S.A.* 18A:12-24(f), Complainant must provide sufficient factual evidence that Respondent used his public employment, or any information not generally available to the public, and which he received in the course of and by reason of his employment, for the purpose of securing financial gain for himself, his business organization, or a member of his immediate family.

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(b), *N.J.S.A.* 18A:12-24(c), *N.J.S.A.* 18A:12-24(d), *N.J.S.A.* 18A:12-24(e) and *N.J.S.A.* 18A:12-24(f) were violated. The Commission reiterates that the formation and governance of Board committees falls under the jurisdiction of the Board. While the Superintendent administers the schools, he or she does not administer the Board. Complainant has not shown how the formation of a Board committee, which is outside of Respondent's duties, constitutes Respondent using or attempting to use his official position to secure an unwarranted privilege, advantage or employment for himself, members of his immediate family, or "others" as required by *N.J.S.A.* 18A:12-24(b). With regard to *N.J.S.A.* 18A:12-24(c), Complainant has not demonstrated how an email blast sent by the District would constitute Respondent, as Superintendent, acting in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial involvement that might reasonably be expected to impair his objectivity or independence of judgment, as it is unclear from the Complaint what financial or personal involvement Respondent has with respect to an email about the Hall of Fame nomination process. Regarding a violation of *N.J.S.A.* 18A:12-24(d), Complainant has not shown how Respondent has undertaken any outside employment or service. As for *N.J.S.A.* 18A:12-24(e), Complainant has failed to articulate how failing to "inform the full Board of governance irregularities" is evidence that Respondent, a member of his immediate family, or a business organization in which he had an interest, solicited or accepted a gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his official duties. Finally, Complainant has not provided evidence that Respondent used or, or allowed to be used, his public office or employment, or any information, not generally available to the members of the public, which he receives or acquires in the course of and by reason of his office or employment, for the purpose of securing financial gain for himself, any member of his immediate family, or any business organization with which he is associated as required by *N.J.S.A.* 18A:12-24(f).

Accordingly, 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(b), *N.J.S.A.* 18A:12-24(c), *N.J.S.A.* 18A:12-24(d), *N.J.S.A.* 18A:12-24(e) and *N.J.S.A.* 18A:12-24(f).

IV. Request for Sanctions

At its meeting on 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).

At its core, the Complaint stems from a disagreement with the way a Board committee met or how it was organized. However, Complainant as a former Board President, is well aware that the Superintendent does not have control over the formation or governance of Board committees. Therefore, the Commission finds that Complainant filed the Complaint against Respondent in bad faith. The Commission also believes 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 frivolous pursuant to *N.J.S.A.* 18A:12-29(e) and granting the request for sanctions. The Commission orders that Complainant pay a fine in the amount of \$100.00.

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 frivolous, and to grant 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: May 26, 2026

***Resolution Adopting Decision
in Connection with C126-25***

Whereas, at its meeting on 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 meeting on April 28, 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 discussed finding the Complaint frivolous, and granting the request for sanctions pursuant to *N.J.S.A.* 18A:12-29(e); and

Whereas, the Commission finds the Complaint to be frivolous pursuant to *N.J.S.A.* 18A:12-29(e) and orders that Complainant pay a fine in the amount of \$100.00; 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 meeting on 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.

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.

Brigid C. Martens, Director
School Ethics Commission