

***Before the School Ethics Commission***  
***Docket No.: C127-25***  
***Decision on Probable Cause***

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**Gerard Taraschi,**  
***Complainant***

v.

**Elayne Clancy,**  
**Washington Township Board of Education, Gloucester 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 19, 2025, by Gerard Taraschi (Complainant), alleging that Elayne Clancy (Respondent), a member of the Washington Township 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(c), *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(i) and *N.J.S.A.* 18A:12-24.1(j) of the Code of Ethics for School Board Members (Code). Respondent filed a Written Statement on January 16, 2026.

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. 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.

**II. Summary of the Pleadings**

**A. *The Complaint***

By way of background, Complainant states that he previously filed an ethics complaint (C29-25) against the Superintendent, Dr. Hibbs, with the Commission.<sup>1</sup> According to Complainant, because of his allegations, the Board took formal action, specifically placing the Superintendent on leave, hiring an “Interim Acting Superintendent” and approving the Board solicitor to conduct an internal investigation in response to the filing of the complaint.

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<sup>1</sup> At its meeting on December 16, 2025, the Commission found that probable cause did not exist in C29-25 and dismissed the matter.

With the above in mind, Complainant maintains that at the October 14, 2025, Board meeting, Respondent made the following statement, in relevant part:

“Unfortunately, I did not attend the last board meeting . . . I did, however, watch the meeting a few days afterwards. Mr. Taraschi, what happened to the ethical man I used to know? You blamed Dr. Hibbs for the budget issue that we all know started years before he was hired. Have you ever heard of the ripple effect? Well, you started the ripple effect when you filed that unsubstantiated ethics violation. This resulted in the illegal Document [sic] of Necessity which put Dr. Hibbs out on suspension and resulted in a lawsuit which will cost the district and taxpayers an unsubstantiated amount of money . . . We are now required by the judge’s ruling to reimburse . . . approximately \$16,000 of his legal costs. In addition, an ongoing conflict counsel was hired at a cost to the Board and taxpayers. There were no findings of wrongdoing against Dr. Hibbs. All of this money could have been used for our student programs and middle school sports. Let me repeat that. This money could’ve been used for student programs and middle school sports. So, Mr. Taraschi, you are also to blame for the financial state we are in as a result of that ripple effect.”

Complainant asserts that Respondent violated *N.J.S.A. 18A:12-24.1(a)*, *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(i)* and *N.J.S.A. 18A:12-24.1(j)* because at the time the statement was made, the matter was still pending with the Commission. Complainant contends the public statement was “defaming [him] and chastising [him] for [his] reporting of a timely, legitimate complaint.” Complainant notes that Respondent is aware that the Board meetings are telecast and remain permanently on social media, and therefore, she had “purposeful intent to injure [Complainant] with a prepared statement which she crafted in advance of the meeting and then chose to read aloud for all to hear.” Because of this statement, Complainant contends he was not supported by the Board. Complainant further asserts he has been “publicly chastised for raising a legitimate concern and in a private way.” Complainant certifies that before Respondent’s statement, he “neither discussed nor disclosed the original complaint in any public setting.” As a teacher and employee of the Board, Complainant notes that he is “living in fear of retaliation, either from [Respondent], or from a member of the administration,” and therefore, he “felt the need” to file this Complaint.

## **B. *Written Statement***

In her Written Statement, Respondent denies that she violated any of the stated provisions of the Code, specifically noting that Complainant has not met the specific burden to prove each provision. Moreover, Respondent argues Complainant “fails to state a claim upon which relief may be granted” and Complainant “cannot meet the burden of proof of demonstrating any violations of the” Code. Respondent notes that she is entitled to express her opinions at a public Board meeting, and that her statement was correct when she noted that the claims against the Superintendent were “unsubstantiated.” Respondent maintains that she made her statement in public, “which is the only forum in which board members are authorized to discuss complaints.” Respondent further maintains that the Act does not “prohibit a board member from publicly

addressing the consequences of an ethics complaint that has already been referred to administration and investigated by outside counsel.” Respondent contends even if Complainant’s allegations were proven true, the Complaint does not satisfy the burdens of proof required to sustain the Code violations. Finally, Respondent notes this “pleading is an improper effort to silence an elected official for protected speech.”

### **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 defamed and/or slandered Complainant, 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)*, *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(i)* and *N.J.S.A. 18A:12-24.1(j)*, 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.

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.

i. I will support and protect school personnel in proper performance of their duties.

j. I will refer all complaints to the chief administrative officer and will act on the complaints at public meetings only after failure of an administrative solution.

Pursuant to *N.J.A.C.* 6A:28-6.4(a), a violation(s) of *N.J.S.A.* 18A:12-24.1(a), *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(i) and *N.J.S.A.* 18A:12-24.1(j) need to be supported by certain factual evidence, more specifically:

1. Factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(a) shall include a copy of a final decision from any court of law or administrative agency of this State demonstrating that Respondent failed to enforce all laws, rules and regulations of the State Board of Education, and/or court orders pertaining to schools or that Respondent brought about changes through illegal or unethical procedures.

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

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

10. Factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(j) shall include evidence that Respondent acted on or attempted to resolve a complaint, or conducted an investigation or inquiry related to a complaint (i) prior to referral to the chief administrative officer, or (ii) at a time or place other than a public meeting and prior to the failure of an administrative solution.

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), *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(i) and *N.J.S.A.* 18A:12-24.1(j) were 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 Respondent violated a specific law, rule, or regulation of the State Board of Education and/or court orders pertaining to schools, or that she brought about changes through illegal or unethical procedures, when she referenced an ongoing ethics complaint at a Board meeting. Without the required final decision(s), a violation of *N.J.S.A.* 18A:12-24.1(a) is not supported. As to a violation of *N.J.S.A.* 18A:12-24.1(c), Complainant has not demonstrated what Board action Respondent has taken with respect to this matter. With respect to a violation of *N.J.S.A.* 18A:12-24.1(e), Complainant has not shown that Respondent made any personal promises or took action beyond the scope of her duties when she made comments at the October 14, 2025, public Board meeting. Further, as to a violation of *N.J.S.A.* 18A:12-24.1(i), Complainant has not shown how Respondent took deliberate action which resulted in undermining, opposing, compromising or harming school personnel in the proper performance of their duties when she spoke at a meeting as her remarks were about a complaint filed by Complainant as an individual and not related to his employment. Lastly, with respect to a violation of *N.J.S.A.* 18A:12-24.1(j), Complainant has not shown how Respondent acted on or attempted to resolve a complaint, or conducted an investigation or inquiry related to a complaint when she spoke about the filing of an ethics complaint.

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:12-24.1(a), *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(i) and *N.J.S.A.* 18A:12-24.1(j).

#### **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 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 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 C127-25***

***Whereas***, at its meeting on April 28, 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 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 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.

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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