

***Before the School Ethics Commission
Docket No.: C130-25 and C131-25 (Consolidated)
Decision on Probable Cause***

**Joanna Filak,
Complainant**

v.

SEC Docket No.: C130-25

**Patrick Todd,
Montgomery Township Board of Education,
Somerset County,
Respondent**

**Joanna Filak,
Complainant**

v.

SEC Docket No.: C131-25

**Maria Spina,
Montgomery Township Board of Education,
Somerset County,
Respondent**

I. Procedural History

The above-captioned consolidated matter arises from two separate but related Complaints that were filed with the School Ethics Commission (Commission) by Joanna Filak (Complainant), alleging that Patrick Todd (Respondent Todd) and Maria Spina (Respondent Spina) (collectively Respondents), members of the Montgomery Township Board of Education (Board), violated the School Ethics Act (Act), *N.J.S.A. 18A:12-21 et seq.*

More specifically, in the matter docketed as C130-25, filed on December 4, 2025, Complainant alleges that Respondent Todd violated *N.J.S.A. 18A:12-24(b)* (Count 2), as well as *N.J.S.A. 18A:12-24.1(e)* (Count 2) and *N.J.S.A. 18A:12-24.1(g)* (Counts 1 and 2) of the Code of Ethics for School Board Members (Code). In the matter docketed as C131-25, also filed on December 4, 2025, Complainant alleges that Respondent Spina violated *N.J.S.A. 18A:12-24(b)*, as well as *N.J.S.A. 18A:12-24.1(e)* and *N.J.S.A. 18A:12-24.1(g)* of the Code. Respondents filed Written Statements on January 26, 2026.

By correspondence dated March 16, 2026, the parties were advised that, pursuant to its authority as set forth in *N.J.A.C. 6A:28-6.6*, the Commission determined to consolidate the

matters docketed as C130-25 and C131-25. The Commission’s decision to consolidate the above-noted Complaints was based on a review of (1) the identity of the parties in each of the matters; (2) the nature of all questions of fact and law respectively involved; (3) the advisability generally of disposing of all aspects of a controversy in a single proceeding; and (4) other matters appropriate to a prompt and fair resolution of the issues. More specifically, because Complainant is the same, and each Complaint alleges that the same general conduct/action forms the basis for the alleged violations of the Act, the Commission determined that, in the interest of efficiency, it can resolve both Complaints in one consolidated matter.

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. Following its discussion on March 24, 2026, the Commission adopted a decision at its meeting on April 28, 2026, finding that there are insufficient facts and circumstances pled in the Complaints and in the Written Statements to lead a reasonable person to believe that the Act was violated as alleged in the Consolidated Complaint.

II. Summary of the Pleadings

A. *The Complaints*

In C130-25 (Count 1), Complainant asserts that on September 30, 2025, Respondent Todd sent an email to an employee of the New Jersey School Boards Association (NJSBA), among others, that contained three quoted paragraphs of “internal legal guidance” from Board counsel to the Board. Complainant further asserts Respondent Todd violated *N.J.S.A.* 18A:12-24.1(g) because he sent an internal email to an employee of NJSBA and disclosed information that was not public.

In C130-25 (Count 2) and C131-25, Complainant contends that Respondents filed complaints with the Commission, where the exhibits for the complaints contained the guidance from Board counsel which Complainant argues is “confidential attorney-client communication” that was not available to the public in violation of *N.J.S.A.* 18A:12-24.1(g). As the complaints were filed individually and contained “attorney-client communications,” Respondents took actions that were beyond the scope of their duties in violation of *N.J.S.A.* 18A:12-24.1(e). Finally, Complainant also contends that Respondents used the “attorney-client information, which was only available” to them in their roles as Board members and which they were “not authorized to share, to bolster an ethics complaint made in [their] personal capacity against a fellow Board member” in violation of *N.J.S.A.* 18A:12-24(b).

B. *Written Statements*

In their Written Statements, Respondents initially maintain that Complainant filed these Complaints in retaliation for their filing of ethics complaints against her.

As to a violation of *N.J.S.A.* 18A:12-24(b), Respondents assert the Complaint does not contain any evidence to “suggest that [Respondents] took any action to secure an unwarranted

benefit for any individual.” Per Respondents, the Complaint “is wholly devoid of any factual allegations, which if proven true, suggest that [Respondents] used [their] official position[s] to secure any unwarranted privileges” Respondents note “[t]here is no benefit to the filer of an ethics complaint, and the Complaint lacks any indication of how this could be the case.”

Regarding a violation of *N.J.S.A.* 18A:12-24.1(e), Respondents argue the contents of the exhibits in their ethics complaints “were not confidential nor had the possibility of compromising the Board or its relationship with the Board Attorney.” Moreover, Respondents further argue only individuals can file a complaint.

Further, as to violation of *N.J.S.A.* 18A:12-24.1(g), both Respondents argue “the guidance [they shared] did not contain any information not publicly available regarding the [Commission’s] previous holdings on member conduct” and the Board attorney had previously “provided powerpoint [(sic)] presentations to the Montgomery Township Board of Education on the School Ethics Act that are publicly available and contain similar guidance on member behavior regarding social media.” Therefore, the guidance was not confidential. Respondents assert that Complainant does not “specify what information was, in fact, confidential” and further does not “provide any information as to how this disclosure ‘needlessly injure[d] individuals or schools.’” Ultimately, Respondents maintain Board counsel did not object to them sharing the information for the ethics complaints.

Additionally, as to a violation of *N.J.S.A.* 18A:12-24.1(g) in Count 1 of C130-25, Respondent Todd repeats the arguments above and further argues he copied the NJSBA staff member on his email to the Board as this staff member handles their Board trainings. He also maintains Board counsel did not object to the generic advice being shared with the NJSBA staff member.

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, based on the conduct more fully detailed above, Respondents violated *N.J.S.A.* 18A:12-24(b) and this provision of the Act states:

- 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;

In order to credit a violation of *N.J.S.A.* 18A:12-24(b), Complainant must provide sufficient factual evidence that Respondents used or attempted to use their official position to secure an unwarranted privilege, advantage or employment for themselves, members of their immediate family, or “others.”

Complainant further submits that Respondents violated *N.J.S.A.* 18A:12-24.1(e) 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.

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.

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

5. Factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(e) 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.

7. Factual evidence of a violation of the confidentiality provision of *N.J.S.A.* 18A:12-24.1(g) shall include evidence that Respondents 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 Respondents 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 Respondents and evidence that establishes that the inaccuracy was other than reasonable mistake or personal opinion or was not attributable to developing circumstances.

At the outset, as a general rule, Board members should not share emails from the Board attorney and the Commission cautions that sharing emails from Board counsel could violate the Act. However, in the present matter, given the content of the email, which Respondent Todd shared with an NJSBA representative and Respondents included as an exhibit in ethics complaints that they filed, only contained generic legal advice and did not provide any identifying details related to a specific Board or legal matter, the information does not appear to be confidential.

After review, the Commission finds that there are insufficient facts and circumstances presented in the Complaints and the Written Statements to lead a reasonable person to believe

that *N.J.S.A.* 18A:12-24(b), *N.J.S.A.* 18A:12-24.1(e) and *N.J.S.A.* 18A:12-24.1(g) were violated. As for a potential violation of *N.J.S.A.* 18A:12-24(b), Complainant has not provided sufficient factual evidence to demonstrate that Respondents used or attempted to use their official positions to secure an unwarranted privilege, advantage or employment for themselves, members of their immediate family, or “others” as Complainant fails to allege how Respondents’ actions sought to secure a privilege, advantage, or employment for anyone. Regarding a potential violation of *N.J.S.A.* 18A:12-24.1(e), Complainant has not shown what personal promises Respondents have made or how they took action beyond the scope of their duties such that, by its nature, had the potential to compromise the board as the information they shared was not confidential. Further, as the information was not considered confidential, a violation of *N.J.S.A.* 18A:12-24.1(g) also cannot be substantiated.

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

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 Respondents that there are insufficient facts and circumstances pled in the Complaints and in the Written Statements to lead a reasonable person to believe that the Act was violated as alleged in the Consolidated 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.

Robert W. Bender, Chairperson

Mailing Date: April 28, 2026

***Resolution Adopting Decision
in Connection with C130-25 & C131-25***

Whereas, at its meeting on March 24, 2026, the School Ethics Commission (Commission) considered the Complaints and the Written Statements submitted in connection with the above-referenced consolidated matter; and

Whereas, at its meeting on March 24, 2026, the Commission discussed finding that the facts and circumstances presented in the Complaints and the Written Statements would not lead a reasonable person to believe that the Act was violated, and therefore, dismissing the above-captioned consolidated matter; 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