Before the School Ethics Commission
Docket No.: C136-25
Decision on Probable Cause

Philip Brilliant,
Complainant

v.

Marisa Matarazzo,
Toms River Board of Education, Ocean County,
Respondent

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on December 29, 2025,[1] by Philip Brilliant (Complainant), alleging that Marisa Matarazzo (Respondent), a member of the Toms River 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:12-25. On January 16, 2026, Respondent filed a Written Statement.

The parties were notified by correspondence dated May 19, 2026, that the above-captioned matter would be discussed by the Commission at its meeting on May 26, 2026, to determine whether probable cause exists. After the May 26, 2026, meeting, the Commission directed Complainant to address the timeliness of his Complaint. On June 2, 2026, Complainant submitted a response addressing the Commission's inquiry related to the timeliness matter.

The parties were again notified by correspondence dated June 16, 2026, that the above-captioned matter would be discussed by the Commission at its meeting on June 23, 2026, to determine whether probable cause exists. Following its discussion on June 23, 2026, the Commission adopted a decision at its meeting on July 28, 2026, finding that the allegations concerning Respondent Matarazzo's sources of income on her 2025 Financial Disclosure Statement (FDS) were untimely filed and as to the remaining allegations, 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.

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[1] On December 15, 2025, Complainant filed a deficient Complaint; however, on December 29, 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*

According to Complainant, Respondent did not include her employment or her spouse's employment on her 2025 FDS. More specifically, per Complainant, at the time of her filing, Respondent was employed by the Toms River Township "as a confidential employee of the current mayor" who is being accused of interfering with board elections and operations. In addition, Complainant notes that Respondent is employed as a licensed realtor and her spouse was employed by the Toms River Municipal Utilities Authority (TRMUA), having initiated work a month prior to the filing of the FDS. Complainant points out that Respondent's spouse's new employment had to be disclosed as the FDS form indicates that "[i]f this information has changed from the preceding calendar year… it is recommended that the official also provide financial information which is current as of five days prior to the date of filing." Complainant asserts that Respondent's omission of these employment positions from her 2025 FDS violates *N.J.S.A.* l8A:12-25.

B. *Written Statement*

In her Written Statement, Respondent maintains this was her first time as a Board member, and therefore, first time completing the form. Respondent further maintains she omitted the information erroneously. Respondent provides that she attempted to clarify her employment and her spouse's to the "Administrative Executive Secretary of the Board"; however, she never heard back from her, and therefore, Respondent "assumed" her form was acceptable.

Despite this error, Respondent argues the Complaint is time-barred as Complainant acknowledges that the date of occurrence of the alleged violation was April 9, 2025, and 180 days after that is October 6, 2025. However, Respondent notes that Complainant filed his Complaint three months after that.

C. *Response to Timeliness*

In his response to the Commission's request for clarification, Complainant notes he first became "aware of the contents of the Respondent's [FDS] at some point after it became publicly available." Complainant further notes he "cannot state with certainty the exact date on which [he] first reviewed or downloaded the disclosure because the downloaded document itself is not date-stamped and [he does] not possess any record establishing the precise date that [he] initially viewed it." Complainant notes, however, that what he "can state with certainty is that on September 12, 2025, [he] received an email," which contained records obtained from the TRMUA, "entitled 'New TRMUA Docs.'" Complainant asserts, "[a]mong those records was an employee report identifying Anthony Matarazzo and confirming his employment with the TRMUA, including a hire date of March 3, 2025."

Complainant maintains that although he may have "previously reviewed the [FDS] itself, it was upon receipt of the TRMUA records that [he] obtained documentary confirmation supporting [his] belief that [Respondent's spouse's] employment existed during the relevant reporting period and should have been disclosed."

Finally, Complainant contends that after receiving all documents, he "reviewed the information, gathered supporting documentation, and prepared [the] complaint." Complainant further contends although he did not file immediately after receiving the September 12 records, "the delay was attributable to other personal and professional obligations and the time required to finalize the complaint and supporting materials."

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 Timeliness

In her Written Statement, Respondent argues that the Complaint is time-barred as her FDS was filed on April 9, 2025, but the Complaint was filed in December 2025, more than 180 days after her FDS was submitted. Complainant states that he first became "aware of the contents of the Respondent's [FDS] at some point after it became publicly available." Complainant adds "that on September 12, 2025," he received emails from TRMUA that confirmed for him that Respondent's spouse was employed by the TRMUA.

The Commission's regulations provide a one hundred eighty (180) day limitation period for filing a complaint. More specifically, *N.J.A.C.* 6A:28-6.5(a) provides, in relevant part:

> (a) Complaints shall be filed within 180 days of notice *of the events which form the basis of the alleged violation(s)*. A complainant shall be deemed to be notified of events that form the basis of the alleged violation(s) *when the complainant knew of the events, or when such events were made public so that one using reasonable diligence would know or should have known* (emphasis added).

With the above in mind, and pursuant to *N.J.A.C.* 6A:28-6.5(a), the Commission must determine when Complainant knew of the events which form the basis of the Complaint, or when such events were made public so that one using reasonable diligence would know, or should have known, of such events. The Commission recognizes that limitation periods of this type serve to discourage dilatoriness and provide a measure of repose in the conduct of school affairs. *Kaprow v. Berkley Township Bd. of Educ.*, 131 *N.J.* 571, 587 (1993). Thus, "notice of the alleged violation" must be interpreted in a manner that anticipates the reasonable diligence of complainant(s). In addressing potential violations of the Act, the Commission must balance the public's interest in knowing of potential violations against the important policy of repose and a respondent's right to fairness. The time limitations set forth in the regulations must be enforced if the Commission is to operate in a fair and consistent manner. *Phillips v. Streckenbein et al., Edgewater Park Bd. of Educ., Burlington County*, C19-03 (June 24, 2003).

The Commission first notes that in this Complaint there are two different allegations concerning the FDS. First, Respondent failed to disclose her sources of income. Second, Respondent failed to disclose her spouse's income from the TRMUA. After review, the Commission finds that there is not a credible basis upon which to find that Complainant was unaware of Respondent's sources of income until he filed the Complaint. Complainant admits that he was aware of Respondent's FDS after she submitted it on April 8, 2025. At that time, Complainant was put on notice as to Respondent's sources of income that she failed to disclose, yet he did not file the Complaint until December 15, 2025, 244 days after the submission of the FDS. Complainant did not provide an explanation as to when he finally learned that Respondent did not disclose her sources of income or why he did not investigate. Although the Commission recognizes that the regulatory time period may be relaxed, in its discretion, in any case where strict adherence may be deemed inappropriate or unnecessary or may result in injustice, it does not find extraordinary circumstances in the within matter that would compel relaxation. Therefore, the Commission dismisses this allegation as untimely. Nevertheless, the Commission notes that, if this allegation were timely, Respondent would be in violation of the FDS statute for failing to report her employment.

As to Respondent's spouse's source of income with TRMUA, Complainant states he received evidence on September 12, 2025, that Respondent's spouse was employed by the TRMUA. As Complainant filed the Complaint within 180 days of receiving this information, the Commission finds that, regardless of whether meritorious, this allegation in the Complaint was timely filed.

Alleged Violations of the Act

Complainant submits that Respondent violated *N.J.S.A.* 18A:12-25, which, in relevant part, states:

> c. A school official who fails to file a statement or who files a statement containing information which the school official knows to be false shall be subject to reprimand, censure, suspension, or removal pursuant to the procedures established in [*N.J.S.A.* 18A:12-29]. Nothing in this subsection shall be construed to prevent or limit criminal prosecution.

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:12-25 was violated. *N.J.S.A.* 18A:12-26(a)(1) provides that "each source of income, earned or unearned, exceeding $2,000 received by the school official or a member of his immediate family during the preceding calendar year" has to be disclosed on the FDS. Complainant points out that the FDS form indicates that "[i]f this information has changed from the preceding calendar year (she did not file), it is recommended that the official also provide financial information which is current as of five days prior to the date of filing." The Commission notes that, despite the recommendation, *N.J.S.A.* 18A:12-26(a)(1) only requires the reporting of income from the "preceding calendar year." Respondent's spouse did not begin working until March 3, 2025, and therefore, this information did not have to be disclosed on the 2025 FDS. However, the Commission reminds Respondent that if Mr. Matarazzo made more than $2,000 from this source, or any other, in 2025, the information will have to be disclosed on Respondent's 2026 FDS, as well as all sources of income from Respondent.

Accordingly, and pursuant to *N.J.A.C.* 6A:28-9.7(b), the Commission dismisses the alleged violation of *N.J.S.A.* 18A:12-25.

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 the allegations concerning Respondent Matarazzo's sources of income on her 2025 FDS were untimely filed, and as to the remaining allegations, 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.

Dennis M. Roberts, Chairperson

Mailing Date: July 28, 2026

Resolution Adopting Decision in Connection with C136-25

Whereas, at its meeting on June 23, 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 June 23, 2026, the Commission discussed finding that any allegations stemming from Respondent Matarazzo's sources of income on her 2025 FDS were untimely filed; and

Whereas, at its meeting on June 23, 2026, the Commission discussed finding that, as to the remaining allegations, 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 July 28, 2026, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on June 23, 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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Dennis M. Roberts, Chairperson

I hereby certify that the Resolution was duly adopted by the School Ethics Commission at its public meeting on July 28, 2026.

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Brigid C. Martens, Director
School Ethics Commission