

Before the School Ethics Commission
Docket No.: C34-25
Decision on Probable Cause

Thomas Baldosaro,
Complainant

v.

Steven Serrano,
Washington Township Board of Education, Gloucester County,
Respondent

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on March 23, 2025, by Thomas Baldosaro (Complainant), alleging that Steven Serrano (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(c)*, *N.J.S.A. 18A:12-24.1(e)*, *N.J.S.A. 18A:12-24.1(f)*, *N.J.S.A. 18A:12-24.1(g)* and *N.J.S.A. 18A:12-24.1(i)* of the Code of Ethics for School Board Members (Code). Respondent filed a Written Statement on May 7, 2025.

The parties were notified by correspondence dated December 9, 2025, that the above-captioned matter would be discussed by the Commission at its meeting on December 16, 2025, in order to make a determination regarding probable cause. Following its discussion on December 16, 2025, the Commission adopted a decision at its meeting on January 27, 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*

According to Complainant, on October 16, 2024, at the Board's "Meet the Candidates" night, Respondent made several comments/statements that violated the Act. More specifically, in Count 1, Complainant maintains Respondent was asked what he would do to resolve the issue of staff cuts, and he replied, "I would immediately look at the bloated salaries of some of our underworked and overpaid administrators." Complainant asserts Respondent violated *N.J.S.A. 18A:12-24.1(i)*, because his statement was "hostile" and "unsupportive," and "such language may undermine morale and public confidence in administration."

In Count 2, Complainant asserts at the same event, Respondent also “made a definitive statement against any potential privatization of jobs,” when he stated that he was “vehemently against privatization...so 100% against privatization there’s not really any more to be said on the issue.” Complainant contends this statement is a violation of *N.J.S.A. 18A:12-24.1(e)*, because stating that he is against privatization compromises the Board and undermines the Board’s collective decision-making process and appears as though the Board member has already decided on the issue without due deliberation; violated *N.J.S.A. 18A:12-24.1(f)*, because when he made the public statement that he is against privatization, it demonstrates that he surrendered his independent judgement; and violated *N.J.S.A. 18A:12-24.1(g)*, because the statement was “made publicly, which undermines the [B]oard’s collective decision-making process and could impact future negotiations.”

In Count 3, Complainant provides that at a Board meeting on December 10, 2024, Respondent made “negative comments about district personnel.” More specifically, Respondent stated that “there are salaries that need to be cut and jobs that don’t belong here that could have been phased out long ago that still exists [(sic)]” Complainant contends Respondent violated *N.J.S.A. 18A:12-24.1(c)*, because his comments undermine the Board’s collective authority, compromise the integrity of district operations and the well-being of its employees and “reflect a clear disregard for the ethical obligation to confine board actions to policy making, planning and appraisal” and violated *N.J.S.A. 18A:12-24.1(i)*, because his comments “failed to support or protect school personnel” and due to Respondent’s comments, the Superintendent and another Board members had “to perform damage control.”

B. *Written Statement*

Respondent maintains that his responses to the inquiries during both events (candidate forum and Board meeting), “were completely in line with what a candidate for office is required to do: provide the voting public with information necessary to guide their vote for whom they choose to represent them.” Per Respondent, he was “making his positions known on critical issues facing the Board” and “Board members are entitled to voice their concerns on issues that affect the District’s finances.” Respondent argues that Complainant has not provided any legitimate basis for the claims, nor has he provided any evidence to demonstrate that Respondent violated any provisions of the Code, and therefore, the Complaint should be dismissed.

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 Respondent violated *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(f), *N.J.S.A.* 18A:12-24.1(g) and *N.J.S.A.* 18A:12-24.1(i) and these provisions of the Code provide:

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.

f. I will refuse to surrender my independent judgment to special interest or partisan political groups or to use the schools for personal gain or for the gain of friends.

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.

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

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

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 his duties such that, by its nature, had the potential to compromise the board.

6. Factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(f) shall include evidence that Respondent took action on behalf of, or at the request of, a special interest group or persons organized and voluntarily united in opinion and who

adhere to a particular political party or cause; or evidence that Respondent used the schools in order to acquire some benefit for himself, a member of his immediate family or a friend.

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

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.

Counts 1 and 2

In Counts 1 and 2, Complainant contends that Respondent made negative comments about administrators and voiced opposition to privatization at a “Meet the Candidates” forum in violation of *N.J.S.A. 18A:12-24.1(e)*, *N.J.S.A. 18A:12-24.1(f)*, *N.J.S.A. 18A:12-24.1(g)* (Count 2) and *N.J.S.A. 18A:12-24.1(i)* (Count 1). Respondent maintains that his responses to the inquiries during the candidate forum “were completely in line with what a candidate for office is required to do: provide the voting public with information necessary to guide their vote for whom they choose to represent them.”

Following its assessment, 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)*, *N.J.S.A. 18A:12-24.1(f)*, *N.J.S.A. 18A:12-24.1(g)* and *N.J.S.A. 18A:12-24.1(i)* were violated in Counts 1 and 2. The Commission has long held that Board members do not surrender the rights that they have as citizens, such as freedom of speech, when they become members of a board of education. However, in exercising those rights, board members must comply with the School Ethics Act. While the Commission has recommended the use of disclaimers in certain situations, such as social media, as Respondent was making statements at a voter forum, the Commission does not believe that a disclaimer is necessary before every comment or statement a board member makes at said event. Attendees at a voter forum are aware that candidates will be making statements in their capacity as candidates and not in another capacity.

With the above in mind, the Complaint lacks factual support that Respondent made any personal promises or took action beyond the scope of his duties such that, by its nature, had the potential to compromise the Board when he expressed his opinion about potential privatization

of jobs as required by *N.J.S.A.* 18A:12-24.1(e). Similarly, the Complaint fails to explain how Respondent's comments would constitute Respondent taking action on behalf of, or at the request of, a special interest group or persons organized and voluntarily united in opinion and who adhere to a particular political party or cause, as required by *N.J.S.A.* 18A:12-24.1(f) when he stated his opinion/viewpoint. The Commission notes that individuals might naturally have similar beliefs as special interest groups or others but, on their own, that does not demonstrate that the individual took action, on behalf of, or at the request of, the special interest or political group, and as such, Complainant has not demonstrated that Respondent surrendered his independent judgment. As for *N.J.S.A.* 18A:12-24.1(g), Complainant has not provided evidence that substantiates that any information presented by Respondent at the voter forum was confidential or otherwise private. Lastly, as to *N.J.S.A.* 18A:12-24.1(i), Respondent is permitted to have his own views and taking different positions on issues concerning the school budget does not equate to undermining, opposing, compromising or harming school personnel in the proper performance of their duties.

Consequently, 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(e), *N.J.S.A.* 18A:12-24.1(f), *N.J.S.A.* 18A:12-24.1(g) and *N.J.S.A.* 18A:12-24.1(i) in Counts 1 and 2.

Count 3

In Count 3, Complainant contends that at a Board meeting, Respondent made comments about cutting staff salaries and positions in violation of *N.J.S.A.* 18A:12-24.1(c) and *N.J.S.A.* 18A:12-24.1(i). Respondent argues that he was only voicing his opinion and "Board members are entitled to voice their concerns on issues that affect the District's finances."

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(c) and *N.J.S.A.* 18A:12-24.1(i) were violated. Regarding *N.J.S.A.* 18A:12-24.1(c), Complainant has not shown what Board action Respondent has taken as statements made during a Board meeting are not Board action. As to *N.J.S.A.* 18A:12-24.1(i), as noted above, Respondent is permitted to have his own views and taking different positions on issues concerning the school budget does not equate to undermining, opposing, compromising or harming school personnel in the proper performance of their duties.

Consequently, 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(c) and *N.J.S.A.* 18A:12-24.1(i) in Count 3.

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.

Robert W. Bender, Chairperson

Mailing Date: January 27, 2026

***Resolution Adopting Decision
in Connection with C34-25***

Whereas, at its meeting on December 16, 2025, 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 December 16, 2025, 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 January 27, 2026, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on December 16, 2025; 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 January 27, 2026.

Brigid C. Martens, Director
School Ethics Commission