Before the School Ethics Commission
Docket No.: C36-25
Decision on Probable Cause

Sara Cobb,
Complainant

v.

Gail Nazarene,
Alloway Township Board of Education, Salem County,
Respondent

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on April 6, 2025, by Sara Cobb (Complainant), alleging that Gail Nazarene (Respondent), a member of the Alloway 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(d), *N.J.S.A.* 18A:12-24.1(e) and *N.J.S.A.* 18A:12-24.1(g) of the Code of Ethics for School Board Members (Code). On April 27, 2025, Respondent filed a Written Statement.

At its meeting on December 16, 2026, and in accordance with *N.J.S.A.* 18A:12-32, the Commission voted to place this matter in abeyance due to a matter pending in federal court that was directly related to the underlying ethics case. On September 9, 2026, the federal litigation was dismissed, and as such, this matter may be removed from abeyance as the federal litigation is no longer pending.

The parties were notified by correspondence dated September 15, 2026, that the above-captioned matter would be discussed by the Commission at its meeting on September 22, 2026, to determine whether probable cause exists. Following its discussion on September 22, 2026, the Commission adopted a decision at its meeting on September 22, 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*

Complainant maintains that Respondent "published three Facebook posts discussing projected tax increases associated with the school district budget," on both her Board campaign page (labeled "Gail Nazarene for Alloway School Board") and her personal account.

Complainant further maintains Respondent "cited specific, unofficial tax increase percentages," which "created confusion and concern among members of the public, and conveyed the impression that [Respondent] was speaking on behalf of the Board without authorization."

In Count 1, Complainant asserts on April 4, 2025, Respondent, posted "As a resident of Alloway, I am wondering what other residents think about a 9-15% school tax increase?" The post featured a disclaimer at the end of the post stating "The above statements are made in my capacity as a private citizen, and not in my capacity as a board member. These statements are also not representative of the Board or its individual members and solely represent my own personal opinions." In comments, Respondent stated "the other option would be to give the state control of the school." Complainant asserts these Facebook communications violated *N.J.S.A.* 18A:12-24.1(c), because she posted "specific and potentially misleading tax increase figures on her" Board campaign page and these posts "may have created an undue impression that she was speaking on behalf of the entire Board or had access to confidential or finalized budget information . . . ."; violated *N.J.S.A.* 18A:12-24.1(d), because the "posts in question appear to use the prestige of her Board membership to promote a specific budgetary narrative, potentially undermining official communications from the Board or administration"; violated *N.J.S.A.* 18A:12-24.1(e), because the "public dissemination of speculative and unapproved tax figures constitutes failure to act in the best interests of the school district"; and violated *N.J.S.A.* 18A:12-24.1(g), because she "publicly shared speculative and potentially misleading information regarding possible tax increases."

In Count 2, Complainant contends that in March 2025, Respondent posted on Facebook the following post "I am ASKING this FOR MYSELF NOT for the board. What if the taxes went up to 20% is that a number you will except?" (sic). Complainant asserts when Respondent posted this, she violated *N.J.S.A.* 18A:12-24.1(c), because she posted "specific and potentially misleading tax increase figures on her" Board campaign page and these posts "may have created an undue impression that she was speaking on behalf of the entire Board or had access to confidential or finalized budget information . . . ."; violated *N.J.S.A.* 18A:12-24.1(d), because the "posts in question appear to use the prestige of her Board membership to promote a specific budgetary narrative, potentially undermining official communications from the Board or administration"; violated *N.J.S.A.* 18A:12-24.1(e), because the "public dissemination of speculative and unapproved tax figures constitutes failure to act in the best interests of the school district"; and violated *N.J.S.A.* 18A:12-24.1(g), because she used her "campaign-affiliated platform to share unofficial financial projections."

In Count 3, Complainant alleges Respondent posted on Facebook in March 2025 "If taxes will need to be raised by 30% to keep the school open what is your opinion?" Complainant alleges Respondent violated *N.J.S.A.* 18A:12-24.1(c), because she posted "specific and potentially misleading tax increase figures on her" Board campaign page and these posts "may have created an undue impression that she was speaking on behalf of the entire Board or had access to confidential or finalized budget information . . . ."; violated *N.J.S.A.* 18A:12-24.1(d), because the "posts in question appear to use the prestige of her Board membership to promote a specific budgetary narrative, potentially undermining official communications from the Board or administration"; violated *N.J.S.A.* 18A:12-24.1(e), because the "public dissemination of speculative and unapproved tax figures constitutes failure to act in the best interests of the school district"; and violated *N.J.S.A.* 18A:12-24.1(g), because she used her "campaign-affiliated platform to share unofficial financial projections."

B. *Written Statement*

In her Written Statement, Respondent admits that she posted in March and April 2025, and that these posts discussed "projected tax increases associated with the school district budget." However, Respondent denies that the posts were shared on both her campaign page and personal account, denies that the cited figures were intended to represent formal Board action or official Board communication, and notes that the posts reflected her personal opinion. Respondent denies that her posts created confusion among the public or conveyed the impression that she was speaking on behalf of the Board and further denies the intent to mislead the public or that her actions violated the Act.

Respondent asserts she "acted within her First Amendment rights to freedom of speech, expressing opinions on matters of public concern." Respondent further asserts she posted on "Gail Nazarene for Alloway" which is not associated with the Board or her campaign. According to Respondent, she used a disclaimer to make it clear that she was speaking as a private citizen, and that the statements were not representative of the Board. Finally, Respondent notes she used "the question format asking for the opinion of her fellow citizens for their personal feelings, and did not once use a statement directing definitive information."

III. Analysis

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(d), *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:

> 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.
>
> d. I will carry out my responsibility, not to administer the schools, but, together with my fellow board members, to see that they are well run.
>
> 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(c), *N.J.S.A.* 18A:12-24.1(d), *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:

> 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.
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> 4. Factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(d) shall include, but not be limited to, evidence that Respondent gave a direct order to school personnel or became directly involved in activities or functions that are the responsibility of school personnel or the day-to-day administration of the school district or charter school.
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> 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.
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> 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.

At the outset, as this matter involves social media posts, the Commission finds it necessary to set forth the framework by which it will review such allegations. The Commission has explained that in order for a social media post to be offered pursuant to official duties, there must be a sufficient nexus between the social media page and the role/membership on the Board. *Hodrinsky v. Faussette, Hasbrouck Heights Board of Education, Bergen County*, Docket No. C11-21 (August 30, 2021). As the Commission explained in *Aziz v. Nikitinsky et al., Monroe Township Board of Education, Middlesex County*, Docket No. C56-22 (October 17, 2022)

> … Although social media activity by a school official can be regarded as action [I*/M/O Treston, Randolph Township Board of Education, Morris County*, Docket No. C71-18 (April 27, 2021) and *Kwapniewski v. Curioni*, Lodi Board of Education, Bergen County, Docket No. C70-17 (December 17, 2019)], it is only

> when certain competent and credible factual evidence is proffered therewith that a violation can be substantiated.
>
> As a general matter, a school official does not violate the Act merely because he/she engages in social media activity. Instead, the Commission's analysis is guided by whether a reasonable member of the public could perceive that the school official is speaking in his or her official capacity or pursuant to his or her official duties. Whether a school official is perceived as speaking in his or her official capacity and pursuant to his or her official duties turns, in large part, on the content of the speech. If the speech in question has absolutely no correlation or relationship to the business of the Board and/or its operations and, therefore, could not possibly be regarded as a statement or position on behalf of the Board (as a body), a school official will not violate the Act. Conversely, if the speech in question does relate to the business of the Board and/or its operations, it is then reasonable for the reader to perceive the speech as being offered in an official capacity and pursuant to his or her official duties. Nonetheless, the filing party would still need to prove all elements of the cited provision of the Act…
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> Moreover, the use of a disclaimer on social media can help to clarify whether an individual is speaking in his or her official capacity and pursuant to his or her official duties; however, the presence of a disclaimer is not dispositive.

Respondent appears to be seeking information to gather public opinion on an issue tangentially related to the Board. Respondent used a disclaimer on two of the posts – one indicating that she was asking for herself and not for the Board and the second indicating that the statements were in her capacity as a private citizen, and not as a Board member, and that the opinions were not representative of the Board or its individual members. Given the disclaimers, a reasonable member of the public would not perceive that she was speaking in her official capacity as a Board member. With respect to the one post without a disclaimer, the Commission notes that the lack of a disclaimer is not dispositive. In that post, Respondent asked "If taxes will need to be raised by 30% to keep the school open what is your opinion?" Such a general public inquiry does not appear to invoke Respondent's position on the Board or appear, in any way, representative of the Board as a whole. As such, there is not a sufficient nexus between the social media post and Respondent's role on the Board, and a reasonable member of the public would not perceive that Respondent was acting in her official capacity as a Board member.

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), *N.J.S.A.* 18A:12-24.1(d), *N.J.S.A.* 18A:12-24.1(e) and *N.J.S.A.* 18A:12-24.1(g) were violated. Complainant has not established that Respondent took any Board action to effectuate policies or plans when she posted to social media in her private capacity, and a violation of *N.J.S.A.* 18A:12-24.1(c) cannot be supported. The Complaint lacks evidence that Respondent gave a direct order to school personnel, or became directly involved in functions that are the responsibility or school personnel or the day-to-day administration of the schools, as required by *N.J.S.A.* 18A:12-24.1(d), when she posed a question to the public in her private capacity. As to a violation of *N.J.S.A.* 18A:12-24.1(e), Complainant has not demonstrated that Respondent made personal promises, or that her social media posts made in her private capacity had the potential to compromise the Board, especially as they simply asked for public opinion. Finally, Respondent's inquiry to the public as to their thoughts if taxes increased, does not make public, reveal or disclose any confidential information, as the question does not provide any private budget information and instead seeks to gather public opinion, nor does the social media post that was made in her private capacity, provide inaccurate information, and therefore, a violation of *N.J.S.A.* 18A:12-24.1(g) 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:12-24.1(c), *N.J.S.A.* 18A:12-24.1(d), *N.J.S.A.* 18A:12-24.1(e) and *N.J.S.A.* 18A:12-24.1(g) in Counts 1-3.

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.

Dennis M. Roberts, Chairperson

Mailing Date: September 22, 2026

Resolution Adopting Decision in Connection with C36-25

Whereas, at its meeting on September 22, 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 September 22, 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 September 22, 2026, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on September 22, 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 September 22, 2026.

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Brigid C. Martens, Director
School Ethics Commission