Before the School Ethics Commission
Docket No.: C37-26
Decision on Probable Cause

Richard Bidnick,
Complainant

v.

Kimberly Klaus,
Lacey Township 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 March 18, 2026, by Richard Bidnick (Complainant), alleging that Kimberly Klaus (Respondent), a member of the Lacey 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(b) and *N.J.S.A.* 18A:12-24(c), as well as *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), *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(j) of the Code of Ethics for School Board Members (Code).

On April 7, 2026, Respondent filed a Written Statement, which included an allegation that the Complaint is frivolous. On April 24, 2026, Complainant filed a response to the allegation of frivolous filing.

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 and whether the Complaint is frivolous. Following its discussion on September 22, 2026, the Commission adopted a decision at its meeting on October 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. The Commission also adopted a decision finding the Complaint not frivolous, and denying Respondent's request for sanctions.

II. Summary of the Pleadings

A. *The Complaint*

By way of background, Complainant provides that Lacey Citizens for Responsible Government (LCRG) "is a community civic group that organizes residents and facilitates

discussion regarding matters of public concern in Lacey Township." Complainant notes LCRG maintains a community Facebook group that allows members to speak freely on local issues, but the group does not heavily moderate viewpoints. Complainant notes that he serves as the Chair of the LCRG Facebook group.

According to Complainant, in or around September 2025, LCRG publicized a schoolboard candidates' forum concerning the upcoming Board election and school district issues. Complainant maintains the LCRG used the Lacey Township School District's logo as contextual imagery to identify the subject matter of the event. Complainant further maintains the logo was "not used to suggest official endorsement, sponsorship, or affiliation by the Board or District." Complainant contends that on September 19, 2025, Board counsel "transmitted a formal 'Cease And Desist Demand for Unauthorized Use of Logo,' copied to Respondent as Board President, demanding the LCRG's immediate removal of the District logo and threatening legal action, including injunctive relief, unless compliance occurred by 5:00 p.m. on Monday, September 22, 2025." Complainant further states the email log reflects that Respondent personally sent an email to District leadership with the subject "'Cease And Desist Demand for Unauthorized Use of Logo,' evidencing her direct involvement in initiating, directing, authorizing, and/or operationalizing this enforcement action." Complainant asserts "upon information and belief" Respondent initiated, directed, authorized, and/or caused this cease-and-desist enforcement action without a public Board vote or deliberation and used the authority of her office "to mobilize District counsel to threaten litigation against civic participants, namely those who expressed a critical viewpoint against Board decision-making, among other issues affecting the public schools in Lacey Township." After complying with the District's demand, Complainant, in his role as the Chair of the LCRG, "immediately placed Respondent and Board counsel on explicit notice—by email—of materially identical and ongoing uses of the same District lion/paw iconography by school-board candidates" and also "underscored the expectation of equivalent enforcement and the selective-enforcement implications if none occurred." Complainant notes that action was not taken against Respondent and notes this failure to enforce even after being placed on notice further confirms that the District's enforcement posture was not content-neutral but selectively deployed against a critical civic group and its speech.

In a second incident, Complainant provides that in December 2025, residents posted critical comments in the LCRG Facebook group in connection with Board governance controversies, including issues relating to the Board vacancy selection processes and public deliberation. Complainant asserts that some comments used "strong political rhetoric and historical references," but states that none of the comments were specific, targeted, or made imminent threats toward Respondent or any identifiable Board member. According to Complainant, the Facebook thread was a civic-engagement post about a then-pending Open Public Meetings Act (OPMA) case challenging the Board's vacancy-filling process and a court's entry of temporary restraints. Complainant maintains that Respondent "seized upon a handful of heated, third-party comments within that thread—statements that were not authored by Complainant—and publicly recast them as individualized threats against her and her life." Complainant believes "that reframing stripped the comments of their obvious political context and converted civic criticism of governmental process into a pretext for retaliation and intimidation: summoning law enforcement, publicly accusing Complainant of 'inciting violence,' and threatening escalation 'farther' from the dais. No violence materialized; no actual incident occurred; and Respondent's reaction functioned primarily to chill public participation and

stigmatize protected criticism as criminality." Complainant further maintains at the Board meeting on December 18, 2025, during public comment, Respondent addressed Complainant and stated, in substance, that she had "printouts" and that the police department also had them, while characterizing posts and rhetoric as threatening and as a "call to action."

With the above in mind, and in Count 1 (September 19-22, 2025), Complainant asserts Respondent violated *N.J.S.A*. 18A:12-24(b) because she used and/or attempted to use her official position as Board President to mobilize the Board counsel to threaten legal action, including injunctive relief, against a civic group and residents for contextual logo use, while tolerating materially similar logo use by Board-aligned candidates. Complainant further asserts this selective enforcement conferred an unwarranted advantage on Respondent and/or the Board majority by suppressing criticism, deterring organizing, and "chilling public participation."

In Count 2 (September 19-22, 2025), Complainant contends Respondent violated *N.J.S.A*. 18A:12-24(c) because her involvement in directing or causing a cease-and-desist threat against critics was driven by personal and political involvement in controversies about Board governance and public criticism, resulting in reputational/political benefit by deterring scrutiny and speech.

In Count 3 (September 19-22, 2025), Complainant alleges Respondent violated *N.J.S.A*. 18A:12-24.1(e) because she undertook unilateral action beyond the scope of her duties—initiating, directing, authorizing, and/or operationalizing a threatened litigation posture through District counsel against civic participants—without Board deliberation or vote, and that such private action had the potential to compromise the Board and undermine public confidence.

In Count 4 (September 19-22, 2025), Complainant asserts Respondent violated *N.J.S.A*. 18A:12-24.1(c) and *N.J.S.A*. 18A:12-24.1(d) because she acted in an operational/administrative capacity—rather than a policy capacity—by initiating and coordinating a counsel-driven enforcement response aimed at private citizens, including directing the timing and scope of an external legal demand, without a publicly identified Board policy action authorizing such an enforcement posture.

In Count 5 (September 19-22, 2025, the November 2025 election cycle, and thereafter), Complainant contends Respondent violated *N.J.S.A*. 18A:12-24.1(f) by leveraging District authority and District resources (including the Board counsel) to pursue selective enforcement against a civic group critical of the Board majority, while simultaneously permitting and benefiting from partisan campaign uses of the same District iconography by Respondent and Board-aligned candidates.

In Count 6 (December 18, 2025, and prior occasions in December), Complainant alleges Respondent violated *N.J.S.A*. 18A:12-24(b) because she used and/or attempted to use her official position to secure an unwarranted advantage—namely, deterrence of criticism and suppression of civic speech—by escalating protected speech into alleged threats, invoking police involvement, and leveraging the public platform of a Board meeting to stigmatize civic participants.

In Count 7 (December 2025), Complainant asserts Respondent violated *N.J.S.A*. 18A:12-24(c) because she acted in her official capacity in a matter driven by personal involvement and grievance toward criticism directed at the Board majority and her leadership, seeking reputational and political benefit by chilling speech and discouraging participation.

In Count 8 (December 2025), Complainant contends Respondent violated *N.J.S.A*. 18A:12-24.1(e) because her private actions—prompting and/or leveraging law-enforcement contact with a private resident and invoking police authority at a public meeting in response to political speech—were beyond the scope of her duties and had the potential to compromise the Board and erode public confidence in the Board as a neutral deliberative legislative body.

In Count 9 (December 18, 2025), Complainant alleges Respondent violated *N.J.S.A*. 18A:12-24.1(g) because she disseminated materially misleading characterizations from the dais by stating or implying that Complainant "threatened" her and "incited violence" based on generalized third-party rhetoric, and by asserting collective responsibility of group members, in a manner that would reasonably deter civic participation.

In Count 10 (December 2025, including December 18), Complainant asserts Respondent violated *N.J.S.A*. 18A:12-24.1(j) because she handled and escalated complaints about community speech outside appropriate channels and used the Board meeting dais to pursue an intimidation narrative rather than referring the matter for appropriate administrative handling and limiting public statements to what was necessary and accurate.

B. *Written Statement and Allegation of Frivolous Filing*

In her Written Statement, which includes an allegation of frivolous filing, Respondent initially argues that Complainant alleges, without sufficient evidence, that Respondent unlawfully restricted Complainant's use of the Board's logo while disparately allowing others to utilize the Board's logo when their message was more aligned with Respondent's and the Board's views. Respondent notes the cease and desist letter "merely requested" that Complainant remove the District's seal from his social media posts "due to concern the context of his posts created a misleading impression that his event was associated with or sponsored by the Board." Respondent notes the Board's cease and desist letter was not an attempt to chill Complainant's speech, but rather to "distinguish the Board's lack of affiliation with Complainant's advertised event."

Respondent states that after the September 18, 2025, Board meeting, she discussed her concerns regarding Complainant's use of the District's seal with the Acting Superintendent and Board counsel, who both expressed similar concerns, and therefore, together they agreed to pursue the cease and desist. Respondent maintains the cease and desist letter was initiated by the Acting Superintendent, Board counsel and herself as Board President. Therefore, Respondent further contends she did not act in her personal capacity, unilaterally or without Board approval. Respondent notes she is one of three "designated contact persons, authorized [by Board Policy 0174] to engage the Board Attorney for legal services on behalf of the Board." Respondent further maintains the "only benefit to be procured by the Board's cease and desist letter was minimizing the risk of misrepresenting that an advertised Board candidate's event was affiliated with the Board."

Further, Respondent states that as to Complainant's allegations that the Board has not pursued/disciplined others who have used the logo in campaign signs, Respondent asserts that the situations are distinguishable in that "there is no confusion with the use of the lion's head or images of the lion's paw on a campaign sign which would reasonably give the impression that the individual using them was acting on behalf of the Board of Education." Respondent argues that

Complainant's use of the District seal "presented a different context of creating a false and misleading impression that the Lacey Township School District and its Board of Education were sponsoring, endorsing or were otherwise affiliated with the event that was being promoted by the Complainant."

Respondent also maintains Complainant has not provided sufficient factual justifications for any of the Counts regarding the cease and desist.

As to the five Counts related to Respondent's handling of Complainant's online threats and harassment toward her, Respondent notes that Complainant "posted, liked, endorsed, and otherwise repeatedly interacted with comments on his LCRG Facebook page, as well as other social media accounts, which incited violence towards Respondent." According to Respondent on May 30, 2025, November 25, 2025, December 11 and 15, 2025, she filed incident reports with the police department in her private capacity due to concerns for her safety and to report that she was being harassed by Complainant. Respondent notes she involved the police as a private citizen due to concerns for her safety, not on behalf of the Board, nor in her official capacity as Board President. Respondent further notes she only reported Complainant's online harassment and threats towards her.

Following the incident reports, at the December 18, 2025, Board meeting, according to Respondent, Complainant "voluntarily spoke during public comments and made additional threatening remarks towards her, warning he would watch everything she did and if unsatisfied, 'action would be taken' and again repeating to 'take heed of [his] words.'" In response, Respondent states she made comments back that referenced the incident reports.

Respondent asserts that none of the 10 Counts in the Complaint are supported by facts or evidence.

Finally, Respondent alleges the Complaint is frivolous. Respondent contends the Complaint does not provide a shred of evidence or factual basis sufficient to establish any ethical violations. Moreover, Respondent further contends "the allegations made in the Complaint could serve to produce a chilling effect to limit the willingness of a Board President to request reasonable legal services relating to [Board] business, for fear of being named as a Respondent in an ethics complaint." Respondent maintains because the Complaint does not contain any facts or evidence it is therefore speculative and conclusory and it is "clear that the Complaint was filed in bad faith, solely for the purpose of harassing Respondent."

C. *Response to the Allegation of Frivolous Filing*

In response to the allegation of frivolous filing, Complainant argues the Complaint is supported by specific, dated documentary evidence, and has a reasonable basis in law and equity. Complainant further argues each Count identifies a discrete violation of the Act supported by the cited statutes and documentary record.

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 violated any Board policies governing Board logos and the use of said logos, 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, based on the conduct more fully detailed above, Respondent violated *N.J.S.A.* 18A:12-24(b) and *N.J.S.A.* 18A:12-24(c), and these provisions of the Act state:

> 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;
>
> c. No school official shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial involvement that might reasonably be expected to impair his objectivity or independence of judgment. No school official shall act in his official capacity in any matter where he or a member of his immediate family has a personal involvement that is or creates some benefit to the school official or member of his immediate family;

In order to credit a violation of *N.J.S.A.* 18A:12-24(b), Complainant must provide sufficient factual evidence that Respondent used or attempted to use her official position to

secure an unwarranted privilege, advantage or employment for herself, members of her immediate family, or "others."

To credit a violation of *N.J.S.A.* 18A:12-24(c), Complainant must provide sufficient factual evidence that Respondent acted in her official capacity in a matter where she, or a member of her immediate family, had a direct or indirect financial involvement that might reasonably be expected to impair her objectivity, or in a matter where she had a personal involvement that created some benefit to her, or to a member of her immediate family.

Complainant further 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), *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(j), 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.
>
> 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.
>
> 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(c), *N.J.S.A.* 18A:12-24.1(d), *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(j) 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.

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.

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.

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 herself, a member of her 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.

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.

Counts 1 through 5

In Counts 1 through 5, Complainant asserts Respondent violated *N.J.S.A*. 18A:12-24(b), *N.J.S.A*. 18A:12-24(c), *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(f) when Respondent used District resources to send a cease and desist letter to the LCRG over the use of a school logo. Respondent argues the decision to send the cease and desist letter was a joint decision with the Superintendent and Board counsel and she was not the only decision maker in the matter.

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(b), *N.J.S.A*. 18A:12-24(c), *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(f) were violated. At the outset, the Commission notes that the decision to enforce any Board policies is not within the Commission's jurisdiction. Additionally, the cease and desist letter was sent by Board counsel on behalf of the Board. As for a violation of *N.J.S.A.* 18A:12-24(b), Complainant has not shown how Respondent used or attempted to use her official position to secure an unwarranted privilege, advantage or employment for herself, members of her immediate family, or "others" when the District sent out a cease and desist letter to Complainant's group. With regard to a potential violation of *N.J.S.A*. 18A:12-24(c), Complainant has not shown that Respondent acted in her official capacity in a matter where she, or a member of her immediate family, had a direct or indirect financial involvement that might reasonably be expected to impair her objectivity, or in a matter where she had a personal involvement that created some benefit to her, or to a member of her immediate family when Board counsel sent a cease and desist letter to Respondent's group. As to a violation of *N.J.S.A*. 18A:12-24.1(c), Complaint has not demonstrated how sending a cease and desist letter would constitute effectuating policies or plans without consulting those effected. With respect to a violation of *N.J.S.A.* 18A:12-24.1(d), Complainant has not established what direct order Respondent gave to school personnel. In addition, enforcing Board policies would not constitute day-to-day administration of the schools. Regarding a potential violation of *N.J.S.A.* 18A:12-24.1(e), Complainant has not shown how the District's decision to send a cease and desist letter could compromise the Board. Lastly, with regard to a potential violation of *N.J.S.A.* 18A:12-24.1(f), Complainant has not included 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 herself, a member of her immediate family or a friend. Complainant has not shown that Respondent alone ordered or directed the cease and desist letter to be sent.

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(b), *N.J.S.A*. 18A:12-24(c), *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(f) in Counts 1 through 5.

Counts 6 through 10

In Counts 6 through 10, Complainant argues that Respondent violated *N.J.S.A*. 18A:12-24(b), *N.J.S.A*. 18A:12-24(c), *N.J.S.A*. 18A:12-24.1(e), *N.J.S.A*. 18A:12-24.1(g), and *N.J.S.A*. 18A:12-24.1(j) when Respondent contacted the police and made comments at a public meeting about the police reports. Respondent asserts she involved the police as a private citizen due to concerns for her safety, not on behalf of the Board, nor in her official capacity as Board President and only mentioned the reports at the Board meeting after Complainant brought it up at the meeting.

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(b), *N.J.S.A*. 18A:12-24(c), *N.J.S.A*. 18A:12-24.1(e), *N.J.S.A*. 18A:12-

24.1(g), and *N.J.S.A.* 18A:12-24.1(j) were violated. As required by *N.J.S.A.* 18A:12-24(b), Complainant has not shown how Respondent used or attempted to use her official position to secure an unwarranted privilege, advantage or employment for herself, members of her immediate family, or "others" when she filed incident reports in her personal capacity and mentioned the reports during public session. Complainant has also not provided sufficient factual evidence that Respondent acted in her official capacity in a matter where she, or a member of her immediate family, had a direct or indirect financial involvement that might reasonably be expected to impair her objectivity, or in a matter where she had a personal involvement that created some benefit to her, or to a member of her immediate family as required by *N.J.S.A.* 18A:12-24(c) as Respondent filed the police reports in her personal capacity and did not take official action as a Board member regarding them. As to a violation of *N.J.S.A.* 18A:12-24.1(e), Complainant has not demonstrated that the filing of a police report was outside the scope of Respondent's duties as a Board member, or that it had the potential to compromise the Board. The Commission notes that Respondent filed the complaints with the police as a private citizen, not in her capacity as a Board member. The Commission further notes that Respondent is free to contact the police if she believes she is experiencing harassment. With regard to a violation of *N.J.S.A*. 18A:12-24.1(g), Complainant has not shown how Respondent's comments from the dais were inaccurate nor has he established that the inaccuracy was other than reasonable mistake or personal opinion or was not attributable to developing circumstances. Finally, regarding a violation of *N.J.S.A.* 18A:12-24.1(j), Respondent was not required to follow an administrative procedure prior to going to the police in her capacity as a private citizen.

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(c), *N.J.S.A*. 18A:12-24.1(e), *N.J.S.A*. 18A:12-24.1(g) and *N.J.S.A*. 18A:12-24.1(j) in Counts 6 through 10.

IV. Request for Sanctions

At its meeting on September 22, 2026, the Commission considered Respondent's request that the Commission find the Complaint frivolous, and impose sanctions pursuant to *N.J.S.A.* 18A:12-29(e). Despite Respondent's argument, the Commission cannot find evidence that might show that Complainant filed the Complaint in bad faith or solely for the purpose of harassment, delay, or malicious injury. The Commission also does not have information to suggest that Complainant knew or should have known that the Complaint was without any reasonable basis in law or equity, or that it could not be supported by a good faith argument for an extension, modification or reversal of existing law. *N.J.A.C.* 6A:28-1.2. Therefore, at its meeting on October 27, 2026, the Commission adopted a decision finding the Complaint not frivolous, and denying the request for sanctions.

V. 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 Commission further advises the parties that,

following its review, it voted to find that the Complaint is not frivolous, and to deny Respondent's request for sanctions.

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: October 27, 2026

Resolution Adopting Decision in Connection with C37-26

Whereas, at its meeting on September 22, 2026, the School Ethics Commission (Commission) considered the Complaint, the Written Statement, including the allegation of frivolous filing, and the response to the allegation of frivolous filing 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 discussed finding the Complaint not frivolous, and denying the request for sanctions; and

Whereas, at its meeting on October 27, 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 October 27, 2026.

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Brigid C. Martens, Director
School Ethics Commission