Before the School Ethics Commission
Docket No.: C38-26
Decision on Probable Cause

Eliza Schleifstein,
Complainant

v.

Stephanie Levin,
Randolph Township Board of Education, Morris 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 Eliza Schleifstein (Complainant), alleging that Stephanie Levin (Respondent), a member of the Randolph 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(e), *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 May 8, 2026, Respondent filed a Written Statement.

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 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 and dismissing the matter.

II. Summary of the Pleadings

A. *The Complaint*

As background, Complainant states that a District employee had sued the District alleging discrimination, and consequently, won a claim. The verdict was the subject of much commentary on social media. According to Complainant, a former Board member, Michael Giordano wrote posts/comments that were critical of Jennifer Fano, Superintendent,. Complainant maintains that at the February 26, 2026, Board meeting, a member of the public, Susan Casareale, read Giordano's Facebook posts during the public comment portion of the meeting. Complainant asserts that she offered her own remarks during public comments also referencing Giordano's Facebook posts. Following the meeting, on February 27, 2026, Casareale

sent an email to the Board with a written copy of the remarks she made during the meeting. In response to Casareale's email, Respondent stated that Casareale and Complainant should "reach out to Mr. Giordano to ask about the email that he sent to Ms. Fano and the full Board on 1/8/2025 when he resigned. I believe you will find it interesting especially when juxtaposed with what you have read and/or heard recently."

Complainant believes Respondent was implying that "Mr. Giordano's [resignation] email included positive feedback about the performance of [the Superintendent]." Complainant states that both she and Casareale believed Respondent was "speaking to [them] on behalf of the entire BOE" as Respondent added the Superintendent and the Business Administrator (BA) to the email. Complainant believes the implication was that Giordano's Facebook posts were different than what he had said about the Superintendent in the resignation letter and that this was an "invitation for us to submit an Open Public Records Act (OPRA) request for the email." Complainant notes that Casareale submitted an OPRA request and received Giordano's resignation email per the request.

In Count 1, Complainant asserts that Respondent violated *N.J.S.A*. 18A:12-24.1(e) when she responded to a community member's email providing substantive information about the content of a former Board member's resignation email as she took "private action and compromised the Board" by responding to Randolph resident Susan Casareale's February 27, 2026, email without a disclaimer or other content clarifying the specific capacity in which she was writing. Further, Complainant notes Respondent provided enough detail about former Board member Michael Giordano's January 8, 2025, email resigning from the Board for Complainant and the recipient of Respondent's email to know the substantive content of the email regarding the Superintendent's performance. Moreover, Complainant claims Respondent knew that she was responding to Casareale in her capacity as a Board member, because she added the Superintendent and the BA to those copied on the email and her email specifically referenced the need to comply with the Open Public Meetings Act (OPMA), which she was only bound to as a Board member and which only applies to communications regarding Board business. Complainant notes that Respondent is not the Board President, and therefore, she is not an authorized spokesperson able to speak on behalf of the Board without prior consent from the entire Board.

Complainant also argues that Respondent violated *N.J.S.A*. 18A:12-24.1(g) when she disclosed "enough substance about comments made" by a former Board member regarding the Superintendent in the former Board member's resignation email that "a reasonable person could draw a conclusion as to what the content of the email stated." Complainant further maintains Respondent provided information about confidential personnel records, when she disclosed to a Randolph community member the substance of comments made by Giordano about the Superintendent's performance.

In Count 2, Complainant also asserts that on three separate occasions in February 2026, the District sent the community blast text messages regarding school closings/delays related to weather conditions. The text messages addressed the community as "RATS." On February 24, 2026, Casareale sent an email to the Superintendent, copying the Board, asking what "RATS" meant. On February 25, 2026, the Superintendent responded to the email stating, "[d]uring a recent upgrade to our District's communication system, a new automated acronym appeared on school text messages. This change was not requested or intentional. Per our request, the vendor

has confirmed that once their server updates, the acronym will return to displaying RTS." Casareale responded again, "asking why the District had not properly tested the system after the upgrade and did not catch the troubling acronym being used" and also asked "if a message would be sent to the Randolph Learning Community to advise them of the error and that it had been corrected." The Superintendent did not respond to Casareale's last e-mail. During her public comments at the February 26, 2026, Board meeting, Casareale stated "Can someone please tell me what 'hello Rats' means? RATS to every single Randolph Learning community who received a text message. Still awaiting an explanation for that salutation or acronym." On February 27, 2026, Respondent replied to the February 25th email of Casareale's that was sent to the Superintendent and the Board stating, "While you may not have received a response yet to your most recent email, Ms. Fano did explain why RATS appeared in the texts and that it would be corrected. I was surprised to hear you raise the issue last night during public comments questioning it and stating that you had not received a response."

Complainant asserts Respondent violated *N.J.S.A*. 18A:12-24.1(e) when she replied to an email regarding the school district's text message system as she did "not use a disclaimer on her email or otherwise include any content clarifying the specific capacity in which she was writing in an effort to differentiate her comments between those made only as an individual versus those made on behalf of the entire Board." Complainant also contends that Respondent violated *N.J.S.A*. 18A:12-24.1(j) when she responded to a community member's email, which was sent to the Superintendent, usurping the Superintendent's authority by intentionally circumventing the chain of command and attempting to personally resolve a community member's complaint.

B. *Written Statement*

In her Written Statement, regarding a violation of *N.J.S.A*. 18A:12-24.1(e) in Count 1, Respondent asserts Complainant does not identify a personal promise of any kind that may have been made in Respondent's email on the "Public Statement Email Thread." Respondent further asserts her email did not contain any commitment, undertaking, or assurance made on Respondent's own behalf or on behalf of the Board. Further, Respondent maintains Complainant does not show that Respondent took action beyond the scope of her duties that had the potential to compromise the Board. Respondent argues that Complainant cannot establish that Respondent's suggestion had the potential to compromise the Board when Complainant's own contemporaneous reply confirms that Respondent did not divulge any information that Casareale or Complainant did not already have. As for a potential violation of *N.J.S.A*. 18A:12-24.1(g), Respondent contends her February 27, 2026, email on the "Public Statement Email Thread" did not quote, summarize, attach, or transmit Giordano's resignation email. Respondent further contends she only suggested that Casareale and Complainant contact Giordano directly to ask him about an email he had authored and sent on January 8, 2025. Respondent argues she did not disclose Giordano's email, she never quoted it, described its contents, or transmitted it in any form and the email was not confidential to begin with.

Respondent argues that as for a potential violation of *N.J.S.A*. 18A:12-24.1(e) in Count 2, Complainant does not identify a personal promise of any kind made by Respondent in her February 27, 2026, email on the "RATS Email Thread." Respondent further argues her email did not contain any commitment, undertaking, or assurance offered on her own behalf or on behalf

of the Board. Respondent notes she did not make any representation as to what the Board would do, had done, or intended to do. Moreover, Respondent maintains Complainant has not demonstrated that Respondent took action beyond the scope of her duties that had the potential to compromise the Board. Respondent further argues Complainant's allegations rest "entirely on the absence of a disclaimer and the fact that Respondent used her official Board email account. Neither of these facts, alone or together, constitutes evidence that Respondent made a personal promise or took action beyond the scope of her duties." As for a potential violation of *N.J.S.A.* 18A:12-24.1(j), Respondent provides that Casareale's original "RATS" inquiry was sent on February 24, 2026, addressed directly to the Superintendent, with all Board members copied. Therefore, Respondent notes the inquiry went to the Superintendent first, and the Superintendent replied the next day, explaining the cause of the automated acronym and confirming it would be corrected. Respondent further provides that the matter had been addressed by the Superintendent before Respondent sent her email two days later. Respondent maintains the administrative process was never bypassed and, it had already run its course by the time Respondent sent her email on February 27, 2026.

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(e), *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:

> 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.
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> 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(e), *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:

> 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.
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> 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.

Count 1

In Count 1, Complainant asserts Respondent violated *N.J.S.A*. 18A:12-24.1(e) and *N.J.S.A*. 18A:12-24.1(g) when she responded to an email providing comments about a former Board member's resignation email. Respondent counters that she did not make any personal promises and that the email she referenced was not confidential.

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) and *N.J.S.A*. 18A:12-24.1(g) were violated. As to a potential violation of *N.J.S.A*. 18A:12-24.1(e), Complainant has not shown how Respondent's email was or contained a personal promise, nor how it was action beyond the scope of her duties that had the potential to compromise the Board. With regard to a violation of *N.J.S.A.* 18A:12-24.1(g), Complainant has not shown that Respondent disclosed confidential information as the email Respondent referenced was available through OPRA.

Accordingly, 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) and *N.J.S.A*. 18A:12-24.1(g) in Count 1.

Count 2

In Count 2, Complainant states Respondent violated *N.J.S.A*. 18A:12-24.1(e) and *N.J.S.A*. 18A:12-24.1(j) when she responded to an email stating that the Superintendent had already answered the concerns. Respondent argues that she did not make any personal promises, take any actions outside the scope of her duties, and that the administrative process had already been completed when she sent her email.

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(e) and *N.J.S.A*. 18A:12-24.1(j) were violated. With regard to a violation of *N.J.S.A*. 18A:12-24.1(e), Complainant has not shown how Respondent's email stating that the matter had already been answered by the Superintendent was or contained a personal promise, nor how it was action beyond the scope of her duties that had the potential to compromise the Board. As for a potential violation of *N.J.S.A*. 18A:12-24.1(j), the complaint had already been resolved by the Superintendent when Respondent sent her email, and therefore, Respondent did not act on or attempt to resolve a complaint, or conduct an investigation or inquiry related to a complaint prior to referral to the chief administrative officer.

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) and *N.J.S.A*. 18A:12-24.1(j) in Count 2.

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: October 27, 2026

Resolution Adopting Decision in Connection with C38-26

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 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