

Before the School Ethics Commission
Docket No.: C39-25
Decision on Probable Cause

Claire Kozic,
Complainant

v.

Regina Melnyk,
Henry Hudson Regional Board of Education, Monmouth County,
Respondent

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on April 11, 2025, by Claire Kozic (Complainant), alleging that Regina Melnyk (Respondent), a member of the Henry Hudson Regional 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(b)*, *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(g)*, *N.J.S.A. 18A:12-24.1(i)*, and *N.J.S.A. 18A:12-24.1(j)*¹ of the Code of Ethics for School Board Members (Code).

On May 3, 2025, Respondent filed a Written Statement and also alleged that the Complaint is frivolous. On May 13, 2025, Complainant filed a response to the allegation of frivolous filing.

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 and the allegation of frivolous filing. 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. The Commission also adopted a decision finding the Complaint not frivolous, and denying Respondent's request for sanctions.

¹ Complainant asserted a violation of *N.J.S.A. 18A:12-24.1(f)* but cited the definition of *N.J.S.A. 18A:12-24.1(j)*, and therefore, the Commission considered the allegation of *N.J.S.A. 18A:12-24.1(j)*.

II. Summary of the Pleadings

A. *The Complaint*

In Count 1, Complainant asserts that during a Board meeting on March 19, 2025, Respondent was “unusually hostile, combative, and erratic, including repeated verbal interruptions, an aggressive tone without provocation, and glaring in a confrontational manner at both the Superintendent and Board Attorney.” Per Complainant, Respondent’s behavior “created a visibly tense atmosphere and interrupted the speaker’s ability to deliver the report.” Complainant believes Respondent’s behavior may have been influenced by “an unknown substance.” Complainant further asserts that Respondent violated *N.J.S.A. 18A:12-24.1(b)*, because her “hostile tone and erratic conduct created an adversarial and disruptive atmosphere that prevented effective deliberation and cooperation among” the Board and *N.J.S.A. 18A:12-24.1(i)*, because her “aggressive nonverbal behavior and combative interactions with administrators and legal counsel inhibited their ability to perform their roles and deliver important information to the board and the public.”

In Count 2, Complainant contends that Respondent “has consistently exhibited a pattern of behavior in” Board meetings when she has verbally attacked other Board members, administrators, and the public when they disagree with her. Complainant further contends that Respondent “regularly interrupts proceedings to express personal grievances and has used the public forum to disparage the district.” Complainant alleges Respondent violated *N.J.S.A. 18A:12-24.1(c)*, because she uses the Board platform to engage in conduct that goes well beyond the Board’s policy making role without regard for protocol and violated *N.J.S.A. 18A:12-24.1(e)*, because her behavior conveys the appearance of a personal agenda that undermines the unified authority and public reputation of the Board.

In Count 3, Complainant maintains that Respondent’s conduct creates an unsafe and hostile environment, and her outbursts and interruptions degrade the Board’s functionality and credibility. Complainant further maintains Respondent’s behavior violates *N.J.S.A. 18A:12-24.1(g)*, because her public criticisms of District personnel and operations are made without evidence and violates *N.J.S.A. 18A:12-24.1(j)*, because she does not follow the proper reporting channels and raises grievances in public.

B. *Written Statement and Allegation of Frivolous Filing*

Respondent denies all claims and argues that the Complaint lacks any evidence, and Complainant “has acted without a basic level of diligence in researching relevant facts.” Moreover, Respondent reiterates “[m]any of the claims” are false, and Complainant did not provide any evidence/witnesses to support the allegations. According to Respondent, Complainant could have dealt with this matter more effectively and less costly by reporting her concerns to the Board President or by seeking advice of counsel or from the New Jersey School Boards Association (NJSBA), instead of filing an ethics complaint. Respondent maintains that Complainant has made “outlandish and inflammatory statements against the Respondent, which are meant to impugn the Respondent’s reputation if they were made public.”

Respondent offers a defense for each alleged violation of the Code arguing that Complainant makes false claims for each, does not give one example of an individual who was attacked, what the attack was or how it compromised the Board.

Respondent alleges the Complaint is frivolous for the same reasons mentioned above, namely a lack of evidence, Complainant could not cite one example of how the Board was unable to accomplish any items on the agenda and Complainant should have known that her claim was unlikely to prevail.

C. Response to the Allegation of Frivolous Filing

Complainant asserts Respondent's frivolous claim "overlooks documented incidents and fails to address the seriousness of her conduct, which disrupted [B]oard proceedings and created an environment concerning both fellow board members and district professionals." Complainant maintains that Respondent does not acknowledge the fact that the Board President and Board counsel had to contact the local police department during the March 19, 2025, meeting.

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

b. I will make decisions in terms of the educational welfare of children and will seek to develop and maintain public schools that meet the individual needs of all children regardless of their ability, race, creed, sex, or social standing.

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.

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.

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(b)*, *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(g)*, *N.J.S.A. 18A:12-24.1(i)* and *N.J.S.A. 18A:12-24.1(j)* need to be supported by certain factual evidence, more specifically:

2. Factual evidence of a violation of *N.J.S.A. 18A:12-24.1(b)* shall include evidence that Respondent willfully made a decision contrary to the educational welfare of children, or evidence that Respondent took deliberate action to obstruct the programs and policies designed to meet the individual needs of all children, regardless of their ability, race, color, creed or social standing.

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

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.

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.

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(b)*, *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(g)*, *N.J.S.A. 18A:12-24.1(i)* and/or *N.J.S.A. 18A:12-24.1(j)* were violated. As required by *N.J.S.A. 18A:12-24.1(b)*, Complainant has not shown how Respondent's "hostile tone and erratic conduct" at a Board meeting are evidence that Respondent willfully made a decision contrary to the educational welfare of children, or evidence that Respondent took deliberate action to obstruct the programs and policies designed to meet the individual needs of all children, regardless of their ability, race, color, creed or social standing. In addition, Complainant has not shown what, if any, Board actions Respondent took in this matter as required by *N.J.S.A. 18A:12-24.1(c)* as her conduct during a Board meeting as alleged by Complainant, would not constitute official Board action. With respect to *N.J.S.A. 18A:12-24.1(e)*, Complainant has not shown that Respondent made any personal promises or took action beyond the scope of her duties with her conduct at a Board meeting. Regarding a violation of *N.J.S.A. 18A:12-24.1(g)*, Complainant has not provided evidence that Respondent took action to make public, reveal or disclose confidential information, or that Respondent provided inaccurate information which would not be attributable to reasonable mistake or personal opinion. Additionally, as for *N.J.S.A. 18A:12-24.1(i)*, Complainant has not shown how Respondent's "aggressive nonverbal behavior and combative interactions with administrators" at a Board meeting was an attempt to undermine, oppose, compromise or harm school personnel in the proper performance of their duties. Lastly, as for *N.J.S.A. 18A:12-24.1(j)*, Complainant has not provided any evidence that Respondent acted on or attempted to resolve complaints, 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.

Therefore, 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(b)*, *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(g)*, *N.J.S.A. 18A:12-24.1(i)* and *N.J.S.A. 18A:12-24.1(j)* in the Complaint.

IV. Request for Sanctions

At its meeting on December 16, 2025, 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 January 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.

Robert W. Bender, Chairperson

Mailing Date: January 27, 2026

***Resolution Adopting Decision
in Connection with C39-25***

Whereas, at its meeting on December 16, 2025, the School Ethics Commission (Commission) considered the Complaint, the Written Statement and 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 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 December 16, 2025, the Commission discussed finding the Complaint not frivolous, and denying the request for sanctions; 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