Before the School Ethics Commission
Docket No.: C39-26
Decision on Probable Cause

Richelle H. Baughn,
Complainant

v.

Joseph Conway,
Camden's Promise Charter School, Camden County,
Respondent

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on March 31, 2026,[1] by Richelle H. Baughn (Complainant), alleging that Joseph Conway (Respondent), Superintendent of the Camden's Promise Charter School, 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(c), *N.J.S.A.* 18A:12-24(d), and *N.J.S.A.* 18A:12-24(e).

On May 29, 2026, Respondent filed a Written Statement, which included an allegation that the Complaint is frivolous. On June 15, 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 the Complaint untimely, and administratively dismissing the above-captioned matter in accordance with its authority as set forth in *N.J.A.C.* 6A:28-9.2(a)(2). 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*

[1] On March 19, 2026, Complainant filed a deficient Complaint; however, on March 31, 2026, Complainant cured all defects and filed an Amended Complaint that was deemed compliant with the requirements detailed in *N.J.A.C.* 6A:28-6.3.

According to Complainant, Respondent is the superintendent of the Camden's Promise Charter School and since September 1, 2008, has been supervising his spouse, Ana Paul Conway who serves as the principal. Complainant notes that Mrs. Conway was hired as the principal "without the proper certifications"; however, she has obtained the necessary certifications and is now qualified for her role. In addition, Respondent's child was employed by Camden's Promise Charter School during July 2024 and 2025 without approval from the Executive County Superintendent (ECS), and the child worked under the supervision of Respondent. Complainant further provides that Respondent's sister-in-law received insurance through the charter school, with benefits paid by the Charter Management Organization from July 2018 through June 30, 2025. Per Complainant, Respondent "attempted to conceal this relationship by not disclosing her last name (Conway) and by structuring payments through the network while operating through Camden's Promise Charter School."

With the above in mind, in Count 1, Complainant asserts Respondent violated *N.J.S.A*. 18A:12-24(c) and *N.J.S.A*. 18A:12-24(d) because he misused his position to secure employment and benefits for family members and created conflicts of interest and the appearance of impropriety.

In Count 2, Complainant maintains that Respondent "has knowingly and repeatedly bypassed established purchasing procedures, executed contracts without required and approved purchase orders, and disregarded mandated internal controls." Furthermore, Complainant states that the charter school has an Amazon account and Respondent used it for personal purchases for himself and his family members using organizational funds. Complainant provides that Respondent's "403(b) employer match was overpaid in June 2020, 2021 and 2022 contrary to the terms of his contract, resulting in personal financial benefit." Complainant contends Respondent violated *N.J.S.A*. 18A:12-24(c) and *N.J.S.A*. 18A:12-24(e) because he misused his "official position to secure unwarranted privileges or advantages[,]" misused "public funds and resources" and failed "to comply with required procurement laws, policies and internal controls."

Complainant addresses the timeliness issue and states that although some of the concerns "fall outside the 180-day requirement," they are part of a "longstanding and ongoing pattern of behavior within the school." Further, Complainant states, as the business administrator (BA), she was "hesitant to come forward due to fear of retaliation" as "[t]here has been a pattern of adverse consequences for employees who raise concerns, including demotion, harassment, intimidation, and other actions that have negatively affected staff members' employment, health, and compensation."

B. *Written Statement and Allegation of Frivolous Filing*

In his Written Statement, Respondent notes that prior to the filing of the Complaint, Complainant was placed on paid administrative leave from her position as the BA due to various allegations of misconduct.

As to the allegations of nepotism and conflicts of interest, Respondent denies that he has ever engaged in any improper conduct or that he ever improperly "supervised" his spouse. Respondent notes that he followed all applicable policies and made all required disclosures. Moreover, his spouse "was appropriately certified in all areas for all positions she has held over

the years" and "great care has always [been] taken to insure 'layers of supervision' between" Respondent and his spouse.

Respondent further denies that his child "was ever improperly employed by the School or that approval by the [ECS] was needed to hire her."

Respondent also denies that he had any involvement with the provisions of his sister-in-law's benefits. Moreover, Respondent maintains his sister-in-law is an employee of the Camden's Promise Charter School Network, which is a separate legal entity from the school where Respondent is the superintendent.

Respondent asserts none of the alleged conduct took place in the "present" and all of it is barred by the statute of limitations. Even if the Commission were to accept Complainant's justification for untimeliness, Respondent denies that he violated *N.J.S.A*. 18A:12-24(c) and *N.J.S.A*. 18A:12-24(d) in any way. Respondent states he has never acted in his official capacity in any matter in which he or a member of his immediate family had a direct or indirect financial involvement, nor has he undertaken any employment or service which might reasonably prejudice his independent judgment.

As to Count 2, Respondent argues he "does not have any knowledge regarding whether or not the employer match for his 403(b) retirement account was overpaid in June 2020, June 2021 or June 2022." Moreover, Respondent notes Complainant, in her role as the BA, "was solely responsible for calculating the amounts of the employer match for Respondent's 403(b) retirement account each year, ***as well as for making the actual deposits*** into Respondent's 403(b) retirement account." Respondent asserts he did not violate *N.J.S.A*. 18A:12-24(c) and *N.J.S.A*. 18A:12-24(d), he never acted in his official capacity in any matter in which he or a member of his immediate family had a direct or indirect financial involvement, he had never accepted or solicited anything, and there is nothing in the Complaint that even implies this type of conduct and Respondent has "no idea what Complainant is referring to."

Finally, Respondent alleges the Complaint is frivolous "designed to only harass and maliciously embarrass [Respondent] without even the pretense of a good faith legal basis." Respondent maintains as the "long standing [BA] for the School, [Complainant] was well aware of and willing participant in all of the alleged misconduct that she complains of." According to Respondent, it was not until he "began uncovering evidence of [Complainant's] misconduct that she has suddenly taken a 'scorched earth' approach to revenge and manufactured her allegations, well knowing that none of them were proper or timely before the [Commission]."

C. *Response to the Allegation of Frivolous Filing*

In her response to the allegation of frivolous filing, Complainant asserts the Complaint was filed in good faith based upon documented facts, records, and observations obtained during her employment as the School Business Administrator. Complainant further asserts the Complaint is not frivolous, nor is it motivated by personal animosity, a deteriorated friendship, or a workplace disagreement. Complainant maintains, instead it raises legitimate concerns regarding nepotism, conflicts of interest, governance, financial oversight, and compliance with applicable laws and regulations.

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 Untimeliness and Jurisdiction

The Commission's regulations provide a 180-day limitation period for filing a complaint. More specifically, *N.J.A.C.* 6A:28-6.5(a) provides, in relevant part:

> (a) Complaints shall be filed within 180 days of notice *of the events which form the basis of the alleged violation(s)*. A complainant shall be deemed to be notified of events that form the basis of the alleged violation(s) *when the complainant knew of the events, or when such events were made public so that one using reasonable diligence would know or should have known* (emphasis added).

The Commission recognizes that limitation periods of this type serve to discourage dilatoriness and provide a measure of repose in the conduct of school affairs. *Kaprow v. Berkley Township Bd. of Educ.*, 131 *N.J.* 571, 587 (1993). Thus, "notice of the alleged violation" must be interpreted in a manner that anticipates the reasonable diligence of complainant(s). In addressing potential violations of the Act, the Commission must balance the public's interest in knowing of potential violations against the important policy of repose and a respondent's right to fairness. The time limitations set forth in the regulations must be enforced if the Commission is to operate in a fair and consistent manner. *Phillips v. Streckenbein et al., Edgewater Park Bd. of Educ., Burlington County*, C19-03 (June 24, 2003).

In this matter, Complainant filed her First Deficient Complaint on March 19, 2026, and 180 days prior to that date is September 30, 2025. The allegations in the Complaint occurred in or around 2008 through July 2025, which are well beyond the limitations period. Complainant acknowledges that she filed the within Complaint past the 180-day period but states that she was "hesitant to come forward due to fear of retaliation." Respondent counterargues that Complainant was aware of the events when they happened, and therefore, the Complaint should be dismissed.

Pursuant to *N.J.A.C.* 6A:28-6.5(a), the Commission must determine when Complainant knew of the events which form the basis of his Complaint, or when such events were made public so that one using reasonable diligence would know, or should have known, of such events.

After review, the Commission finds that there is not a credible basis upon which to find the matter timely. As stated in *N.J.A.C.* 6A:28-6.5(a), "A complainant shall be deemed to be notified of events that form the basis of the alleged violation(s) when the complainant knew of the events." The Commission further finds Complainant was aware of the events that formed the basis of the present Complaint when they were happening. The Commission notes Complainant actually had a fiduciary duty to report the allegations at the time when they occurred as Complainant was the BA.

Therefore, although the Commission recognizes that the regulatory time period may be relaxed, in its discretion, in any case where strict adherence may be deemed inappropriate or unnecessary or may result in injustice, it does not find extraordinary circumstances in the within matter that would compel relaxation.

Accordingly, and for the reasons set forth above, the Commission finds that the Complaint, on its face, was not timely filed pursuant to *N.J.A.C.* 6A:28-6.5. As the Commission is authorized, in accordance with *N.J.A.C.* 6A:28-9.2(a)(2), to administratively dismiss a complaint that is not timely filed pursuant to *N.J.A.C.* 6A:28-6.5, the Commission finds that the Complaint should be dismissed.

Additionally, while the Commission has found that the Complaint should be dismissed due to lack of timeliness, the Commission would also like to address its jurisdiction. 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). Therefore, even if the within Complaint was timely, the Commission does not have jurisdiction involving whether Respondent may have violated any Board policies and/or human resources policies, including whether he improperly received 403(b) benefits and did not follow purchasing procedures.

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

Based on the foregoing, and pursuant to its authority as set forth in *N.J.A.C.* 6A:28-9.2(a)(2), the Commission administratively dismisses the above-captioned matter because it was not timely filed pursuant to *N.J.A.C.* 6A:28-6.5. 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 C39-26

Whereas, at its meeting on September 22, 2026, the School Ethics Commission (Commission) considered the Complaint and 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 administratively dismissing the above-captioned matter in accordance with its authority as set forth in *N.J.A.C.* 6A:28-9.2(a)(2) because it was not timely filed pursuant to *N.J.A.C.* 6A:28-6.5; 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