Before the School Ethics Commission
Docket No.: C40-26
Decision on Probable Cause

Maria Lorenz,
Complainant

v.

Maria Z. Carvalho,
Elizabeth Board of Education, Union County,
Respondent

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on March 26, 2026, by Maria Lorenz (Complainant), alleging that Maria Carvalho (Respondent), a member of the Elizabeth 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) and *N.J.S.A.* 18A:12-24.1(f) of the Code of Ethics for School Board Members (Code).

On April 15, 2026, Respondent filed a Written Statement, which included an allegation that the Complaint is frivolous. On April 25, 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 and dismissing the matter. 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*

According to Complainant, Respondent repeatedly interrupted her during public session of the January 22, 2026, Board meeting. Complainant maintains she was speaking about "the public relations company Strategic Message Management owned by Pat Politano who is a known associate and has provided campaign services for Respondent when she ran for [the] board and is

now contracted by the [Board].” Complainant further maintains she was referencing “the lack of community notification and clarification of the board’s protocol regarding ICE [Immigration and Customs Enforcement] entering schools as the district has remained silent where other surrounding districts have issued clear written communications regarding the protocol in the event that were to happen. Mr. Politano is hired to do public relations, and no written statement or policy was communicated at this time from him or the Superintendent.” Complainant claims Respondent interrupted her five times, made comments such as “get to the point,” shut off her microphone with time remaining and called the police.

With the above in mind, Complainant asserts Respondent violated *N.J.S.A*. 18A:12-24.1(e) because she “took a unilateral, private action that exceeded the scope of their individual authority. While the Board as a whole has the authority to maintain order at meetings, an individual member – even the President – cannot use their position to weaponize law enforcement for the purpose of silencing a specific viewpoint. The private action taken was interrupting [Complainant’s] public speaking five times and summoning police despite the absence of a safety threat.” Complainant also asserts Respondent violated *N.J.S.A*. 18A:12-24.1(f) because she “used a school board meeting a public forum for personal gain, specifically the gain of suppressing information and protecting their own public image.” Complainant notes Respondent “gained removing an uncomfortable speaker (whilst time was still left on the clock) resulting in abusing school resources (meeting platform and Elizabeth Police Department)” and she “surrendered her judgement by prioritizing the silencing of a critic over the board’s duty to hear from the public on matters of significant public concern.”

Complainant also asserts Respondent violated Board policy 9322 which governs the order of speakers in public comment, when the presiding Board member may interrupt speakers, when members of the public may be asked to leave Board meetings, and when the police may be called to remove members of the public.

B. *Written Statement and Allegation of Frivolous Filing*

In her Written Statement, which contains an allegation of frivolous filing, Respondent maintains that Complainant “was duly recognized and afforded the opportunity for public comment.” Respondent further maintains she “was at all times acting consistent with [Board] Policy/File Code 9322 by requesting the speaker to get to the point, and her conduct was specifically authorized by Section H2 of the Policy.” Respondent notes it was Complainant’s “inappropriate reaction” that “precipitated her being terminated from further comment and being escorted to her seat.”

As to a violation of *N.J.S.A*. 18A:12-24.1(e) and *N.J.S.A*. 18A:12-24.1(f), Respondent asserts “there is not a scintilla of evidence which supports” that Respondent’s conduct was a “private action that may compromise the Board.” Moreover, Respondent further asserts there is also not any evidence to support that Respondent surrendered her independent judgment or that her actions were for personal gain. Respondent argues that Complainant’s “explanation in the Complaint that it was ‘the gain of suppressing information and protecting their own public image’ by the removal of an ‘uncomfortable speaker,’ and abuse of ‘school resources’ [] is untenable on its face.”

Finally, Respondent contends the Complaint is frivolous pursuant to the standard set forth at *N.J.S.A.* 18A:12-29(e).

C. *Response to the Allegation of Frivolous Filing*

In response to the allegation of frivolous filing, Complainant argues this "is a good faith filing based on verifiable facts, documented municipal expenditures, and established Supreme Court precedent informing the [Act]."

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, 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 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(e) and *N.J.S.A.* 18A:12-24.1(f), and these provisions of the Code provides:

> 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.

Pursuant to *N.J.A.C.* 6A:28-6.4(a), a violation(s) of *N.J.S.A.* 18A:12-24.1(e) and *N.J.S.A.* 18A:12-24.1(f) 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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> 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.

Based on its 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(f) were violated. As noted above, it is not within the Commission's jurisdiction to review whether Respondent did not follow or enforce any Board policies. With respect to a violation of *N.J.S.A.* 18A:12-24.1(e), the Complaint lacks factual support to demonstrate that Respondent made any personal promises to anyone or took action beyond the scope of her duties such that, by its nature, had the potential to compromise the Board. When Respondent acted at the Board meeting, she was acting in her capacity as the Board President, and therefore, a violation of to *N.J.S.A.* 18A:12-24.1(e) cannot be sustained. As to a violation of *N.J.S.A.* 18A:12-24.1(f), the Complaint lacks evidence of how Respondent used the schools in order to acquire some benefit for herself, a member of her immediate family or a friend when she cut off Complainant's comments and had her removed during a meeting. As stated above, the Commission does not enforce any Board policies.

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(f).

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 C40-26

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