

Before the School Ethics Commission
Docket No.: C41-25
Decision on Probable Cause

Stephanie Johnson,
Complainant

v.

David Hewitt,
Pinelands Regional 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 April 22, 2025, by Stephanie Johnson (Complainant), alleging that David Hewitt (Respondent), a member of the Pinelands 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(b)*, *N.J.S.A. 18A:12-24(c)* and *N.J.S.A. 18A:12-24(d)*, as well as *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)* of the Code of Ethics for School Board Members (Code). Respondent filed a Written Statement on May 16, 2025.

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. 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.

II. Summary of the Pleadings

A. The Complaint

According to Complainant, since becoming Board President, Respondent has “shown a dismissive attitude toward Complainant, has delayed obtaining answers for Complainant, has purposely delayed her from registering for [New Jersey School Boards Association (NJSBA)] training and conferences,” and has ultimately “failed to act in a manner that upholds the public trust and has failed as Board President to question the Superintendent” about a potential violation of her employment contract.

With the above in mind and in Count 1, Complainant asserts that the Superintendent allowed her adult child to use the school for his basketball league. Complainant states that the Superintendent altered her son's Certificate of Insurance, forged the signature of the facilities manager, and did not make him pay the fees. Despite Respondent being informed of the above, Respondent failed to investigate the matter, to question the Superintendent or to "RICE" her prior to a meeting. Complainant asserts Respondent violated *N.J.S.A. 18A:12-24(b)* and *N.J.S.A. 18A:12-24(d)*, because he did not question the Chief School Administrator (CSA) nor impose disciplinary action, and was then rewarded because his child was named "Student of the Month," and therefore, allowed his independence of judgment to be prejudiced; and also violated *N.J.S.A. 18A:12-24.1(d)* and *N.J.S.A. 18A:12-24.1(e)*, because he "took private action and did not consult his fellow Board [m]embers on how to proceed with the issue" and allowed the Superintendent to "misuse funds for her own personal agenda/gain and for the gain of friends," and therefore, does not protect the staff who are facing unnecessary budget cuts.

In Count 2, Complainant contends that due to her tenuous history with the Superintendent, Respondent instructed Complainant that all correspondence/questions needed to be sent to him and he in turn would obtain the answers. Despite complying with his request, Complainant states Respondent would fail to follow through with the answers, which "impedes Complainant in carrying out her obligatory [B]oard responsibilities . . ." Moreover, Complainant notes that she has requested to "enroll in" two conferences, even offering to pay for them out of pocket, but Respondent has not obtained the necessary approval that Complainant requires from the business administrator (BA) to register. Complainant further notes that she contacted NJSBA for assistance. Complainant provides that despite numerous requests, Respondent has refused to investigate her claims of harassment by staff in violation of *N.J.S.A. 18A:12-24.1(e)* and *N.J.S.A. 18A:12-24.1(f)*, because he "failed to follow through with his instructions," has delayed her registration for mandatory training, and continues to take private action to impede Complainant in her duties as a Board member.

In Count 3, Complainant maintains that Respondent's spouse is employed as a music teacher "at several sending school districts," and therefore, receives payment from the Pinelands Regional School District. As such, Complainant further maintains Respondent is prohibited from participating in any matters related to the Superintendent, as well as any individuals who supervise his spouse. 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(e)* and *N.J.S.A. 18A:12-24.1(f)*, because he did not recuse himself from the Superintendent's evaluation, as well as from other matters related to the Superintendent, the Supervisor of the Performing Arts spouse's promotion and votes related to the theater personnel on January 27, 2025.

B. Written Statement

Respondent acknowledges that Complainant provided him with information alleging that the Superintendent altered her child's insurance document; however, after conducting an investigation with another Board member, "it was clear that [Complainant's] allegations were unfounded." Therefore, it was not necessary to proceed with a Rice notice. Further, as to Count 1, Respondent argues that he did not address the matter at the special meeting on April 17, because that meeting was scheduled to address the budget, and therefore, Respondent addressed

the matter at the April 28 meeting and “opened the floor for discussion.” Respondent denies that he used his position to protect the Superintendent, and notes his child achieved Student of the Month on their own merits and by teacher recommendation. Respondent further denies that he allowed his independent judgment to be prejudiced, nor did he make any personal promises or take private action to compromise the Board because he investigated Complainant’s allegations and presented them to the Board.

Regarding Count 2, Respondent admits he requested that Complainant submit all questions and requests to him; however, any delay in responding to her was not to “impede” Complainant. Respondent maintains that requests take time, and some require more time than others. Respondent further maintains that although Complainant “may not be aware,” he “advocated for the district to pay the registration fee” for Complainant to attend the spring conference. Respondent denied that he made any personal promises, or took any private action. Respondent notes that taking a long time to receive a response does not automatically mean his intentions were malicious or because of a quid pro quo. Respondent notes, his wife received an honorarium, but her involvement “precedes his election to the” Board.

Finally, as to Count 3, Respondent notes that his spouse is “employed as a music teacher at two of the Pinelands Regional sending districts” but adds that she “is not an employee of the” District. He states he was aware that he could not vote on any matters, including the honorarium, related to his wife and has refrained from doing so, including any employees in the chain of command of his spouse’s services. However, it was his understanding based on his ethics training that he did not have any potential conflicts with the Superintendent.

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, based on the conduct more fully detailed above, Respondent violated *N.J.S.A. 18A:12-24(b)*, *N.J.S.A. 18A:12-24(c)* and *N.J.S.A. 18A:12-24(d)* 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;

d. No school official shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his independence of judgment in the exercise of his official duties;

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 his official position to secure an unwarranted privilege, advantage or employment for himself, members of his 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 his official capacity in a matter where he, or a member of his immediate family, had a direct or indirect financial involvement that might reasonably be expected to impair his objectivity, or in a matter where he had a personal involvement that created some benefit to him, or to a member of his immediate family.

In order to credit a violation of *N.J.S.A. 18A:12-24(d)*, Complainant must provide sufficient factual evidence that Respondent engaged in employment or service, regardless of whether compensated, which might reasonably be expected to prejudice his independence of judgment in the exercise of his official duties.

Complainant further submits that Respondent violated *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)*, and these provisions of the Code provide:

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.

Pursuant to *N.J.A.C. 6A:28-6.4(a)*, a violation(s) of *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)* need to be supported by certain factual evidence, more specifically:

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 his 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 himself, a member of his immediate family or a friend.

Count 1

In Count 1, Complainant asserts Respondent violated *N.J.S.A. 18A:12-24(b)*, *N.J.S.A. 18A:12-24(d)*, *N.J.S.A. 18A:12-24.1(d)* and *N.J.S.A. 18A:12-24.1(e)* when he did not question the CSA nor impose disciplinary action on her and did not consult the rest of the Board about potential discipline for her in exchange for his child receiving an award. Respondent claims he conducted an investigation and opened the Board meeting up for discussion on the topic and that his child received the award based on merit.

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(b)*, *N.J.S.A. 18A:12-24(d)*, *N.J.S.A. 18A:12-24.1(d)* and/or *N.J.S.A. 18A:12-24.1(e)* were violated. Complainant has not provided sufficient factual evidence

that Respondent used or attempted to use his official position to secure an unwarranted privilege, advantage or employment for himself, members of his immediate family, or “others” as needed to find a violation of *N.J.S.A. 18A:12-24(b)*. The mere fact that Respondent’s child received an honor from the school is not indicative that Respondent used his position to ask for it. As to a violation of *N.J.S.A. 18A:12-24(d)*, Complainant has not provided sufficient factual evidence that Respondent engaged in any employment or service, regardless of whether compensated, which might reasonably be expected to prejudice his independence of judgment in the exercise of his official duties. As required to find a violation of *N.J.S.A. 18A:12-24.1(d)*, Complainant has not shown 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. Lastly, Complainant has not demonstrated what personal promises Respondent made or what actions Respondent took that were beyond the scope of his duties as required to find a violation of *N.J.S.A. 18A:12-24.1(e)*. Accordingly, and pursuant to *N.J.A.C. 6A:28-9.7(b)*, the Commission dismisses the alleged violations of that *N.J.S.A. 18A:12-24(b)*, *N.J.S.A. 18A:12-24(d)*, *N.J.S.A. 18A:12-24.1(d)* and *N.J.S.A. 18A:12-24.1(e)* in Count 1.

Count 2

In Count 2, Complainant contends Respondent has violated *N.J.S.A. 18A:12-24.1(e)* and *N.J.S.A. 18A:12-24.1(f)* as he has refused to investigate her claims of harassment by staff, has been slow to give her paperwork and/or information, and has delayed her registration for conferences. Respondent denies that any delays have been on purpose and states that he has advocated for her to have the district pay for her registration.

After 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/or *N.J.S.A. 18A:12-24.1(f)* were violated. Complainant has not included evidence that Respondent made personal promises or took action beyond the scope of his duties such that, by its nature, had the potential to compromise the board as required to find a violation of *N.J.S.A. 18A:12-24.1(e)*. In addition, Complainant has not shown how any delays in the investigation, registration and/or paperwork are evidence that Respondent used the schools in order to acquire some benefit for himself, a member of his immediate family or a friend. 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(e)* and *N.J.S.A. 18A:12-24.1(f)* in Count 2.

Count 3

In Count 3, 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(e)* and *N.J.S.A. 18A:12-24.1(f)* when he did not recuse himself from the Superintendent’s evaluation, as well as from other matters related to the Superintendent, as his spouse is employed by one of the sending districts and has received a honorarium from the district. Respondent notes that he was aware that he could not vote on any matters, including the honorarium, related to his wife, but admits that he has participated in matters related to the administration.

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(e)* and/or *N.J.S.A. 18A:12-24.1(f)* were violated. As Respondent's spouse is not employed by the District, and therefore, the superintendent does not have any influence over or can affect her employment, it is not a violation of *N.J.S.A. 18A:12-24(b)* or *N.J.S.A. 18A:12-24(c)* for Respondent to participate in matters involving the Superintendent. As required to find a violation of *N.J.S.A. 18A:12-24.1(e)*, Complainant has not demonstrated how Respondent's actions were personal promises or action beyond the scope of his duties such that, by its nature, had the potential to compromise the Board. Lastly, Complainant has not shown how Respondent used the schools in order to acquire some benefit for himself, a member of his immediate family or a friend as needed to find a violation of *N.J.S.A. 18A:12-24.1(f)*.

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(e)* and *N.J.S.A. 18A:12-24.1(f)* in Count 3.

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 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 C41-25***

Whereas, at its meeting on December 16, 2025, 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 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 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