

***Before the School Ethics Commission
OAL Docket No.: EEC 06689-25
SEC Docket No.: C46-24
Final Decision***

**Kathy Winecoff, Christine Reese and Ted Filis,
Complainants**

v.

**John Sico,
Millstone Township 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 May 24, 2024, by Kathy Winecoff, Christine Reese and Ted Filis (Complainants), alleging that John Sico (Respondent), a member of the Millstone Township Board of Education (Board), violated the School Ethics Act (Act), *N.J.S.A.* 18A:12-21 *et seq.* More specifically, the Complaint alleged that Respondent violated *N.J.S.A.* 18A:12-24.1(a) (Counts 1, 3, 4 and 5), *N.J.S.A.* 18A:12-24.1(b) (Count 2), *N.J.S.A.* 18A:12-24.1(c) (Counts 1-5), *N.J.S.A.* 18A:12-24.1(d) (Counts 2-5), *N.J.S.A.* 18A:12-24.1(e) (Counts 1-5), *N.J.S.A.* 18A:12-24.1(f) (Count 2), *N.J.S.A.* 18A:12-24.1(g) (Count 5), *N.J.S.A.* 18A:12-24.1(h) (Counts 2 and 5), *N.J.S.A.* 18A:12-24.1(i) (Counts 3-5) and *N.J.S.A.* 18A:12-24.1(j) (Counts 3-5) of the Code of Ethics for School Board Members (Code). Respondent filed a Written Statement on October 2, 2024.

At its meeting on March 25, 2025, and after review of the Complaint and the Written Statement, the Commission adopted a decision finding that there were sufficient facts and circumstances pled in the Complaint and in the Written Statement to lead a reasonable person to believe that *N.J.S.A.* 18A:12-24.1(d) was violated in Counts 3 and 4, *N.J.S.A.* 18A:12-24.1(e) was violated in Counts 3 and 4, and *N.J.S.A.* 18A:12-24.1(i) was violated in Count 4, but insufficient facts and circumstances to lead a reasonable person to believe that the remaining allegations in the Complaint were violated. Based on its finding of probable cause, the Commission voted to transmit the above-captioned matter to the Office of Administrative Law (OAL) for a hearing where Complainants would carry the burden to prove the remaining allegations that Respondent violated *N.J.S.A.* 18A:12-24.1(d) (Counts 3 and 4), *N.J.S.A.* 18A:12-24.1(e) (Counts 3 and 4) and *N.J.S.A.* 18A:12-24.1(i) (Count 4).

At the OAL, following a hearing on January 21, January 27, and January 28, 2026¹, the Administrative Law Judge (ALJ) issued an Initial Decision on April 8, 2026, finding that Respondent did not violate *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(i), and dismissing the matter.

Complainants filed exceptions to the Initial Decision in accordance with *N.J.A.C.* 1:1-18.4 on April 17, 2026. Respondent filed a reply to the exceptions on April 21, 2026.

At its meeting on May 26, 2026, the Commission discussed the above-captioned matter, and at its meeting on June 23, 2026, the Commission voted to adopt the Initial Decision's findings of fact, the legal conclusion that Respondent did not violate *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(i), and the dismissal of the above-captioned matter.

II. Initial Decision

This matter involves an allegation in Count 3 that Respondent contacted a food service vendor and advised that he would be adding a Request for Proposals (RFP) to the agenda to replace the food services vendor, and “proceeded to schedule food tastings with the vendor without the involvement of school personnel and made personal promises to the vendor.” *Initial Decision* at 9. This matter also involves an allegation in Count 4 that Respondent was “improperly involved” in the hiring of the Director of Curriculum or gave orders to personnel regarding the hiring process. *Id.* at 10.

The following witnesses testified at a hearing:

- Maryann Banks, Interim Superintendent, testified that she did not like Respondent, who was Board President, and she found him “intolerable” and “she left before her contract was up because of him.” Dr. Banks believes Respondent referred Paul Baker for the Interim Superintendent position, and “his involvement in the referral of a potential candidate for a position in the District was inappropriate.”
- Paul Baker, Curriculum Director, testified that he had a conversation with Respondent and the Board attorney in April 2024 about applying for the Curriculum Director position when he was a principal in the District. He testified that he “does not recall the specifics but they both encouraged him to apply for the position,” and he advised them that he did not have a superintendent certificate, but, ultimately, applied for the Curriculum Director position. Dr. Baker testified that Respondent “did not have any further involvement and never offered him the position or discouraged him from applying for either position.”
- Katie Filosa, Director of Field Supervision at Maschio’s Food Service, testified that “it is not unusual for them to interact with school board members,” and that she regularly interacts with the Business Administrator (BA) on matters related to the food services contract. She “recalls a conversation with [R]espondent about food quality and ways to improve their food, and that there was ultimately a food tasting scheduled in the District” with the BA being involved in the scheduling. Ms. Filosa noted that “it was not unusual

¹ The Commission was not provided with transcripts of the January 21, January 27, and January 28, 2026, hearings at the OAL.

to do a food tasting in a school district,” and that when the event was scheduled, both the administration and the Board were invited. She “has no recollection of who set the date but to the best of her recollection it was an email from the [BA].”

- Nora Borza, Maschio’s Food Service employee, testified that the administration, and not a Board member, scheduled the food tasting. She recalled having a conversation with Respondent at the New Jersey School Boards Association (NJSBA) convention regarding a possible food tasting, but she emailed with the BA regarding whether the District was interested.
- Bernie Biesiada, BA, testified that he discussed the food services contract with Maschio’s and identified several emails where he was copied or was the sender involving the planning of the tasting. Mr. Biesiada noted “there was an email discussing the event, the time and date, but nothing in the email indicated that [R]espondent had arranged the food tasting independent of the administration.” Mr. Biesiada confirmed that an RFP was sent and “did not have any information or evidence that [R]espondent represented or made any promises to Maschio’s regarding this contract.” Regarding the application of Paul Baker, Mr. Biesiada testified he “was aware that [R]espondent recommended that Paul Baker apply for a vacancy in the District,” but did not testify that Respondent had any inappropriate involvement in the personnel matter.
- Keith Lier, Maschio’s Food Service employee, testified that it is “not unusual to communicate with board members about the food service,” but that he was not involved in the planning of the food tasting with the District.
- Mark Guterl, Superintendent of Freehold Regional School District, testified that Respondent sits on the Freehold Regional Board as a Millstone Board member. Mr. Guterl recalled having a discussion with Respondent about food vendors after he was appointed to the Finance Committee, and “they discussed how their finance committee worked.” Mr. Guterl testified that after their short, informal discussions, they walked to the cafeteria, but he does not recall anything specific about the conversation.
- James Cignarelli, Board member, notes that the Board and the administration were invited to Maschio’s party at the NJSBA convention in Atlantic City. He recalled a conversation with Respondent “about setting up a food tasting with the food vendor during the event, and emails with the [BA] following the event.” Mr. Cignarelli testified that the Operations Committee discussed the food tasting at its meeting, which the BA attends, and that the BA was “in the loop from the start.” He testified that the Board approved the food service contract in public session after the “administration took the appropriate steps to solicit proposals.”
- Respondent testified that he attended the Maschio’s event at the NJSBA conference and had a “general” discussion, indicating that “there had been some issues expressed by the public and would they be interested in doing a food tasting event for the District,” but that the BA and the administration planned/scheduled the event. With respect to the Interim Superintendent position, Respondent testified that he had a discussion with Paul Baker and the Board attorney about the open position. Respondent indicated that he “never offered him a job or did anything other than advise him of the opening.”

Id. at 2-7.

Following the witness testimony, the ALJ found the witnesses to be credible, with the exception of Maryann Banks, who was “not credible” and offered “no credible testimony on the issue of the food services contract or the hiring of Paul Baker.” *Id.* at 7. The ALJ found that “there was no testimony or evidence presented that [R]espondent was inappropriately involved in the food service contract, or the scheduling of a food tasting in the District.” *Id.* at 7-8. According to the ALJ, the “administration was involved in the scheduling of the event and an RFP that ultimately went out for such services,” and Respondent did not have “inappropriate involvement in the food services tasting or contract.” *Id.* at 8. Additionally, the ALJ noted Complainants “did not present any witnesses or produce any evidence that demonstrated that [R]espondent inappropriately involved himself in the hiring of an interim superintendent or a curriculum director.” *Ibid.* Instead, the ALJ provided that Respondent “encouraged a qualified applicant who lived in the District to apply to the position and had no further involvement in the matter.” *Ibid.*

As to Count 3, regarding the food services contract, the ALJ found that Complainants’ witnesses could not “corroborate allegations that [] [R]espondent acted outside the scope of his authority as a board member with respect to the food services contract.” *Id.* at 9-10. Per the ALJ, Complainants did not present any evidence to show that Respondent “had any inappropriate involvement with the administration of the food services contract.” *Id.* at 10. The BA and the food service employees testified that although Respondent was involved in the initial discussions, the remainder of the communication and planning was done by administration and the BA. *Ibid.* Moreover, the witnesses testified that Respondent did not make any promises, the food tasting was organized in conjunction with the administration, and the food services contract was awarded through a legal RFP process. *Ibid.* The ALJ further explained that “[t]he only credible evidence produced was that [R]espondent had a conversation with the food vendor at a party in Atlantic City and suggested a food tasting event in the District,” but after this initial discussion, “all subsequent activities involving the setting up of the food tasting involved the [BA] and the administration,” and Respondent had “no involvement in the RFP process.” *Id.* at 12.

As to Count 4, regarding the hiring of Paul Baker, the ALJ found the evidence shows that Respondent “encouraged a qualified applicant to inquire with the administration regarding an open position in that District.” *Id.* at 10. The ALJ noted Board counsel and the administration were involved in the process. *Ibid.* The ALJ further noted Complainants did not present any evidence to show that Respondent “ever held himself out as having any authority to hire, nor did he act beyond the scope of his role as school board member.” *Ibid.* Moreover, the ALJ found there was not any evidence to demonstrate that Respondent “was involved in the personnel matter or acted outside the scope of his authority.” *Ibid.* The ALJ explained that “[i]t would be a great stretch of the imagination to say that the brief telephone conversation, which included counsel for the District to a potential candidate for a vacant position in the district constitute a violation of the [C]ode.” *Id.* at 12.

Accordingly, the ALJ concluded that Complainants failed to demonstrate any violations by a preponderance of evidence, and dismissed the Complaint. *Ibid.*

III. Exceptions

Complainants' Exceptions

In their exceptions, Complainants maintain that the Commission should reject the ALJ's decision. According to Complainants, the "conduct at issue – a board member making repeated unauthorized contacts with a district vendor and then intervening in an administrative hiring process to advance the candidacy of his personal friend and choice – has been adjudicated by this Commission multiple times, with violations found each time." Moreover, Complainants note Respondent spent approximately 50 years in public education, including service as superintendent in multiple districts so he "did not stumble into a technical violation," but rather "engaged in sustained, deliberate conduct that he has spent his career – from the administrative side of the ledger – enforcing against others."

Complainants argue the Initial Decision fails in three fundamental respects: (1) it applies the wrong legal standard to Count 3, analyzing only whether Respondent "administered" the schools under *N.J.S.A. 18A:12-24.1(d)* while never applying the broader *N.J.S.A. 18A:12-24.1(c)* standard that the Commission applied in the directly on-point matter, *Argenziano v. Fable*, SEC Dkt No. C20-20 (July 25, 2023), and never addresses whether *N.J.S.A. 18A:12-24(i)* was satisfied at all; (2) the dismissal of Count 3 "cannot be reconciled with its own credibility findings: the ALJ credited the testimony of every witness other than Dr. Maryann Banks, and those witnesses' testimony—taken together—establishes a violation as a matter of law"; and (3) the ALJ evaluates Count 4 "acts atomistically, rejecting each in isolation while never analyzing the pattern of conduct that the Commission's own precedent requires, and dismisses the testimony of Banks with a bare, unexplained credibility finding that itself reflects legal error."

More specifically, Complainants maintain Count 3 alleged violations of both *N.J.S.A. 18A:12-24.1(c)* and *N.J.S.A. 18A:12-24.1(d)*, but the ALJ only analyzed *N.J.S.A. 18A:12-24.1(d)*. Complainants contend the ALJ erred when she required direct administrative action or independence from the administration, rather than asking whether Respondent's conduct put the Board in potentially compromised positions without authorization. Moreover, they argue that the ALJ never applied *N.J.S.A. 18A:12-24.1(i)*, aside from a brief mention merely quoting what it states and what must be proven, and Complainants contend that Respondent's conversation with a food party vendor in Atlantic City constitutes "deliberate action." Additionally, Complainants note *Argenziano* was submitted to the ALJ as an exhibit and the Initial Decision does not mention it, and "the omission is reversible error." Complainants explain that in *Argenziano*, the Commission found a violation of *N.J.S.A. 18A:12-24.1(c)* and *N.J.S.A. 18A:12-24.1(i)* when the respondent conducted her own investigation into a technology contract by contacting district vendors and other school districts without Board authorization. Complainants contend that similarly, Respondent did not have authorization to represent that the Board was interested in a food tasting or to communicate with the vendor.

Regarding the ALJ's finding that the Interim Superintendent's testimony "was not credible," Complainants argue "the ALJ does not explain what in the record led her to reject Banks's [(sic)] account" and "[c]redibility determinations must be based on the overall assessment of a witness's story given its rationality, internal consistency, and how it comports

with other evidence.” Further, Complainants note the record does not reveal a ground for the “blanket rejection” of the Interim Superintendent’s testimony.

As to Count 4, Complainants contend the ALJ erred in referring to Baker as a “qualified” candidate because Baker himself testified that he did not have the appropriate certification to be superintendent. As such, Complainants maintain Respondent was “directing Baker – someone he knew lacked the credentials for the superintendent role – toward a position the Board had not posted, at a stage in the administrative process” where Board members did not have a role. Additionally, Complainants assert the ALJ’s assessment that this Count was based on a “single brief telephone conversation” is “a misreading of the record.” Instead, Complainants note it “encompasses four sequential acts, each independently problematic”: (1) Respondent contacted Baker, a candidate in the superintendent search, to discuss the Director of Curriculum position; (2) Respondent directed Board counsel to contact Baker about the Interim Superintendent position, before the position was posted and without the Board’s knowledge; (3) Respondent “attempted to have the [Board] Vice President sit in on the interviews” for the Curriculum Director position; and (4) Respondent asked Banks to withdraw the recommendation, but Banks refused.

Finally, Complainants assert the proper penalty is removal. Ultimately, Complainants note, “[p]enalty escalation is appropriate where violations are committed by experienced board members who have undergone ethics training and who, in the Commission’s formulation, ‘should have been well aware of their ethical obligations.’”

Respondent’s Reply to Complainants’ Exceptions

Respondent argues that Complainants’ arguments that the ALJ failed to address *N.J.S.A.* 18A:12–24.1(c) and *N.J.S.A.* 18A:12–24.1(i) in Count 3 “are superfluous and do not warrant any consideration” because the Commission already dismissed those claims in the Probable Cause Determination. Additionally, Respondent argues Complainants’ reliance on *Argenziano* is misplaced. Respondent explains that contrary to *Argenziano*, where the Board member emailed three districts looking for analysis and comparison on two types of computers and used her private business employee to get pricing information, Respondent did not have “numerous communications” or “orchestrat[e]” the food tasting, but rather asked about a potential food tasting during a conversation at an event where all Board members were invited, spoke to the Superintendent, and then the matter was addressed by the Operations Committee and the BA. Respondent maintains the ALJ appropriately assessed the credibility of the witnesses and found that Ms. Banks was not credible.

As to Count 4, Respondent contends that regarding his “brief telephone conversation” with Dr. Baker, it is “not disputed that Dr. Baker was applying for the director of curriculum position when [Respondent] spoke with him, believing he was qualified, to inquire if he might be interested in applying for the Superintendent position” and “[w]ithout providing any legal or otherwise reasonable basis, [Complainants] argue that this was [Respondent] interfering with the Director of Curriculum position.” Respondent maintains that he asked if a Board member could “sit in (not participate in) the interviews” for the Curriculum Director position. Respondent contends it is a “red herring” that it was inappropriate for him “to withdraw confirmation of Dr.

Baker as the Director of Curriculum until the Board had resolved whether or not the position stood by itself or, as had previously been voted for at a recent Board meeting, was combined with the Superintendent position,” which was then resolved with the positions being separated.

Accordingly, Respondent contends the ALJ “engaged in the correct legal processes that resulted in a sound legal decision,” and the complaint was correctly dismissed.

IV. Analysis

Upon a thorough, careful, and independent review of the record, the Commission adopts the ALJ’s factual findings, the legal conclusion that Respondents did not violate *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(i) and the dismissal of this matter.

At the outset, the Commission notes that an agency head may not reject or modify any findings of fact as to issues of credibility of lay witnesses unless it is first determined from a review of the record that those findings are arbitrary, capricious or unreasonable or are not supported by sufficient, competent, and credible evidence in the record. *N.J.S.A.* 52:14B-10(c); *N.J.A.C.* 1:1-18.6(c). Despite Complainants’ arguments, the Commission finds no basis to disturb the credibility findings of the ALJ regarding Maryann Banks’ testimony. The ALJ had the opportunity to observe and assess the witnesses during their testimony, and the credibility findings are supported by sufficient, competent, and credible evidence in the record.

Count 3

With respect to the alleged violations in Count 3, *N.J.S.A.* 18A:12-24.1(d) requires that board members carry out their responsibility, not to administer the schools, but, together with their fellow board members, to see that they are well run. Specifically, pursuant to *N.J.A.C.* 6A:28-6.4(a), factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(d) would include evidence that the 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.” While it is clear from the exhibits, including emails and text messages, that Respondent first made contact with the food service vendor at an event in Atlantic City, the evidence has not demonstrated that he scheduled the food tasting without authorization. The record demonstrates that the food service vendor sent correspondence to the BA regarding the food tasting. In fact, when the BA asked whether Respondent scheduled the event and inquired as to the date, the representative of the food service vendor clarified that a date had not been scheduled, and that the extent of the conversation with Respondent was “just an inquiry” to see if the vendor “would be interested.” It is apparent that the scheduling of a food tasting was either through the administration or authorized by the administration. Accordingly, Complainants have not proven that Respondent made any sort of direct order to school personnel. Regarding involvement in activities or functions that are the responsibility of school personnel or the day-to-day administration of the school district, Complainants have not provided definitive evidence to demonstrate that Respondent overstepped into the role of the BA or another member of the school personnel during the process of organizing a food tasting. Additionally, the RFP process appears to have been handled by the administration, and not

Respondent. As such, the Commission finds a violation of *N.J.S.A.* 18A:12-24.1(d) in Count 3 has not been established.

N.J.S.A. 18A:12-24.1(e) requires board members to recognize that authority rests with the board of education and not make any personal promises nor take any private action that may compromise the board. It is undisputed that Respondent inquired about the possibility of a food tasting during the event with a vendor at the NJSBA convention. However, upon review of the record, the evidence does not demonstrate that Respondent made a personal promise to the vendor. Additionally, Complainants have not proven that Respondent took action beyond the scope of his duties that could compromise the Board. It has not been established that Respondent promised Maschio's a contract or took other action that would bind the Board into a relationship with the vendor or otherwise compromise the Board. Additionally, with respect to Respondent's alleged visit to the cafeteria at Freehold Regional School District that was raised in the Complaint, the Commission finds it relevant that Respondent is also a board member in that District, and accordingly, his presence in that district does not appear to fall beyond the scope of his duties. Accordingly, the Commission finds a violation of *N.J.S.A.* 18A:12-24.1(e) in Count 3 has not been demonstrated.

The Commission does not find Complainants' exceptions to be persuasive. The Commission finds that Complainants' arguments as to a violation of *N.J.S.A.* 18A:12-24.1(c) and *N.J.S.A.* 18A:12-24.1(i) in Count 3 are without merit as the Commission did not find probable cause on those alleged violations. To be clear, the Commission only found probable cause for the alleged violation(s) of *N.J.S.A.* 18A:12-24.1(d) and *N.J.S.A.* 18A:12-24.1(e) in Count 3, which have been discussed in detail above. Accordingly, there was no need for the Initial Decision to address those additional provisions of the Code.

Additionally, the Commission finds that the *Argenziano* matter is not analogous to this matter. In *Argenziano*, the board member questioned the district's recommendation to replace the current student electronic devices with MacBooks, so – without approval from the board, the finance committee, the superintendent, the board president, or the board attorney – she emailed the BAs of four other districts requesting information on their experiences with MacBooks or Chromebooks, and she used an employee of her private business to send multiple emails to a district vendor “on behalf of a board member” to request quotes for Chromebooks. Unlike *Argenziano*, with the exception of an initial inquiry at an event in which the entire Board was invited, it does not appear that Respondent moved forward and conducted a food tasting or investigation without the knowledge of the Board or administration. As such, Complainants' reliance on *Argenziano* to demonstrate a violation of the Code is not convincing.

Count 4

With respect to the alleged violations in Count 4, *N.J.S.A.* 18A:12-24.1(d) requires that board members carry out their responsibility, not to administer the schools, but, together with their fellow board members, to see that they are well run. Pursuant to *N.J.A.C.* 6A:28-6.4(a), factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(d) would include evidence that the 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.” It has been established that Respondent, along with Board counsel, called a principal in the District, Dr. Baker, to discuss the open position of Superintendent. Ultimately, according to Dr. Baker’s testimony, he advised them that he did not have the appropriate certification for the Superintendent position, and applied for the Curriculum Director position. The record lacks proof that Respondent intervened in the selection process or was otherwise involved in the hiring decision. Thus, Complainants have not demonstrated that Respondent gave a direct order to school personnel or became directly involved in activities or functions of school personnel through advising an employee about a job opening. Accordingly, the Commission finds that a violation of *N.J.S.A.* 18A:12-24.1(d) has not been established.

N.J.S.A. 18A:12-24.1(e) requires board members to recognize that authority rests with the board of education and not make any personal promises nor take any private action that may compromise the board. The Commission notes there is an exhibit in the record in which Dr. Banks describes her account of a conversation between Respondent and Dr. Baker, which included her assertion that Respondent told Dr. Baker that he would have the full support of the Board. While the ALJ does not reference this document specifically, the ALJ finds Dr. Banks’ testimony to be not credible, and the Commission notes that Dr. Banks was not present during the conversation between Respondent, Dr. Baker and Board counsel. Conversely, Dr. Baker testified that Respondent and Board counsel encouraged him to apply for the position, but notes that Respondent did not have any further involvement and never offered him the position. Given the evidence, the Commission finds that Complainants have not proven that Respondent made a personal promise to Dr. Baker. Further, it has not been established that Respondent took any action beyond the scope of his duties that could compromise the Board when he advised Dr. Baker of the Superintendent position. Accordingly, the Commission finds a violation of *N.J.S.A.* 18A:12-24.1(e) had not been demonstrated.

N.J.S.A. 18A:12-24.1(i) requires board members to support and protect school personnel in the proper performance of their duties. Pursuant to *N.J.A.C.* 6A:28-6.4(a), factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(i) would include evidence that the Respondent “took deliberate action that resulted in undermining, opposing, compromising, or harming school personnel in the proper performance of their duties.” The Commission finds that it has not been established that Respondent intervened in the hiring process or took any actions that would undermine the school personnel who did conduct the hiring. As such, a violation of *N.J.S.A.* 18A:12-24.1(i) had not been established.

The Commission disagrees with Complainants’ exceptions that the ALJ erred by referring to Dr. Baker as a “qualified” candidate. Whether Dr. Baker ultimately held the appropriate certification for the Superintendent position is not an issue under the Commission’s jurisdiction, nor does it mean that Respondent was prohibited from informing him of the opening. Additionally, the Commission notes that Respondent’s alleged “four sequential acts” are not convincing. First, Respondent’s contact with Dr. Baker has already been discussed. Second, whether Respondent asked Board counsel to contact Dr. Baker, possibly without Board knowledge, is an issue of Board governance. The Commission does not oversee who has authority to contact Board counsel. Third, whether the Board Vice President observed the interviews, without participating in the interviews, is also a matter of Board governance. Finally, it appears that any request by Respondent to withdraw a recommendation regarding Dr. Banks

stemmed from a question as to whether the Director of Curriculum position was separate from or combined with the Superintendent position, which would be appropriate for a Board president to clarify before voting on a personnel matter. The Commission is therefore not persuaded by Complainants' arguments.

Accordingly, the Commission concurs with the Initial Decision that this matter should be dismissed.

V. Decision

Upon review, the Commission adopts the Initial Decision's factual findings, the legal conclusion that Respondent did not violate *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(i), and the dismissal of the above-captioned matter.

Therefore, this is a final agency decision and is appealable only to the Superior Court-Appellate Division. *See, N.J.A.C.* 6A:28-9.10(b) and *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: June 23, 2026

**Resolution Adopting Decision
in Connection with C46-24**

Whereas, at its meeting on March 25, 2025, the School Ethics Commission (Commission) voted to transmit the above-captioned matter to the Office of Administrative Law (OAL) for a hearing; and

Whereas, the Administrative Law Judge (ALJ) issued an Initial Decision dated April 8, 2026; and

Whereas, in the Initial Decision, the ALJ found that Respondent did not violate *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(i), and ordered the dismissal of the above-captioned matter; and

Whereas, Complainants filed exceptions to the Initial Decision, and Respondent filed a reply to the exceptions; and

Whereas, at its meeting on May 26, 2026, the Commission reviewed and discussed the record, including the ALJ's Initial Decision; and

Whereas, at its meeting on May 26, 2026, the Commission discussed Initial Decisions factual findings, the legal conclusion that Respondent did not violate *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(i), and the dismissal of the above-captioned matter; and

Whereas, at its meeting on June 23, 2026, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on May 26, 2026; and

Now Therefore Be It Resolved, the Commission hereby adopts the within decision.

Robert W. Bender, Chairperson

I hereby certify that this Resolution was duly adopted by the School Ethics Commission at its meeting on June 23, 2026.

Brigid C. Martens, Director
School Ethics Commission