

Before the School Ethics Commission
Docket No.: C46-25
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 May 13, 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)* and *N.J.S.A. 18A:12-24(c)*, as well as *N.J.S.A. 18A:12-24.1(d)* and *N.J.S.A. 18A:12-24.1(e)* of the Code of Ethics for School Board Members (Code). Respondent filed a Written Statement on June 4, 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, Respondent has “shown a biased attitude toward Complainant allowing her to be mocked by [B]oard counsel, delaying or ignoring agenda questions from Complainant, and complying with the [Business Administrator (BA)] delaying her from registering for [New Jersey School Boards Association (NJSBA)] conferences; which impedes Complainant’s [B]oard responsibilities and learning.” Further, Complainant maintains that Respondent “has failed to act in a manner that upholds the public trust in the board and has failed as Board President to question or completely investigate the Superintendent when proof was

presented to him regarding unscrupulous actions that clearly violate her employment contract.” More specifically, Complainant states that she has provided Respondent with invoices from Board counsel, which show “questionable itemization” where the Superintendent used Board counsel “as her own personal attorney in her campaign against Complainant and school board election interference and documents showing the [Superintendent] using her position for the benefit of family and friends.” Further, Complainant contends the evidence shows that the Superintendent used “[D]istrict money to handle several ‘*pro se*’ ethic[s] complaints against a Board [m]ember which conflicts counsel in advising the Board in a fiduciary manner.”

Complainant asserts that on January 20, 2025, she requested that Respondent, as Board President, initiate a “third party investigation” of the Superintendent, Assistant Superintendent, BA, and three Board members for “harassment, retaliation and impediment of [their] duties.” Initially, Complainant’s attorney submitted the request to Board counsel on October 29, 2024, and Board counsel shared the request with the named parties, as well as with the remaining Board members. According to Complainant, during executive session on April 28, 2025, Respondent informed the Board that after speaking with each Board member (excluding Complainant), he decided to deny Complainant’s request for a third party investigation into the alleged harassment charges, without a “formal discussion and recorded voted.” Complainant states that Respondent discussed the matter with three conflicted Board members “and did not relay complete information to non-conflicted board members.”

With the above in mind, 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(d)* and *N.J.S.A. 18A:12-24.1(e)*, because he “took private action and did not discuss the matter as a quorum regarding the legal matter and documented complaint to the Board”; “did not present complete information to each individual Board member”; “ignored this request which leaves the district open to a civil lawsuit”; “soley [(sic)] ignored reports of harassment and retaliation . . . which any reasonable person would perceive was to benefit him and for continued financial gain”; is not ensuring that our schools “are being run well” and “is complacent in having zero oversight”; and “consulted Board [m]embers named in the request.”

B. *Written Statement*

Respondent admits that he informed Complainant and the remainder of the Board that an investigation related to Complainant’s allegations would not be pursued. Respondent states that he discussed Complainant’s request with each Board member “privately and individually . . . not to discourage or quash discussion but to seek advice.” Respondent denies the allegations and states he “did not take any private action that may compromise the board”; did not use his “official position to secure unwarranted privileges, advantages or employment . . .” and did not use his “official capacity in any matter . . .”

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

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.

Complainant further submits that Respondent violated *N.J.S.A. 18A:12-24.1(d)* and *N.J.S.A. 18A:12-24.1(e)*, 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.

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

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(c)*, *N.J.S.A. 18A:12-24.1(d)* and/or *N.J.S.A. 18A:12-24.1(e)* were violated. The Complaint does not demonstrate how Respondent created an unwarranted privilege, advantage or employment for himself or others, as required by *N.J.S.A. 18A:12-24(b)*, when he spoke to fellow Board members and denied Complainant's request for a third party investigation. As to *N.J.S.A. 18A:12-24(c)*, the Complaint does not allege that Respondent has a direct or indirect financial interest or personal involvement in the third party investigation, or that it created a benefit to him or a member of his immediate family. Further, the Complaint is devoid of facts as to how Respondent became involved in activities or functions that are the responsibility of school personnel or the day-to-day administration of the school, as set forth in *N.J.S.A. 18A:12-24.1(d)*, because whether the Board conducts a third party investigation is a Board decision. Finally, regarding *N.J.S.A. 18A:12-24.1(e)*, surveying Board members regarding a Board issue is not outside the scope of Respondent's duties as Board President, nor does it have the potential to compromise the Board. Consequently, and pursuant to *N.J.A.C. 6A:28-9.7(b)*, the Commission dismisses the alleged violation(s) 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(d)* and *N.J.S.A. 18A:12-24.1(e)*

IV. 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 46-25***

Whereas, at its meeting on December 16, 2025, the School Ethics Commission (Commission) considered the Complaint and the Written 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