***Before the School Ethics Commission***
***Docket No.: C46-26***
***Decision on Probable Cause***

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**Joseph LaFranca, Nancy Cardone, Laura Cima,**
**John Cannizzaro and William F. Thomas,**
***Complainants***

**v.**

**Alfonso Mastrofilipo Jr.,**
**Lodi Board of Education, Bergen County,**
***Respondent***

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## I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on April 8, 2026, by Joseph LaFranca, Nancy Cardone, Laura Cima, John Cannizzaro and William F. Thomas (Complainants), alleging that Alfonso Mastrofilipo Jr. (Respondent), a member of the Lodi 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(a), *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(f), *N.J.S.A.* 18A:12-24.1(g), and *N.J.S.A.* 18A:12-24.1(i) of the Code of Ethics for School Board Members (Code).

On May 29, 2026, Respondent filed a Written Statement, which included an allegation that the Complaint is frivolous. On July 13, 2026, Complainants 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 Complainants, on March 30, 2026, during and following a Board meeting, Respondent "engaged in conduct that appeared disorderly, unprofessional, and inconsistent with obligations under" the Code. More specifically, Respondent "[r]epeatedly shout[ed] and engag[ed] in disruptive and hostile behavior during the public meeting"; "[d]irectly argu[ed] with the Board Attorney in a disrespectful manner stating to the Board attorney that 'You are nothing but a mouthpiece for the political people up here'"; "[i]nterrupt[ed] the Board attorney and Board President"; and "[d]isregard[ed] procedural guidance, to which the Board attorney attempted to explain Robert's rules when the president gave a motion to adjourn." Following the adjournment of the meeting, Respondent "was involved in a separate incident involving a parent of a special education student" when he "allegedly engaged in aggressive, confrontational, and unprofessional conduct, including verbal incidents." Complainants assert the conduct noted above is in violation of *N.J.S.A*. 18A:12-24.1(i) in Count 1.

In Count 2, Complainants contend Respondent breached confidentiality when he "disseminated a letter he submitted to the Board that had not been shared with all members and was the subject of discussion in closed session." The letter, authored by Respondent, addressed concerns that Complainants violated the Open Public Meetings Act (OPMA). Complainants further contend the letter was "subsequently published on social media by 'CITIZENS AGAINST CORRUPTION' an organization with which [Respondent] is reportedly affiliated as a founder." Complainants assert Respondent violated *N.J.S.A*. 18A:12-24.1(a), *N.J.S.A*. 18A:12-24.1(e), *N.J.S.A*. 18A:12-24.1(f) and *N.J.S.A*. 18A:12-24.1(g).

### B. *Written Statement and Allegation of Frivolous Filing*

In his Written Statement, which includes an allegation of frivolous filing, Respondent denies the allegations in the Complaint and notes that a video was not provided. Respondent maintains Complainants "do not provide a detailed specific recitation of alleged facts to support their claims. Rather, they summarily allege that [Respondent] engaged in disruptive and unprofessional behavior during and after the March 30, 2026, Board Meeting."

As to Count 1, Respondent argues that Board members and Board counsel are not school personnel nor is Board counsel a school official. As such Complainants have not alleged that Respondent's behavior impacted any school personnel in the performance of their duties. Moreover, Respondent further argues Complainants have not provided any evidence that the "unnamed person" that Respondent "allegedly interacted with" is employed by the school. Therefore, Respondent maintains a violation of *N.J.S.A*. 18A:12-24.1(i) cannot be sustained if Respondent's actions did not have an impact "on whether school personnel were able to perform their duties." Further, Respondent also maintains Complainants have not established how Respondent's actions "impacted the functioning of any school personnel at all."

Regarding Count 2, Respondent states that Complainants neither provide a court order or final decision, nor do they allege Respondent sought to change school laws through illegal or unethical means in order to support a violation of *N.J.S.A*. 18A:12-24.1(a). Respondent further states, "even accepting the facts as true, there is no allegation that [Respondent] made any

personal promises" nor is there "any allegation that sharing his letter to other Board members somehow compromised the Board" in violation of *N.J.S.A*. 18A:12-24.1(e). As to a violation of *N.J.S.A*. 18A:12-24.1(f), Respondent argues "[n]one of the allegations within the Complaint even suggest that [Respondent] took action on behalf of a special interest group or derived any benefit from his alleged actions." Finally, regarding a violation of *N.J.S.A*. 18A:12-24.1(g), Respondent maintains Complainants have not provided any evidence to demonstrate that Respondent disseminated the letter. Moreover, Respondent notes the post refers to Respondent in the third person, and therefore, suggests that Respondent was not the person who posted the letter. Respondent further notes Complainants do not even allege that Respondent "either (1) leaked the letter to someone outside of the Board, or (2) was the individual who made the Facebook post." Respondent argues Complainants "summarily allege" that he "'publicly disseminated' the letter but provide no direct evidence of this assertion." As to the second prong of *N.J.S.A*. 18A:12-24.1(g), Complainants do not allege nor provide any facts to support that Respondent needlessly injured anyone individually or the school district as a whole. Respondent contends that Complainants do not specify what in the letter was confidential and further the letter "only critiques the Board's decision to enter closed session[,]" it "does not discuss any details of what was discussed in closed session or reveal any privileged communication between the Board and its solicitor."

Finally, Respondent asserts the Complaint is frivolous, because as Board members, Complainants should know that the allegations presented here fail to state any cognizable claim upon which relief can be granted. Respondent further asserts Complainants "have alleged a series of violations which cannot have any reasonable basis in law and cannot be supported by any good faith argument."

### C. *Response to the Allegation of Frivolous Filing*

In response to the allegation of frivolous filing, Complainants maintain the Complaint was filed after multiple Complainants personally witnessed Respondent's conduct during the March 30, 2026, Board meeting and the events immediately following the meeting. According to Complainants, the "allegations were based upon firsthand observations, contemporaneous recordings, Board documents, and publicly available social media posts." Complainants maintain the Complaint was not based on speculation or personal animus, but instead based on conduct that they reasonably believed warranted review by the Commission.

## 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 Complainants seek 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 Complainants 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*

Complainants submit that Respondent violated *N.J.S.A.* 18A:12-24.1(a), *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(f), *N.J.S.A.* 18A:12-24.1(g), and *N.J.S.A.* 18A:12-24.1(i), and these provisions of the Code provide:

> a. I will uphold and enforce all laws, rules and regulations of the State Board of Education, and court orders pertaining to schools. Desired changes shall be brought about only through legal and ethical procedures.
>
> 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.
>
> g. I will hold confidential all matters pertaining to the schools which, if disclosed, would needlessly injure individuals or the schools. In all other matters, I will provide accurate information and, in concert with my fellow board members, interpret to the staff the aspirations of the community for its school.
>
> i. I will support and protect school personnel in proper performance of their duties.

Pursuant to *N.J.A.C.* 6A:28-6.4(a), violations of *N.J.S.A.* 18A:12-24.1(a), *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(f), *N.J.S.A.* 18A:12-24.1(g), and *N.J.S.A.* 18A:12-24.1(i) need to be supported by certain factual evidence, more specifically:

1. Factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(a) shall include a copy of a final decision from any court of law or administrative agency of this State demonstrating that Respondent failed to enforce all laws, rules and regulations of the State Board of Education, and/or court orders pertaining to schools or that Respondent brought about changes through illegal or unethical procedures.

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.

7. Factual evidence of a violation of the confidentiality provision of *N.J.S.A.* 18A:12-24.1(g) shall include evidence that Respondent took action to make public, reveal or disclose information that was not public under any laws, regulations or court orders of this State, or information that was otherwise confidential in accordance with board policies, procedures or practices. Factual evidence that Respondent violated the inaccurate information provision of *N.J.S.A.* 18A:12-24.1(g) shall include evidence that substantiates the inaccuracy of the information provided by Respondent and evidence that establishes that the inaccuracy was other than reasonable mistake or personal opinion or was not attributable to developing circumstances.

9. Factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(i) shall include evidence that Respondent took deliberate action which resulted in undermining, opposing, compromising or harming school personnel in the proper performance of their duties.

***Count 1***

In Count 1, Complainants contend that Respondent violated *N.J.S.A.* 18A:12-24.1(i) when he engaged in conduct that was unprofessional and disorderly towards the Board President, Board counsel, and a parent at a Board meeting. Respondent counters that none of the above are school personnel.

After 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(i) was violated. School Board members, Board counsel, and parents are not school personnel. Therefore, Complainants have not shown how Respondent's actions have

undermined, opposed, compromised or harmed school personnel in the proper performance of their duties.

Consequently, and pursuant to *N.J.A.C.* 6A:28-9.7(b), the Commission dismisses the alleged violation of *N.J.S.A.* 18A:12-24.1(i) in Count 1.

However, the Commission would be remiss if it did not address the matter of "unprofessional" behavior. Board members should keep in mind that their conduct in public is a reflection of the board as a whole, even if their conduct does not necessarily violate the Act. As such, Board members should treat their fellow Board members, as well as parents and other members of the public, with respect.

***Count 2***

In Count 2, Complainants argue that Respondent violated *N.J.S.A*. 18A:12-24.1(a), *N.J.S.A*. 18A:12-24.1(e), *N.J.S.A*. 18A:12-24.1(f) and *N.J.S.A*. 18A:12-24.1(g) when he disseminated a confidential letter he sent to the Board that had been discussed in closed session. Respondent counters that the letter was not confidential and that he did not discuss particulars of what happened in closed session.

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:12-24.1(a), *N.J.S.A*. 18A:12-24.1(e), *N.J.S.A*. 18A:12-24.1(f) and *N.J.S.A*. 18A:12-24.1(g) were violated. The Commission finds that Complainants have not provided a copy of a final decision from any court of law or other administrative agency demonstrating or specifically finding that Respondent violated a specific law, rule, or regulation of the State Board of Education and/or court orders pertaining to schools, or that he brought about changes through illegal or unethical procedures, as required by *N.J.S.A.* 18A:12-24.1(a). With regard to a violation of *N.J.S.A*. 18A:12-24.1(e), Complainant has not shown how Respondent's dissemination of a letter that he wrote had the potential to compromise the Board. As for a potential violation of *N.J.S.A.* 18A:12-24.1(f), Complainants have not shown 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. The fact that the letter was posted in the CITIZENS AGAINST CORRUPTION Facebook group does not mean that Respondent took action on behalf of, or at their request. Additionally, Complainants have not shown how the dissemination of this letter would be evidence that Respondent used the schools in order to acquire some benefit for himself, a member of his immediate family or a friend. Lastly, as required to find a violation of *N.J.S.A*. 18A:12-24.1(g), Complainants have not shown how the letter that was disseminated was required to be kept confidential by Respondent or was inaccurate.

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(a), *N.J.S.A*. 18A:12-24.1(e), *N.J.S.A*. 18A:12-24.1(f) and *N.J.S.A*. 18A:12-24.1(g) in Count 2.

## 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 Complainants 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 Complainants 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 Complainants 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 C46-26*

***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