Before the School Ethics Commission
Docket No.: C49-26
Decision on Probable Cause

Gennaro Di Stefano,
Complainant

v.

Dr. Scott Rocco,
Hamilton Township Board of Education, Mercer County,
Respondent

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on June 11, 2026,[1] by Gennaro Di Stefano (Complainant), alleging that Scott Rocco (Respondent), Superintendent of the Hamilton Township School District (District), 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(e), *N.J.S.A.* 18A:12-24(f), and *N.J.S.A.* 18A:12-24(i). Respondent filed a Written Statement on July 8, 2026.

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. Following its discussion on September 22, 2026, the Commission adopted a decision at its meeting on October 27, 2026, finding the Complaint untimely, and administratively dismissing the above-captioned matter in accordance with its authority as set forth in *N.J.A.C.* 6A:28-9.2(a)(2).

II. Summary of the Pleadings

A. *The Complaint*

Complainant alleges that on September 16, 2024, a contracted school security guard "made a false allegation" about Complainant, a staff member in the District. Complainant asserts that under Respondent's administration, "the district conducted only a minimal and incomplete investigation." Complainant asserts Respondent's "failure [to perform an investigation] allowed a false narrative to take hold and directly contributed to the retaliatory actions that followed."

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[1] On April 14, 2026, Complainant filed a deficient Complaint and on May 26, 2026, Complainant filed a second deficient Complaint; however, on June 11, 2026, Complainant cured all defects and filed an Amended Complaint that was deemed compliant with the requirements detailed in *N.J.A.C.* 6A:28-6.3.

Complainant further maintains that on October 2, 2024, he returned the district keys, "as instructed," did not step "onto school property," and despite this, the district "escalated the situation" based on a false narrative "repeated by the security guard to the principal" by sending out an email with his photograph and "with statements implying that [Complainant] was not permitted on school property." Per Complainant, Respondent did not review the facts or conduct a proper investigation.

Ultimately, Complainant alleges Respondent's "failure to take any investigative steps set in motion a series of preventable actions that ultimately resulted in [Complainant's] removal, while the individual who made the false allegation remained in his position."

In Count 1, Complainant asserts Respondent violated *N.J.S.A*. 18A:12-24(b), because he "used his position to escalate a false allegation without investigation, protected a contracted security guard with a known pattern of inappropriate conduct, and circulated a district wide email that misrepresented [Complainant]" and "provided the guard with an unwarranted advantage to the guard while harming [Complainant's] reputation and denying [his] due process."

In Count 2, Complainant contends Respondent violated *N.J.S.A*. 18A:12-24(e), because by "circulating a district-wide email resembling a 'wanted poster,' failing to investigate, and accepting coordinated false allegations without verification, [Respondent] created the appearance of impropriety" and his actions "would lead a reasonable observer to conclude that he acted without objectivity or impartiality" thereby "creat[ing] the appearance of impropriety."

In Count 3, Complainant alleges Respondent violated *N.J.S.A*. 18A:12-24(f), because his actions, "including escalating the situation without evidence, failing to review video footage, and failing to ensure a proper investigation," would "reasonably lead the public to suspect improper conduct." Complainant further alleges Respondent's "judgment was impaired by reliance on unverified allegations and coordinated narratives."

In Count 4, Complainant asserts Respondent violated *N.J.S.A*. 18A:12-24(i), because he "failed to perform his duties impartially by allowing coordinated false allegations to dictate district actions, failing to protect employee rights, and failing to ensure procedural integrity." Complainant notes Respondent's "district-wide email amplified a false narrative and undermined public trust."

As to the timeliness of this matter, Complainant notes he "did not know, and could not reasonably have known, that the [Commission] had jurisdiction until late 2025." Complainant further notes, once he "learned of the SEC's role, [he] acted diligently." Complainant also notes it was not until he discussed his situation with a "friend" that he was "informed" that he was able to report these concerns and as soon as he "became aware of this, [he] acted in good faith and filed promptly."

B. *Written Statement and Allegation of Frivolous Filing*

In his Written Statement, Respondent initially argues the Complaint should be dismissed because it is untimely, having been filed well beyond the 180-day period, and it fails to state a violation of any subsection of the Act that it invokes. Respondent denies each allegation asserted against him.

Respondent argues that the Complaint is primarily about the actions of individuals who are not parties to this matter, and the conduct attributed to Respondent "is a district-wide email that Respondent did not author or send," "but was issued as a building-access notice by the District's Director of Administration, on which [Respondent] appears as nothing more than a recipient." According to Respondent, "[o]nce that misattributed email is set aside, the pleading" does not identify any act by Respondent whatsoever, and it does not satisfy the elements of the four subsections it cites, two of which, do not even describe the conduct their own captions claim.

Respondent maintains that the Complaint does not identify a privilege or advantage that Respondent is said to have secured for himself or for any other member of his immediate family, does not identify a thing of value that he is said to have solicited or accepted, nor does it identify a financial gain he is said to have pursued. Ultimately, Respondent maintains that Complainant "fails to state a violation" of *N.J.S.A*. 18A:12-24(b), *N.J.S.A*. 18A:12-24(e), *N.J.S.A*. 18A:12-24(f) and *N.J.S.A*. 18A:12-24(i).

As to the timeliness, Respondent notes "Complainant's own words establish that he knew of the underlying conduct from the outset." Respondent further notes that Complainant represents he "did not know, and could not reasonably have known, that the School Ethics Commission had jurisdiction until late 2025"; however, Complainant "conspicuously omit[s]" any suggestion that the underlying conduct was concealed from him, or that he was unaware of it as it was happening. Respondent argues that Complainant "personally observed, and fully understood, each of the events on which his claims rest at the very time those events occurred in 2024."

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."

Alleged Untimeliness and Jurisdiction

The Commission's regulations provide a 180-day limitation period for filing a complaint. More specifically, *N.J.A.C.* 6A:28-6.5(a) provides, in relevant part:

> (a) Complaints shall be filed within 180 days of notice *of the events which form the basis of the alleged violation(s)*. A complainant shall be deemed to be notified of events that form the basis of the alleged violation(s) *when the complainant knew of the events, or when such events were made public so that one using reasonable diligence would know or should have known* (emphasis added).

The Commission recognizes that limitation periods of this type serve to discourage dilatoriness and provide a measure of repose in the conduct of school affairs. *Kaprow v. Berkley Township Bd. of Educ.*, 131 *N.J.* 571, 587 (1993). Thus, "notice of the alleged violation" must be interpreted in a manner that anticipates the reasonable diligence of complainant(s). In addressing potential violations of the Act, the Commission must balance the public's interest in knowing of potential violations against the important policy of repose and a respondent's right to fairness. The time limitations set forth in the regulations must be enforced if the Commission is to operate in a fair and consistent manner. *Phillips v. Streckenbein et al., Edgewater Park Bd. of Educ., Burlington County*, C19-03 (June 24, 2003).

In this matter, Complainant filed his First Deficient Complaint on April 14, 2026, and 180 days prior to that date is October 16, 2025. The allegations in the Complaint occurred in or around September and October 2024, which are well beyond the limitations period. Complainant acknowledges that he filed the within Complaint past the 180-day period but states that he "did not know, and could not reasonably have known, that the [Commission] had jurisdiction until late 2025." Complainant argues that as soon as he became aware of the jurisdiction of the Commission, "[he] acted in good faith and filed promptly." Respondent counterargues that the Complainant was aware of the events when they happened, and therefore, whether he was aware of the Commission is irrelevant to the timeliness argument.

Pursuant to *N.J.A.C.* 6A:28-6.5(a), the Commission must determine when Complainant knew of the events which form the basis of his Complaint, or when such events were made public so that one using reasonable diligence would know, or should have known, of such events.

After review, the Commission finds that there is not a credible basis upon which to find the matter timely. As stated in *N.J.A.C.* 6A:28-6.5(a), "A complainant shall be deemed to be notified of events that form the basis of the alleged violation(s) when the complainant knew of the events." The Commission further finds Complainant was aware of the events that formed the within Complaint when they were happening. The Commission notes Complainant could have researched potential filing procedures at the time it was happening, including whether filing an ethics complaint was an option. However, the Commission further notes Complainant's ignorance of the administrative process does not allow him to file a complaint two years later.

Therefore, although the Commission recognizes that the regulatory time period may be relaxed, in its discretion, in any case where strict adherence may be deemed inappropriate or unnecessary or may result in injustice, it does not find extraordinary circumstances in the within matter that would compel relaxation.

Accordingly, and for the reasons set forth above, the Commission finds that the Complaint, on its face, was not timely filed pursuant to *N.J.A.C.* 6A:28-6.5. As the Commission is authorized, in accordance with *N.J.A.C.* 6A:28-9.2(a)(2), to administratively dismiss a complaint that is not timely filed pursuant to *N.J.A.C.* 6A:28-6.5, the Commission finds that the Complaint should be dismissed.

Additionally, while the Commission has found that the Complaint should be dismissed due to lack of timeliness, the Commission would also like to address its jurisdiction. 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). Therefore, even if the within Complaint was timely, the Commission does not have jurisdiction over matters involving whether Respondent may have violated any Board policies and/or human resources policies, including whether the District conducted an investigation into employment-related complaints.

IV. Decision

Based on the foregoing, and pursuant to its authority as set forth in *N.J.A.C.* 6A:28-9.2(a)(2), the Commission administratively dismisses the above-captioned matter because it was not timely filed pursuant to *N.J.A.C.* 6A:28-6.5.

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 C49-26

Whereas, at its meeting on September 22, 2026, 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 September 22, 2026, the Commission discussed administratively dismissing the above-captioned matter in accordance with its authority as set forth in *N.J.A.C.* 6A:28-9.2(a)(2) because it was not timely filed pursuant to *N.J.A.C.* 6A:28-6.5; 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