

Before the School Ethics Commission
Docket No.: C53-25
Decision on Probable Cause

**Gavin Rozzi,
Complainant**

v.

**Harold “Skip” Peters,
Lacey Township 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 22, 2025, by Gavin Rozzi (Complainant), alleging that Harold “Skip” Peters (Respondent), a member of the Lacey Township 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)*, as well as *N.J.S.A. 18A:12-24.1(c)*, *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 June 27, 2025.¹

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 was chair of the Ad Hoc Referendum Committee during the recent school bond referendum campaign. Complainant maintains that throughout the campaign, Respondent “repeatedly engaged in improper conduct through hostile, derogatory, and inflammatory social media comments targeting constituents who questioned the referendum.”

More specifically, Complainant provides that on January 30, 2025, Respondent “injected himself into the public discussion” by replying to a resident’s Facebook post, related to the January 28

¹ Respondent’s submission was captioned as a “Motion to Dismiss in Lieu of Answer.” The Commission considered the Motion to Dismiss, with Respondent’s consent, as Respondent’s Written Statement.

Board meeting, posted on a community Facebook group titled “Lacey, NJ.” Respondent’s reply stated, “Aaaaaah more people realizing the agenda of a few bad apples, bad apples that just consistently hang from a tree that wants to see this town fail.” Per Complainant, Respondent’s “response provides compelling evidence that a reasonable member of the public understood [Respondent’s] comments to reflect Board business and the Board’s positions on the referendum.”

Additionally, Complainant contends that on March 3, 2025, Respondent “publicly ridiculed” a member of the public who raised questions about the financial transparency of the proposed referendum, when he replied to a post on the same Facebook page, stating:

This all comes from a guy that sells \$8.00 bars of soap??? Just throwing random numbers out there that has no idea how this process works?? Have you attended one meeting do you realize this is just estimates from the architect and that three bids will be submitted for each project and by law the lowest bid has to be taken??? Do you realize when the roofs are removed that all new double the value insulation will be installed??? SMH!!!

Complainant contends that another post said:

...no matter what anyone says this group will twist, try to manipulate others with false facts, and enjoys stirring the pot. The fun part is people are seeing through them and calling them out!!! They think saying things on facebook and the microphone makes a difference. If they really wanted to make a difference they would run for the board.

Complainant asserts given Respondent’s “prominent role as Chair of the Referendum Committee and the content of his posts – which directly addressed referendum operations and critics – it is clear that the public . . . reasonably understood [Respondent’s] comments as being made pursuant to his official duties.” Complainant provides that Respondent “underscored that he was speaking as a Board insider by ridiculing residents who voiced concerns at the public comment microphone during Board meetings.” According to Complainant, by referencing the microphone in his post, which appears to refer to the public comment portion at Board meetings, Respondent “was responding in his official capacity.”

Complainant maintains that Respondent’s “pattern of inflammatory social media tirades extended beyond the referendum to the 2025-26 school-budget process.” Complainant further maintains on May 5, 2025, Respondent commented on a Facebook post when a resident, a district employee, was questioning a proposed tax increase “okay what’s your answer—the governor has taken over 14 million from [us] in the last 7 years... health insurance alone has gone up 30 percent this year...there are 3 openings on the school board this coming November — DM your email and I will send you the application process if you have some better ideas.” Thus, Complainant contends Respondent publicly encouraged a district employee to run for the Board, thereby encouraging “conduct that would place an employee in direct conflict.” Complainant argues “[t]he substance of Respondent’s remarks — defending the tax-increase budget, citing the district’s \$14 million state-aid shortfall, and invoking “health insurance” cost drivers —relates exclusively to matters over which the Board has statutory authority.”

Complainant further maintains Respondent's "pattern of undisclaimed advocacy" "demonstrates a willful disregard for both A02-22 and [Board] policy 0169.02." Complainant notes each "undisclaimed post leverages insider Board knowledge to influence public opinion, thereby blurring any line between private speech and official representation and further compromising the Board's integrity." Complainant further notes Respondent "failed to include any explicit disclaimer clarifying that his statements were personal opinions rather than official Board positions." Moreover, Respondent "not only failed to provide any disclaimer, but proceeded to speak in great detail about Board operations, policy, and funding matters directly tied to the referendum and school budget adoption process."

Complainant finds it noteworthy to mention that Respondent was one of the Complainants in *IMO Discenza, Lacey Township Board of Education*, C75-19 (December 17, 2024) in which the respondent was found to have violated several provisions of the Act based on her social media posts. According to Complainant, despite "his active role in initiating and supporting the [C75-19] complaint, which resulted in a final decision and penalty of censure for violations nearly identical to those alleged herein, **Respondent proceeded to engage in the exact same prohibited conduct that he previously litigated against before the Commission.**" Complainant contends Respondent's "conduct reflects not merely poor judgment but a knowing, purposeful, and deliberate breach of duties, further eroding public trust in the Board and warranting enhanced scrutiny and appropriate sanctions."

With the above in mind, and in Count 1, Complainant asserts that on January 30, March 3, March 4 and May 5, 2025, Respondent, "while acting in his capacity as a Board member and Chair of the Referendum Committee," "used Facebook to disparage and intimidate constituents who opposed either the [] referendum . . . or the proposed . . . budget" in violation of *N.J.S.A. 18A:12-24(b)*, because he used his "role to publicly and aggressively disparage constituents . . . His comments were designed to silence opposition and unfairly promote the referendum . . . securing an unwarranted advantage for the initiative and undermining public discourse."

In Count 2, Complainant contends that on the same dates, Respondent's actions were "beyond the scope of his duties that compromised the Board's authority by projecting partisan hostility and moving Board business into private channels." Complainant further contends Respondent violated *N.J.S.A. 18A:12-24.1(e)*, because his "hostile and unprofessional social media tirade, lacking any disclaimer, and his antagonistic conduct during public meeting, significantly undermined the impartiality, credibility, and public trust in the Board."

In Count 3, Complainant asserts Respondent violated *N.J.S.A. 18A:12-24.1(f)*, because he "shows a continuous course of partisan advocacy for the referendum and budget that demonstrates surrender of independent judgment." Complainant further asserts Respondent's "role in aggressively promoting the referendum and attacking critics of the Board online demonstrates a surrender of his impartial judgment in favor of partisan interests."

In Count 4, Complainant maintains Respondent violated *N.J.S.A. 18A:12-24.1(c)*, because he "failed to confine his actions . . . by using his role as Chair of the Referendum Committee to engage in unsolicited public advocacy, confrontation, and personal attacks . . . attempted to impose and defend the referendum outside the deliberative process of the Board."

B. *Written Statement*

Respondent initially notes that “the public school referendum did not pass as the public vote defeated the public referendum.” Respondent asserts Complainant alleges “without sufficient evidence, that Respondent published private Facebook posts using Respondent’s private Facebook account without providing appropriate disclaimers and that the content of the private Facebook posts involved four (4) separate violations of the [Act]”; however, Complainant does not provide any facts or evidence to support these claims.

More specifically as to Count 1, Respondent argues the Complaint “is devoid of any facts or evidence which would show any such unwarranted privilege that would be received by Respondent based upon the private Facebook commentary.” Moreover, Respondent notes he did not secure an unwarranted privilege because the referendum did not pass. Respondent further argues his social media posts were on his personal Facebook page and there was not a connection between his personal Facebook page and his relationship to the Board. Respondent maintains his posts “contained opinions coupled with factual information that was readily available in the public domain.”

Regarding Count 2, Respondent asserts that any reference Complainant makes that Respondent’s comments “may have constituted defamation, slander and/or libel,” are beyond the authority of the Commission. Respondent further asserts Complainant “does not offer any facts or evidence that would support the claim that Respondent made personal promises or acted beyond the scope of his duties, and it equally fails to establish that any acts that were undertaken by Respondent had the possibility of compromising the Board.” Again, Respondent states he expressed “his opinion on his personal [Facebook] account as a private individual and also referenced certain information which was in the public domain and disseminated to the public at Board meetings.”

As to Count 3, Respondent argues the Complaint lacks any evidence to demonstrate that he “took action on behalf of, or at the request of, a special interest group . . . or evidence that [he] used the schools in order to acquire a benefit” Respondent states that he posted his opinion and factual information within the public domain and this is not a violation of *N.J.S.A. 18A:12-24.1(f)*.

As to Count 4, Respondent again argues that the Complaint lacks any evidence that Respondent’s actions were an “attempt to effectuate policies or plans” as required by *N.J.S.A. 18A:12-24.1(c)*.

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 and/or committed defamation, libel or slander, 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 this provision of the Act states:

- 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;

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.”

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

- c. I will confine my board action to policy making, planning, and appraisal, and I will help to frame policies and plans only after the board has consulted those who will be affected by them.

- 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(c)*, *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:

3. Factual evidence of a violation of *N.J.S.A. 18A:12-24.1(c)* shall include evidence that Respondent took board action to effectuate policies and plans without consulting those affected by such policies and plans, or took action that was unrelated to Respondent's duty to (i) develop the general rules and principles that guide the management of the school district or charter school; (ii) formulate the programs and methods to effectuate the goals of the school district or charter school; or (iii) ascertain the value or liability of a policy.

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.

At the outset, as the Complaint involves allegations involving a social media post, the Commission finds it necessary to set forth the standard for when Board member involvement in social media implicates the Act. The Commission has explained that in order for a social media post to be offered pursuant to official duties, there must be a sufficient nexus between the social media page and the role/membership on the Board. *Hodrinsky v. Faussette, Hasbrouck Heights Board of Education, Bergen County*, Docket No. C11-21 (August 30, 2021). As the Commission explained in *Aziz v. Nikitinsky et al., Monroe Township Board of Education, Middlesex County*, Docket No. C56-22 (October 17, 2022)

... Although social media activity by a school official can be regarded as action [*I/M/O Treston, Randolph Township Board of Education, Morris County*, Docket No. C71-18 (April 27, 2021) and *Kwapniewski v. Curioni*, Lodi Board of Education, Bergen County, Docket No. C70-17 (December 17, 2019)], it is only when certain competent and credible factual evidence is proffered therewith that a violation can be substantiated.

As a general matter, a school official does not violate the Act merely because he/she engages in social media activity. Instead, the Commission's analysis is guided by whether a reasonable member of the public could perceive that the school official is speaking in his or her official capacity or pursuant to his or her official duties. Whether a school official is perceived as speaking in his or her official capacity and pursuant to his or her official duties turns, in large part, on the content of the speech. If the speech in question has absolutely no correlation or relationship to the business of the Board and/or its operations and, therefore, could not possibly be regarded as a statement or position on behalf of the Board (as a body), a school official will not violate the Act. Conversely, if the speech in question does relate to the business of the Board and/or its operations, it is then reasonable for the reader to perceive the speech as being offered in

an official capacity and pursuant to his or her official duties. Nonetheless, the filing party would still need to prove all elements of the cited provision of the Act...

Moreover, the use of a disclaimer on social media can help to clarify whether an individual is speaking in his or her official capacity and pursuant to his or her official duties; however, the presence of a disclaimer is not dispositive. ... The failure of a school official to parrot the exact language recommended by the Commission will not mean, without more, that he or she did not use an appropriate disclaimer. In addition, if a school official utilizes an appropriate disclaimer, but the content or substance of the statements would still lead a reasonable member of the public to believe that the school official is speaking in his or her official capacity or pursuant to his or her official duties, then the disclaimer will be inadequate and of no force or effect, and the social media activity could violate the Act. See *I/M/O Treston*, Randolph Township Board of Education, Morris County, Docket No. C71-18].

The Commission notes that Respondent's actions in this matter are quite different from the actions in *Discenza*. In *Discenza*, Respondent made a political endorsement video where she referenced the Board and her position on it, including but not limited to, identifying herself as a Board member while wearing a school identification badge, referring to a vote for a political slate in an upcoming election as a "new majority for change and fiscal responsibility," and asked the voters to help her by voting for certain candidates to assist her on the Board and she did not include a disclaimer. As such, the Commission found there was a sufficient nexus between Respondent's video endorsement and her Board membership and, given the context of Respondent's video endorsement, a reasonable member of the public would perceive that the school official was speaking in her official capacity or pursuant to her official duties. In the current matter, Respondent does not appear to have identified himself as a Board member and has only made general comments that do not refer to his Board membership.

Following its review, the Commission finds that even if the facts as asserted in the Complaint are proven true by sufficient credible evidence, they would not support a finding that Respondent violated *N.J.S.A. 18A:12-24(b)*, *N.J.S.A. 18A:12-24.1(c)*, *N.J.S.A. 18A:12-24.1(e)*, and/or *N.J.S.A. 18A:12-24.1(f)*. In this matter, the Commission finds that, while the subject matter of some of the posts that Respondent posted may relate to the business of the Board, there is an insufficient nexus between Respondent's personal Facebook page and his membership on the Board, such that a reasonable member of the public would not perceive that Respondent is speaking pursuant to his official duties. See *Hodrinksy*, Docket No. C11-21 (dismissing a Complaint when there lacked a nexus between the respondent's Facebook account and his role/membership on the Board as there was no indication that he referenced, or otherwise relies upon, his position on the Board on his social media account). The posts at issue in the present matter do not mention Respondent's membership on the Board nor does he advertise or rely upon his Board membership when publishing the social media material. In short, there is no factual evidence that his posts from his private Facebook account were made in his capacity as a member of the Board, or had the appearance of being representative of, or attributable to the Board. The fact that some people may be aware that Respondent is a Board member, as they know who he is, does not result in his posts becoming in his official capacity. Moreover, the posts that he made do not contain confidential information only known to Board members, but rather contain information that is known and/or accessible to any member of the public. Further, as Respondent's social media posts were made from his personal social media account that did not reference his Board membership, the lack of a disclaimer does not render Respondent's conduct as being offered in an official capacity and

pursuant to his official duties as required by *N.J.S.A. 18A:12-24.1(c)* or *N.J.S.A. 18A:12-24.1(e)*. As required by *N.J.S.A. 18A:12-24(b)*, Complainant has not shown how Respondent's social media comments 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." Lastly, as to a violation of *N.J.S.A. 18A:12-24.1(f)*, Complainant has not presented any 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.

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(b)*, *N.J.S.A. 18A:12-24.1(c)*, *N.J.S.A. 18A:12-24.1(e)*, and *N.J.S.A. 18A:12-24.1(f)*.

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 C53-25***

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