

Before the School Ethics Commission
Docket No.: C54-25
Decision on Probable Cause

**Philip Desien,
Complainant**

v.

**Keith A. Gibbons,
Gloucester Township Board of Education, Camden County,
Respondent**

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on June 23, 2025,¹ by Philip Desien (Complainant), alleging that Keith A. Gibbons (Respondent), a member of the Gloucester 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:12-26 and *N.J.S.A.* 18A:12-24(g). On August 15, 2025, Respondent filed a Written Statement, and also alleged that the Complaint is frivolous. Complainant filed a response to the allegation of frivolous filing on October 27, 2025.

The parties were notified by correspondence dated January 20, 2026, that the above-captioned matter would be discussed by the Commission at its meeting on January 27, 2026, in order to make a determination regarding probable cause and the allegation of frivolous filing. Following its discussion on January 27, 2026, the Commission adopted a decision at its meeting on February 24, 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. 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*

In Count 1, Complainant asserts that on March 4, 2025, Respondent filed his 2025 Personal/Relative and Financial Disclosure Statement (FDS) and "failed to disclose his interest

¹ On May 23, 2025, Complainant filed a deficient Complaint; however, on June 23, 2025, 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.

in the political committee ‘Save the GTMUA’² which qualifies as a ‘political committee’ under The New Jersey Campaign Contributions and Expenditures Reporting Act” in violation of *N.J.S.A.* 18A:12-26.

In Count 2, Complainant contends that Respondent “failed to disclose that he held an interest in the political committee ‘Save the GTMUA,’ which was formed to influence a public referendum concerning ownership and rates of a public sewer utility that contracts with the Board” in violation of *N.J.S.A.* 18A:12-24(g).

B. *Written Statement and Allegation of Frivolous Filing*

Respondent initially argues that “Complainant has offered no facts to impugn [] Respondent’s duties on the board, and has omitted key facts which reveal his true frivolous motive.” Respondent asserts that Complainant has not provided facts or evidence to substantiate his allegations, such as how or why the anti-sewer-privatization campaign relates to contracts or matters before the Board, how or why Respondent’s 2024 FDS, which was attached, or his related 2023 activities are relevant to the alleged violation regarding his 2025 FDS and, importantly, “the extent to which [] Respondent’s very popular, and very public, leadership spearheading a campaign against sewer-privatization constitutes some form of secrecy or omission from the public, and relatedly *how* the public trust has been violated in connection with his role on the [Board].”

Respondent notes that Complainant attached Respondent’s 2024 FDS, which was filed in April 2024, before the “Save the GTMUA” campaign was formed; therefore, Respondent could not have omitted the information on his 2024 FDS. With respect to the 2025 FDS, which was not attached to the Complaint, Respondent notes that his involvement with the anti-sewer privatization campaign was openly known as it was widely reported, and as such did not violate the public trust or *N.J.S.A.* 18A:12-26. As to a violation of *N.J.S.A.* 18A:12-24(g), Respondent maintains that Complainant “fails to establish how [] Respondent’s very public and popular leadership on an anti-sewer privatization campaign relates to matters pending before the [Board] to impugn a conflict.”

Finally, Respondent alleges the Complaint is frivolous, because “no reasonable person examining the preponderance of the evidence would find that the public trust was violated in connection with Respondent’s role on the [Board]” and because of “its impermissible motive to disrupt the middle of the campaign cycle in the lead-up to [Respondent’s] 2025 mayoral campaign.”

C. *Response to Allegation of Frivolous Filing*

Complainant notes that Respondent’s attempt to amend his FDS, on August 15, 2025, demonstrates that the Complaint is not frivolous. Respondent only amended his FDS “in direct response to the multiple – and seemingly admitted – violation of the [Act].” Complainant asserts Respondent’s “amendments effectively operate as his admission that the allegations in the

² GTMUA stands for the Gloucester Township Municipal Utilities Authority.

Amended Complaint were accurate and supported by the Act's express disclosure requirements, and therefore, the Complaint cannot be frivolous.

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 Violations of the Act

Complainant submits that Respondent violated *N.J.S.A. 18A:12-26*, which, in relevant part, states:

- (a) Each school official shall annually file a financial disclosure statement with the School Ethics Commission. All financial disclosure statements filed pursuant to this act shall include the following information which shall specify, where applicable, the name and address of each source and the school official's position:
 - ...
 - (4) The name and address of all business organizations in which the school official or a member of his immediate family had an interest during the preceding calendar year.

Complainant further submits that Respondent violated *N.J.S.A. 18A:12-24(g)*, and this provision of the Act states:

- g. No school official or business organization in which he has an interest shall represent any person or party other than the school board or school district in connection with any cause, proceeding, application or other matter pending before the school district in which he serves or in any proceeding involving the school district in which he serves or, for officers or employees of the New Jersey School Boards Association, any school district. This provision shall not be deemed to prohibit representation within the context of official labor union or similar representational responsibilities.

To credit a violation of *N.J.S.A. 18A:12-24(g)*, Complainant must provide sufficient factual evidence that Respondent or business organization in which he had an interest represented a person or party other than the school board or school district in connection with any cause, proceeding, application or other matter pending before the school district in which he serves or in any proceeding involving the school district in which he serves, with the exception of representation within the context of official labor union or similar representational responsibilities.

N.J.S.A. 18A:12-26

In Count 1, Complainant asserts that Respondent violated *N.J.S.A. 18A:12-26* by failing to include “Save the GTMUA” on his 2025 FDS, as it qualifies as a political committee. Respondent counters that although Complainant states that he failed to include GTMUA on his 2025 FDS, Complainant attached Respondent’s 2024 FDS to the Complaint, and the “Save the GTMUA” did not exist at the time he filed his 2024 FDS.

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:12-26* was violated. The FDS form asks school officials the following question: “In the preceding calendar year, did you or a member of your immediate family have an interest in a business organization?” Business is defined on the form, and in the Act, as “any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union, political organization, or other legal entity but shall not include a local school district or any other public entity.” Interest is also defined on the form, and in the Act, as “the ownership or control of more than 10% of the profits, assets, or stock of a business but shall not include the control of assets in a labor union.” Complainant has not provided any evidence that Respondent owns or controls more than 10% of the profits, assets or stock of the “Save the GTMUA,” or if that organization even has any profits, assets or stock at all. Without that fundamental information, Complainant has not demonstrated that Respondent failed to include a business organization in which he has an interest on his FDS, regardless of the filing year. 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:12-26*.

N.J.S.A. 18A:12-24(g)

In Count 2, Complainant contends that Respondent violated *N.J.S.A. 18A:12-24(g)* because he “failed to disclose that he held an interest in the political committee ‘Save the GTMUA,’ which was formed to influence a public referendum concerning ownership and rates of a public sewer utility that contracts with the Board.” Respondent counters that Complainant fails to establish how Respondent’s involvement in the anti-sewer privatization campaign relates to matters pending before Board.

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(g)* was violated. The Complaint has not established that Respondent, or the “Save the GTMUA,” represented any party in connection with any proceeding pending before the school district. The anti-sewer privatization effort is not a proceeding or other matter before the Board, and Respondent was not prohibited from advocating for his opinion on a local issue. Therefore, 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(g)*.

IV. Request for Sanctions

At its meeting on January 27, 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 Complainant 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 Complainant 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 February 24, 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 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 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.

Robert W. Bender, Chairperson

Mailing Date: February 24, 2026

***Resolution Adopting Decision
in Connection with C54-25***

Whereas, at its meeting on January 27, 2026, the School Ethics Commission (Commission) considered the Complaint, the Written Statement and 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 January 27, 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 January 27, 2026, the Commission discussed finding the Complaint not frivolous, and denying the request for sanctions; and

Whereas, at its meeting on February 24, 2026, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on January 27, 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.

Robert W. Bender, Chairperson

I hereby certify that the Resolution was duly adopted by the School Ethics Commission at its public meeting on February 24, 2026.

Brigid C. Martens, Director
School Ethics Commission