

***Before the School Ethics Commission***  
***Docket No.: C56-25***  
***Decision on Probable Cause***

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**Prakash Santhana,**  
***Complainant***

v.

**Christian DiMare,**  
**Holmdel Board of Education, Monmouth 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 June 9, 2025,<sup>1</sup> by Prakash Santhana (Complainant), alleging that Christian DiMare (Respondent), a member of the Holmdel 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:12-24.1(e), *N.J.S.A.* 18A:12-24.1(h) and *N.J.S.A.* 18A:12-24.1(i) of the Code of Ethics for School Board Members (Code). Respondent filed a Written Statement on July 25, 2025.

The parties were notified by correspondence dated January 20, 2026, and February 17, 2026, that the above-captioned matter would be discussed by the Commission at its meetings on January 27, 2026, and February 24, 2026, to determine whether probable cause exists. Following its discussions on January 27, 2026, and February 24, 2026, the Commission adopted a decision at its meeting on March 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.

**II. Summary of the Pleadings**

**A. The Complaint**

According to Complainant, on or about June 7, 2025, Respondent “authored and published a political opinion article” in an online newspaper, Patch.com. Complainant maintains that in the article, Respondent “criticized” two Township Committee candidates, Complainant and another individual. Complainant argues that Respondent “asked the residents to support two

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<sup>1</sup> On June 30, 2025, Complainant filed Amended Exhibits to the Complaint.

[other] candidates,” and “appeared to leverage his board title and official standing to influence the voters.”

Complainant further states Respondent also posted the contents of the Patch.com article on his Facebook page entitled, “Christian DiMare Holmdel Township Board of Education Member.”

Based on the above, Complainant asserts Respondent violated *N.J.S.A.* 18A:12-24.1(e), because he used his “official position to secure unwarranted advantages or to influence the outcome of an election” and violated *N.J.S.A.* 18A:12-24.1(h) and *N.J.S.A.* 18A:12-24.1(i), because he represented his “personal political views as those of the board and engag[ed] in private action that compromise the board.”

### **B. Written Statement**

Respondent only admits that he “wrote and submitted a statement to Patch.com and that he posted same on his own Facebook page.” Respondent argues that the article had a disclaimer that made it clear that the opinions were his own. Respondent denies that Complainant’s characterizations are “accurate and/or complete”; neither denies nor admits to the “authenticity of the screenshots”; denies that he “crossed the line”; denies that he “used his official time or position to promote or criticize political candidates”; denies that he leveraged his board seat for political gain”; denies that he used his Board position to push a personal political agenda” and ultimately denies that he violated the Act, and specifically denies each Code allegation.

### **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:12-24.1(e), *N.J.S.A.* 18A:12-24.1(h) and *N.J.S.A.* 18A:12-24.1(i) and these provisions of the Code provide:

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.

h. I will vote to appoint the best qualified personnel available after consideration of the recommendation of the chief administrative officer.

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), a violation(s) of *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(h) and *N.J.S.A.* 18A:12-24.1(i), need to be supported by certain factual evidence, more specifically:

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.

8. Factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(h) shall include evidence that Respondent acted on a personnel matter without a recommendation of the chief administrative officer.

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.

As a preliminary matter, the Commission finds it necessary to set forth the framework by which it will review the allegations in this matter beginning with the political opinion article. Regarding the op-ed article that Respondent wrote and published on Patch.com on June 7, 2025, the Commission notes that Respondent used a disclaimer indicating that “[t]hese statements reflect my personal views as a private citizen, not those of the Board of Education or its members.” The Commission further notes in *I/M/O Christopher Treston, Board of Education of Randolph Township, Morris County*, Commissioner Decision No. 208-21SEC (September 30, 2021), the Commissioner of Education found that a board member used an insufficient disclaimer in an op-ed that endorsed certain candidates and directly advocated against a candidate for the Board because the disclaimer only indicated that the opinions were his own, and not that the opinions were not those of the Board. The Commissioner found that in that circumstance, a member of the public could reasonably conclude that the disclaimer “was meant to distance the website – not the Board – from appellant’s endorsements.” Given the insufficient disclaimer, the Commissioner of Education found the op-ed “created the appearance that the entire Board endorsed certain candidates and opposed others.” *Id.* at 4. In this matter, and in contrast to *Treston*, the Commission finds Respondent’s disclaimer specifically indicated that the views expressed in the article do not represent the views of the Board. As Respondent used an appropriate disclaimer, a reasonable member of the public would not perceive that he was speaking in his official capacity as a Board member. While, at times, a disclaimer could be rendered ineffective, the Commission reminds the regulated community that those circumstances are limited.

As to the 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.

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:12-24.1(e)*, *N.J.S.A. 18A:12-24.1(h)*, and/or *N.J.S.A. 18A:12-24.1(i)*. In this matter, the Commission finds that as there was a disclaimer on Respondent's Facebook page, and that the disclaimer specifically mentioned that the statements made were Respondents' "personal views as a private citizen, [and] not those of the Board of Education or its members[.]" a reasonable member of the public would not perceive that Respondent is speaking pursuant to his official duties. Therefore, 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 as required by a violation of *N.J.S.A. 18A:12-24.1(e)*.

As to a violation of *N.J.S.A. 18A:12-24.1(h)*, Complainant has not provided any evidence that Respondent acted on a personnel matter without a recommendation of the chief administrative officer. Lastly, as to a violation of *N.J.S.A. 18A:12-24.1(i)*, Complainant has not

shown Respondent's endorsement for Township Committee candidates would be deliberate action which resulted in undermining, opposing, compromising or harming school personnel in the proper performance of their duties as candidates are not school personnel.

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:12-24.1(e), *N.J.S.A.* 18A:12-24.1(h) and *N.J.S.A.* 18A:12-24.1(i).

#### **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.

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Robert W. Bender, Chairperson

Mailing Date: March 24, 2026

***Resolution Adopting Decision  
in Connection with C56-25***

***Whereas***, at its meetings on January 27 and February 24, 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 meetings on January 27 and February 24, 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 March 24, 2026, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meetings on January 27 and February 24, 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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Robert W. Bender, Chairperson

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

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Brigid C. Martens, Director  
School Ethics Commission