

Before the School Ethics Commission
Docket No.: C57-25
Decision on Probable Cause

Christina Balestriere,
Complainant

v.

Carol Scheneck,
Roxbury Board of Education, Morris County
Respondent

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on June 16, 2025,¹ by Christina Balestriere (Complainant), alleging that Carol Scheneck (Respondent), a member of the Roxbury 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(c), *N.J.S.A.* 18A:12-24.1(d) *N.J.S.A.* 18A:12-24.1(e) and *N.J.S.A.* 18A:12-24.1(g) of the Code of Ethics for School Board Members (Code). On August 6, 2025, Respondent filed a Written Statement and also alleged that the Complaint is frivolous. On August 14, 2025, Complainant filed a response to the allegation of frivolous filing.

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.

¹ On June 10, 2025, Complainant filed a deficient Complaint; however, on June 16, 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.

II. Summary of the Pleadings

A. *The Complaint*

By way of background, Complainant provides that she, along with two other parents, were being sued by the school district's librarian (RC), with her husband (AC) representing her in the lawsuit, because they allegedly made defamatory public comments at a Board meeting on March 6, 2023. Complainant maintains she "countersued for defamation due to written comments made by both the defendant [RC] and her husband/attorney [AC]."

Complainant maintains that on May 24, 2023, Respondent "exchanged text messages" with AC, "showing him a podcast [Complainant] was on and claiming [Complainant] made comments about him [that she] did not make." Complainant states that she only found out about the text message, which was sent "in the midst of open litigation," because Respondent accidentally sent it to another person who notified Complainant. Subsequently, on April 18, 2025, AC "was deposed by" Complainant's attorney in the defamation case, and it was then that AC "admitted under oath that [Respondent] referred cases to him in the past" and he further "admitted to reaching out to [Respondent] prior to filing a lawsuit, asking for personal information about" Complainant. Complainant notes that she is aware her Complaint is beyond the 180 days; however, she only became aware of the information when AC "disclosed them under oath" when he was deposed at the defamation hearing on April 18, 2025.

Based on the information provided above, Complainant asserts Respondent violated *N.J.S.A.* 18A:12-24.1(c), when she provided "personally identifiable information to another citizen" who was suing Complainant as this is not policy making, planning or appraisal; violated *N.J.S.A.* 18A:12-24.1(d), because "stirring the pot between private citizens and a staff member are not ensuring that the school [(sic)] are run well"; violated *N.J.S.A.* 18A:12-24.1(e), because her actions compromised the integrity and confidentiality of the Board; and violated *N.J.S.A.* 18A:12-24.1(g), because she "did not hold information about citizens confidential and did not report accurate information."

B. *Written Statement and Allegation of Frivolous Filing*

Respondent argues that the May 24, 2023, text was a "private text message exchange between two individuals acting solely in their personal capacities concerning a publicly available YouTube video." As such, Respondent denies all related allegations. Respondent maintains Complainant is "weaponizing" the Commission "based on conduct wholly unrelated to her official duties." According to Respondent, the Complaint "rests on two isolated trivial incidents – neither of which involves confidential information, misuse of Board authority, or any plausible violation of the [Act]." Respondent notes that Complainant did not provide the complete transcript related to AC's testimony at the deposition hearing, and therefore, reliance on the same "should be viewed with caution and in the context of an incomplete record." Respondent further notes that Complainant's characterization of the allegations related to AC's admittance "under oath" are "both legally immaterial and factually unsupported." Ultimately, Respondent maintains, the "relevant inquiry is whether Respondent's conduct violated the [Act]—not whether [AC's] recollection is accurate or complete." Respondent argues that the text message is questionable as the

“configuration is fundamentally inconsistent with the mechanics of digital messaging.” Moreover, Complainant “fails to identify the sender, the recipient, or the source of the screenshot.”

Respondent argues the Complaint is time barred first because the “deposition transcript contains no reference whatsoever to the May 24, 2023 message and sheds no light on Count 1.” Second, Respondent notes that Complainant admits “she was made aware of the text message when it was ‘accidentally initially sent’ to another individual, who then shared it with her.”

If not dismissed as untimely, Respondent argues the Complaint “rests on the premise that a private exchange between Respondent and a third party somehow constituted official board action.” Respondent further argues that Complainant does not identify any conduct that “remotely falls within the statutory scope of policy making, planning, or appraisal.” Respondent maintains Complainant’s allegations are “meritless, legally insufficient, and politically motivated.” Respondent denies she violated the Code.

Finally, Respondent asserts the Complaint is frivolous because it is meritless, and was “brought in bad faith and for the purposes unrelated to the legitimate enforcement of school ethics.” According to Respondent, Complainant has “resorted to the misuse of the ethics complaint process” as the allegations are “speculative, conclusory, and legally irrelevant.”

C. *Response to the Allegation of Frivolous Filing*

In response to the allegation of frivolous filing, Complainant argues, among other things, she filed her Complaint with “documented facts and detailed allegations [that] prove the Complaint is not frivolous, was made in good faith to shed light on Respondent’s violations, filed in accordance with statutory filing deadlines and based on cognizable arguments that Respondent violated [the Act].”

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

In her Written Statement, Respondent argues that, as the Complaint was filed on June 16, 2025, any allegations relating to actions occurring more than 180 days before that date, specifically, on or before December 18, 2024, are time-barred, and therefore, should be dismissed. Respondent argues that the purported text message was from May 24, 2023, and while Complainant states she only became aware of the text message during a deposition in a related matter in April of 2025, Respondent notes that the deposition does not make any references to the May 24, 2023, text

message. However, the Commission notes that Complainant stated that she only became aware of potential conversations between Respondent and AC when he “admitted to reaching out to [Respondent] prior to filing a lawsuit, asking for personal information about” Complainant during his deposition in April of 2025 and also stated that she was aware of the text message as Respondent “accidentally initially sent [the text message] to another individual who made us *aware of it.*” (emphasis added)

The Commission’s regulations provide a one hundred eighty (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).

With the above in mind, and 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 the 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 a credible basis upon which to find that Complainant was unaware of Respondent’s actions/conduct until the deposition in April 2025 as she was not a party to the text message chain or the conversations between Respondent and AC, and therefore, the Complaint was filed within 180 days of the Complainant becoming aware of the text conversation. The Commission has long recognized 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. Therefore, given the nature of the allegations, for this Complaint, the Commission will consider this matter as timely.

Alleged Violations of the Act

Complainant submits that Respondent violated *N.J.S.A. 18A:12-24.1(c)*, *N.J.S.A. 18A:12-24.1(d)* *N.J.S.A. 18A:12-24.1(e)* and *N.J.S.A. 18A:12-24.1(g)* 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.
- d. I will carry out my responsibility, not to administer the schools, but, together with my fellow board members, to see that they are well run.
- 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.

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.

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

4. Factual evidence of a violation of *N.J.S.A. 18A:12-24.1(d)* shall include, but not be limited to, evidence that Respondent gave a direct order to school personnel or became directly involved in activities or functions that are the responsibility of school personnel or the day-to-day administration of the school district or charter school.

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 her duties such that, by its nature, had the potential to compromise the board.

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.

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(c)*, *N.J.S.A. 18A:12-24.1(d)*, *N.J.S.A. 18A:12-24.1(e)* and/or *N.J.S.A. 18A:12-24.1(g)* were violated. As required to sustain a violation of *N.J.S.A. 18A:12-24.1(c)*, Complainant has not shown what, if any, official Board action Respondent took in this matter. Regarding a violation of *N.J.S.A. 18A:12-24.1(d)*, Complainant has not demonstrated how Respondent gave a direct order to school personnel or became directly involved in activities or

functions that are the responsibility of school personnel or the day-to-day administration of the school district or charter school. With respect to a violation of *N.J.S.A.* 18A:12-24.1(e), Complainant has not shown that Respondent made any personal promises or took action beyond the scope of her duties when she spoke to a private individual about other individuals who were at a public meeting. Lastly, as to a violation of *N.J.S.A.* 18A:12-24.1(g), Complainant has not demonstrated what actions Respondent took to make public, reveal, or disclose information that was not public or confidential. The Commission notes that Complainant has not shown how the names of those who spoke at a public meeting would be considered confidential or 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(c), *N.J.S.A.* 18A:12-24.1(d) *N.J.S.A.* 18A:12-24.1(e) and *N.J.S.A.* 18A:12-24.1(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 C57-25***

Whereas, at its meeting on January 27, 2026, the School Ethics Commission (Commission) considered the Complaint, the Written Statement and 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 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