

Before the School Ethics Commission
Docket No.: C60-25
Decision on Probable Cause

Stephanie Johnson,
Complainant

v.

Gina Frasca and Melissa McCooley,
Pinelands Regional Board of Education, Ocean County,
Respondents

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on June 18, 2025, by Stephanie Johnson (Complainant), alleging that Gina Frasca (Respondent Frasca) and Melissa McCooley (Respondent McCooley) (collectively, Respondents), Assistant Superintendent and Superintendent, respectively, of the Pinelands Regional 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 Respondents violated *N.J.S.A.* 18A:12-24(a), *N.J.S.A.* 18A:12-24(b) and *N.J.S.A.* 18A:12-24(c).

On July 2, 2025, Respondents filed a Written Statement, and also alleged that the Complaint is frivolous. Complainant filed a response to the allegation of frivolous filing on July 8, 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 Respondents' request for sanctions.

II. Summary of the Pleadings

A. *The Complaint*

According to Complainant, on May 20, 2025, Respondent Frasca, with permission from Respondent McCooley, emailed the entire District staff and "excus[ed] staff to leave early on June 17th, 2025 from their contractually obligated work day to attend a 'dine and donate' event

being held at [noon].” The event was in celebration of seven retirees. Complainant asserts that this left “little coverage at the district and oversight for students still on school grounds and no way to monitor when exactly staff leaves.” Complainant further asserts that the flyer and email “does not advise or caution staff not to consume alcoholic beverages during the hours of 12 noon until 2:20pm.” Complainant notes the event was being held by the Pinelands Alumni and Friends Foundation, and Respondent Frasca is the “Recording Secretary, her sister is a trustee, her secretary is the President, and Respondent McCooley “is listed as a liaison.”

With the above in mind, Complainant asserts that Respondents violated *N.J.S.A. 18A:12-24(a)*, because they used their positions to “allow employees to leave early to attend a fundraiser for an organization they both sit on along with [Respondent] Frasca’s sister and subordinate employees.” Complainant further asserts “[a]llowing employees to leave early on district time being paid by district funds and breaching our teachers contacts, is not performing their duties in the public’s interest.” Complainant contends Respondents violated *N.J.S.A. 18A:12-24(b)*, because they used their positions “to advertise, fundraise and benefit from directly and indirectly as in the past Pinelands Alumni and Friends have given out sponsorships to their sitting Board’s children and family members.” Complainant also contends Respondents violated *N.J.S.A. 18A:12-24(c)*.

B. *Written Statement and Allegation of Frivolous Filing*

Respondents admit that they allowed the staff to leave early; however, they note the event took place after the students were dismissed for the day and this is “well within the Superintendent’s authority.” Respondents deny that this event was school sponsored, deny that by attending, staff somehow left the District open to a lawsuit and deny that either of them benefitted from the event.

Respondents argue that Complainant’s claim that “the District paid staff for not performing their duties is incorrect.” According to Respondents, the Superintendent had the broad authority to authorize attendance at the event, and that attendance is consistent with the goals of the District’s “Strategic Action Plan.” Respondents maintain that they are not obligated to “caution” staff not to consume alcoholic beverages.

Finally, Respondents allege the Complaint is frivolous, as it is a personal vendetta disguised as an ethics complaint. Respondents maintain this Complaint meets “every element required for determination that a complaint is frivolous.”

C. *Response to Allegation of Frivolous Filing*

Complainant asserts the Complaint is not frivolous and was filed “with facts to show that [Respondents] acted in their capacity as Assistant Superintendent and Superintendent, to use an excuse of an ‘employee retirement party’ during the school day at an outside bar was strictly to benefit, directly and indirectly, themselves and an organization they both sit on.”

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 Respondents may have violated Board policy or employment contracts when they authorized staff to leave early, 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, Respondents violated *N.J.S.A. 18A:12-24(a)*, *N.J.S.A. 18A:12-24(b)* and *N.J.S.A. 18A:12-24(c)*, and these provisions of the Act state:

- a. No school official or member of his immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest;
- 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;
- c. No school official shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial involvement that might reasonably be expected to impair his objectivity or independence of judgment. No school official shall act in his official capacity in any matter where he or a

member of his immediate family has a personal involvement that is or creates some benefit to the school official or member of his immediate family.

To credit a violation of *N.J.S.A.* 18A:12-24(a), Complainant must provide sufficient factual evidence that Respondents, or a member of their immediate family, have an interest in a business organization, or engaged in any business, transaction, or professional activity which was in substantial conflict with the proper discharge of their duties in the public interest.

In order to credit a violation of *N.J.S.A.* 18A:12-24(b), Complainant must provide sufficient factual evidence that Respondents used or attempted to use their official position to secure an unwarranted privilege, advantage or employment for themselves, members of their immediate family, or “others.”

To credit a violation of *N.J.S.A.* 18A:12-24(c), Complainant must provide sufficient factual evidence that Respondents acted in their official capacity in a matter where they, or a member of their immediate family, had a direct or indirect financial involvement that might reasonably be expected to impair their objectivity, or in a matter where they had a personal involvement that created some benefit to them, or to a member of their immediate family.

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:12-24(a), *N.J.S.A.* 18A:12-24(b) and/or *N.J.S.A.* 18A:12-24(c) were violated. As indicated above, whether Respondents had the authority to allow staff to leave early to attend an event is a matter of Board policy and Board governance, which is not reviewable by the Commission. As to the alleged violations, Complainant has not demonstrated, as required by *N.J.S.A.* 18A:12-24(a), that Respondents have an interest in a business organization, or engaged in any business, transaction, or professional activity that would be in substantial conflict with their duties. Complainant has not established that Respondents used their official positions to secure any privilege, advantage or employment when they permitted staff to leave work to attend an event honoring retirees, and therefore, a violation of *N.J.S.A.* 18A:12-24(b) has not been demonstrated. As to *N.J.S.A.* 18A:12-24(c), the Complaint fails to demonstrate that Respondents acted in a matter where they had a direct or indirect financial involvement, or a personal involvement, that impairs their objectivity or creates a benefit to them. Therefore, and pursuant to *N.J.A.C.* 6A:28-9.7(b), the Commission dismisses the alleged violation(s) of *N.J.S.A.* 18A:12-24(a), *N.J.S.A.* 18A:12-24(b) and *N.J.S.A.* 18A:12-24(c).

IV. Request for Sanctions

At its meeting on January 27, 2026, the Commission considered Respondents’ request that the Commission find the Complaint frivolous, and impose sanctions pursuant to *N.J.S.A.* 18A:12-29(e). Despite Respondents’ 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.

Despite the Commission finding the Complaint not frivolous, the Commission finds it necessary to remind Complainant that complaints involving alleged violations of Board policy are not governed by the Commission and should not be filed with this entity. Additionally, the Commission notes that the frequent filing of ethics complaints – especially those that are not within the Commission’s authority – does not foster a positive environment within the school district, and deviates from the mission of the board of education, which should center on the students. As such, the Commission reaffirms that filing complaints should not be a method to settle personal disputes. Instead, school officials should strive to resolve their issues amicably and professionally.

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 Respondents 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 Respondents’ 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 C60-25***

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