

***Before the School Ethics Commission
OAL Docket No.: EEC 11099-25
SEC Docket No.: C61-24
Final Decision***

**Doris Rowell,
Complainant**

v.

**Sharnell S. Morgan,
Pleasantville Board of Education, Atlantic County,
Respondent**

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on August 1, 2024, by Doris Rowell (Complainant), alleging that Sharnell Morgan (Respondent), a member of the Pleasantville Board of Education (Board), violated the School Ethics Act (Act), *N.J.S.A.* 18A:12-21 *et seq.* More specifically, the Complaint alleged Respondent violated *N.J.S.A.* 18A:12-24.1(a) (Counts 1-7), *N.J.S.A.* 18A:12-24.1(b) (Count 3), *N.J.S.A.* 18A:12-24.1(c) (Counts 3 and 5), *N.J.S.A.* 18A:12-24.1(d) (Counts 3 and 5), *N.J.S.A.* 18A:12-24.1(e) (Counts 1-7), *N.J.S.A.* 18A:12-24.1(g) (Counts 1, 4, and 7), *N.J.S.A.* 18A:12-24.1(i) (Counts 5 and 7) and *N.J.S.A.* 18A:12-24.1(j) (Counts 3 and 5) of the Code of Ethics for School Board Members (Code). Respondent filed a Written Statement on December 9, 2024.

At its meeting on June 17, 2025, and after review of the Complaint and the Written Statement, the Commission adopted a decision finding that there were sufficient facts and circumstances pled in the Complaint and in the Written Statement to lead a reasonable person to believe that that *N.J.S.A.* 18A:12-24.1(d) (Counts 3 and 5), *N.J.S.A.* 18A:12-24.1(e) (Count 3), *N.J.S.A.* 18A:12-24.1(i) (Count 5), and *N.J.S.A.* 18A:12-24.1(j) (Counts 3 and 5) were violated but insufficient facts and circumstances to lead a reasonable person to believe that the remaining allegations in the Complaint were violated. Based on its finding of probable cause, the Commission voted to transmit the above-captioned matter to the Office of Administrative Law (OAL) for a hearing where Complainant would carry the burden to prove the remaining allegations that Respondent violated *N.J.S.A.* 18A:12-24.1(d) (Counts 3 and 5), *N.J.S.A.* 18A:12-24.1(e) (Count 3), *N.J.S.A.* 18A:12-24.1(i) (Count 5), and *N.J.S.A.* 18A:12-24.1(j) (Counts 3 and 5).

At the OAL, the Administrative Law Judge (ALJ) conducted a hearing on March 19, 2026. Thereafter, the ALJ issued an Initial Decision on May 15, 2026, finding that Respondent

violated *N.J.S.A.* 18A:12-24.1(d) (Count 3), *N.J.S.A.* 18A:12-24.1(e) (Count 3)¹, *N.J.S.A.* 18A:12-24.1(i) (Count 5), and *N.J.S.A.* 18A:12-24.1(j) (Counts 3 and 5); but finding that Respondent did not violate *N.J.S.A.* 18A:12-24.1(d) (Count 5); and recommending a penalty of censure. Respondent filed exceptions to the Initial Decision, in accordance with *N.J.A.C.* 1:1-18.4.

At its meeting on June 23, 2026, the Commission discussed the above-captioned matter, and at its meeting on July 28, 2026, the Commission voted to adopt the Initial Decision's findings of fact, as well as the legal conclusions that Respondent violated *N.J.S.A.* 18A:12-24.1(e) (Count 3) and *N.J.S.A.* 18A:12-24.1(j) (Counts 3 and 5) and did not violate *N.J.S.A.* 18A:12-24.1(d) (Count 5); but voted to modify the ALJ's legal conclusion to find that Respondent did not violate *N.J.S.A.* 18A:12-24.1(d) (Count 3) and *N.J.S.A.* 18A:12-24.1(i) (Count 5)²; and voted to recommend that a penalty of censure be imposed.

II. Initial Decision

Based on the documentary evidence and witness testimony, the ALJ issued the following findings of fact:

- On May 14, 2024, the Board held its regular Board action meeting.
- Among the items listed on the agenda was a motion for the Board to accept the recommendation of the Superintendent approving the reduction in force eliminating staff positions for the 2024-2025 school year.
- Many of the staff slated for elimination and their supporters were present at the meeting to express their concerns and displeasure during public comment.
- Individuals who wished to speak during public comment were required to write their name and address on a sign-in sheet. Only those individuals who signed the sheet were invited to speak at the microphone during public comment. A disclaimer was included on the sign-in-sheet that outlined the procedures for offering public comments.
- Prior to the start of the meeting, Respondent signed the sheet to speak. When her name was called, Respondent left her seat on the stage where she was seated with the other Board members and went to the microphone designated for public comment. Respondent stated that she was stepping down as a Board member to speak as a taxpayer, citizen, and community liaison. She wanted the record to reflect that she did not have her Board member hat on because she did not want to get anyone in trouble for her words.

¹ The ALJ found a violation of *N.J.S.A.* 18A:12-24.1(e) in Count 5; however, the Commission did not find probable cause for a violation of *N.J.S.A.* 18A:12-24.1(e) in Count 5. Accordingly, it has not been discussed here.

² To the extent that the ALJ found a violation of *N.J.S.A.* 18A:12-24.1(e) in Count 5, the Commission modifies that conclusion and finds that Respondent did not violate *N.J.S.A.* 18A:12-24.1(e) in Count 5 because the Commission did not find probable cause or transmit that alleged violation to the OAL.

- Respondent's public comments were recorded during the meeting. The testimony from Complainant and Respondent were consistent with the recording.
- Respondent stated that she was displeased with what she was hearing from her Muslim community members about how the District did not honor its promise for a dedicated place for members to pray and break their fast during the month of Ramadan. She also praised the District for marking the celebration of Eid with a day off from school. After noting the Superintendent's support for Respondent's Muslim community members, she criticized the Superintendent for allegedly ridiculing a Muslim man by questioning why he was wearing an Izar, a religious garment. Respondent also repeated a story that the Superintendent had usurped the Juneteenth event, after it had been planned. Respondent used the word "stolen" to describe how the Superintendent took credit for the work performed by others. Because her three minutes had ended, Complainant attempted to cut off Respondent and move to the next speaker. Respondent continued to speak despite Complainant's efforts to stop her. The next speaker attempted to give Respondent her time, which created some confusion because Respondent claimed she signed the sheet twice and did not need additional time. Respondent relinquished the microphone and returned to her seat on the stage as a Board member.
- Respondent's second comments were made from her seat on the stage as a Board member. In commenting about the staff non-renewal process, Respondent used the word "trickery" and stated that "skin-color" was a common component among the eliminated staff. Respondent also stated that she received complaints and saw pictures of food contaminated with mold being served to the students. Respondent sent a text message to the Superintendent about the contaminated food and inquired whether someone had to contract food poisoning before action was taken. Finally, Respondent stated that she heard from staff members that they were told not to speak to Board members or there would be consequences. Respondent believed that the Superintendent threatened the staff members with retaliation for speaking to Board members and suggested that the retaliation was the non-renewal of their contracts.

Initial Decision at 3-7.

The ALJ noted that according to Respondent's testimony, Respondent sought advice from Board counsel prior to speaking at a Board meeting the first time. Respondent did not recall what attorney she spoke to but noted that it was not the current attorney. Respondent stated that the advice was to "disclose that she was speaking as a private citizen and not as a member of the Board." *Id.* at 7.

The ALJ noted she was satisfied that the witnesses testified in accordance with their beliefs about the ethical responsibilities of Board members, who are elected to serve the children in the community. *Id.* at 8. However, the ALJ further noted when Respondent chose to speak at a public meeting on May 14, 2024, "her words had consequences." *Ibid.*

According to the ALJ, as to Count 3, Respondent "stepped down as a Board member to address the public as a private citizen, taxpayer, and community liaison." *Id.* at 9. The ALJ noted Respondent stated that she was "taking her Board hat off, because she had a lot of things to say." *Ibid.* However, the ALJ further noted Respondent proceeded to make allegations against the

Superintendent for “ridiculing a Muslim man for wearing his Izar, and for not supporting Muslims during Ramadan as promised with a room to pray and break their fast.” *Ibid.* Moreover, the ALJ maintained Respondent insinuated that the Superintendent “stole staff ideas and usurped the planned Juneteenth holiday celebration.” *Id.* at 9-10. The ALJ further maintained Respondent admitted that she did not have firsthand knowledge of these allegations but was sharing what she had heard. *Id.* at 10. Per the ALJ, Complainant alleged that when Respondent stepped down from her position as a board member to speak as a community liaison, she stopped working “together with her fellow board members but rather against them.” *Ibid.*

The ALJ noted “based upon the testimony and documentation, there were no factual indications that Respondent gave a ‘direct order’ to school personnel.” *Ibid.* However, according to the ALJ, “by going to the microphone to speak as a community liaison and voice complaints against the Superintendent based on allegations that had undertones of religious discrimination and unfair practices, Respondent involved herself in activities or functions that are the responsibility of school personnel.” *Ibid.* The ALJ contended Respondent testified that the assistant superintendent gave her the information that she publicized. The ALJ further contended instead of directing the assistant superintendent to the proper channels to make a complaint, Respondent “removed her Board member hat and publicized the allegations as a private citizen and community liaison on her behalf at a public Board meeting.” *Ibid.* The ALJ stated Respondent “attempted to circumvent her ethical obligations as a Board member, by figuratively removing her Board hat.” *Ibid.*

The ALJ found that while “there is no dispute that Board members do not surrender their right to free speech, there remains a balance between the Board member’s rights as a private citizen and the specific standards of conduct under the [Act.]” *Ibid.* The ALJ further found that while “normally a disclaimer is required so there is no mistake when the Board member is acting solely as a private citizen,” the Commission has also held in prior cases that the use of a disclaimer “does not give a school official carte blanche to then discuss Board business and/or matters in a way that is, or appears to be, on behalf of the Board.” *Ibid.* citing *In the Matter of Christopher T. Treston*, Randolph Township Board of Education, Morris County, OAL Dkt. No. EEC 09014-19, Final Decision, (April 27, 2021).

The ALJ concluded that in this matter the lines between Respondent’s roles were “blurred” because during the same meeting, Respondent acted in both capacities, as both a member of the public and a member of the Board. *Ibid.* Moreover, the ALJ concluded that by “repeating allegations which may have been false, and which involved the day-to-day activities of the school, simply removing her Board hat was not enough to shield her words from her ethical obligations as a Board member.” *Ibid.* According to the ALJ, Respondent testified that the assistant superintendent gave her the information; therefore, Respondent’s responsibility as a Board member was clear. *Ibid.* Therefore, the ALJ found that Complainant has met her burden of proof that Respondent violated *N.J.S.A.* 18A:12-24.1(d), as alleged in Count 3 “when she repeated allegations against the superintendent at the public microphone that involved accusations affecting the daily operations of the school.” *Id.* at 11.

As to a violation of *N.J.S.A.* 18A:12-24.1(d), as alleged in Count 5, Complainant asserted that Respondent informed the public that she administers the schools and encouraged the staff to come to her with their concerns. *Ibid.* Complainant further claimed Respondent “informed the public that she handles the day-to-day operations” of the school. *Ibid.* The ALJ found that “the

testimony from the witnesses did not support [Respondent] making any direct statements that she handles the day-to-day operations.” *Ibid.* Instead, the ALJ maintained Respondent’s testimony revealed that she understood her role as a Board member. *Ibid.* Therefore, the ALJ found that there was nothing in the record to support Complainant’s claims as alleged in Count 5 and found that Complainant has not met her burden of proof to demonstrate that Respondent violated *N.J.S.A.* 18A:12-24.1(d), as alleged in Count 5. *Ibid.*

Regarding a violation of *N.J.S.A.* 18A:12-24.1(e) in Count 3, the ALJ noted that Dr. Martinez (Superintendent) testified that Respondent’s public accusations against her were false. The ALJ further found that these statements were “disparaging and suggested that the [S]uperintendent acted in a racist manner and stole credit from her staff.” *Id.* at 12. Per the ALJ, “[i]f these were actual complaints, Respondent’s public statements were neither an attempt to resolve a complaint nor an investigation of a complaint.” *Ibid.* The ALJ noted Respondent’s only defense was that she was acting in her role as a community liaison, not as a Board member. *Ibid.* The ALJ further noted Respondent attempted, by invoking a disclaimer, to keep her comments separate from her official duties as a Board member. *Ibid.* However, the ALJ maintained Respondent’s actions in “leaving the stage and stating that she was taking off her Board hat because she did not want to get the Board in trouble by what she was about to say did not shield the Board from being compromised by her statements.” *Ibid.* The ALJ further maintained Respondent “removed her Board hat to repeat disparaging comments” that were told to her about the Superintendent. *Ibid.* The ALJ noted Respondent admitted that “she did not know whether the statements were true, but she publicly stated them anyway.” *Ibid.* According to the ALJ, such behavior, even with a disclaimer, had the ability to compromise the Board and put the Board “publicly at odds with the Superintendent,” and therefore, the ALJ found that Complainant met her burden of proof under *N.J.A.C.* 6A:28-6.4(a)(5), that Respondent violated *N.J.S.A.* 18A:12-24.1(e), as alleged in Count 3.³ *Ibid.*

As to a violation of *N.J.S.A.* 18A:12-24.1(i) in Count 5, the ALJ asserted there is “no factual basis to support that [Respondent] stated she handles the day-to-day operations of the school or encouraged staff to come to her with their concerns.” *Id.* at 13. However, the ALJ further found that by “publicly stating that she was hurt to hear that the staff were not allowed to speak directly with Board members,” Respondent took a public position in contradiction to Dr. Martinez’s position. *Ibid.* Per the ALJ, Dr. Martinez testified that staff should not bring their concerns directly to Board members because it creates confusion and disrupts the process. *Ibid.* The ALJ noted Respondent’s comments that the Superintendent eliminated staff positions based on race, trickery, and retaliation for talking to Board members resulted in her undermining the superintendent in the proper performance of her duties. Therefore, the ALJ found that Complainant has met her burden of proof under *N.J.A.C.* 6A:28-6.4(a)(9), that Respondent violated *N.J.S.A.* 18A:12-24.1(i), “when she took deliberate action by her choice of words to undermine the Superintendent in the proper performance of her duties.” *Id.* at 13-14.

Regarding a violation of *N.J.S.A.* 18A:12-24.1(j), first in Count 3, the ALJ maintained although Respondent testified that the assistant superintendent told her about the incidents,

³ The ALJ also addressed a violation of *N.J.S.A.* 18A:12-24.1(e) in Count 5; however, the Commission did not find probable cause for a violation of *N.J.S.A.* 18A:12-24.1(e) in Count 5. Accordingly, it has not been discussed here.

Respondent “did not offer an explanation about the contents of their conversation or why she did not refer the matters to Dr. Martinez.” *Id.* at 14. Per the ALJ, instead, Respondent “figuratively removed her Board member’s hat, left her place on the stage with the other Board members to applause from the crowd, and spoke at the public microphone.” *Ibid.* The ALJ noted Respondent admitted that she did not refer these complaints to Dr. Martinez for an administrative solution, and therefore, the ALJ found that Complainant has met her burden of proof under *N.J.A.C.* 6A:28-6.4(a)(10), that Respondent violated *N.J.S.A.* 18A:12-24.1(j), under Count 3, when she failed to bring complaints to the chief administrative officer.

Next, as to a violation of *N.J.S.A.* 18A:12-24.1(j) in Count 5, the ALJ contended that Respondent’s public statements “undermined the renewal process and attacked the superintendent.” *Id.* at 14-15. The ALJ noted that all complaints regarding the renewal process must proceed through proper channels; therefore, the ALJ found that Complainant met her burden of proof under *N.J.A.C.* 6A:28-6.4(a)(10), that Respondent violated *N.J.S.A.* 18A:12-24.1(j), under Count 5, by making public complaints about the renewal process without referring such complaints to the chief administrative officer.

Having found that Complainant has met her burden of proof pertaining to Respondent’s public comments against the Superintendent at the Board meeting, the ALJ concluded Respondent violated *N.J.S.A.* 18A:12-24.1(d), *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(i) and *N.J.S.A.* 18A:12-24.1(j).

Turning to penalty, the ALJ noted that although Respondent is a dedicated and committed community liaison, she could not “circumvent her ethical obligations as a Board member by figuratively removing her Board member hat to accuse the [S]uperintendent of wrongdoing at a Board meeting.” *Id.* at 16. The ALJ further noted that Respondent made “serious and inflammatory accusations” against the Superintendent in violation of the Act. The ALJ found that Respondent, a long-standing Board member, used her position on the Board to advocate for community members and staff, when she repeated false accusations against the Superintendent and undermined her authority as the chief administrator of the school. Therefore, the ALJ concluded that a penalty of censure would be appropriate. *Id.* at 17.

III. Exceptions

Respondent’s Exceptions

Respondent initially argues that her actions and conduct during the May 14 Board meeting were done in exercise of her freedom of speech under the First Amendment and related New Jersey law. Respondent notes that she provided a disclaimer during the times when she was speaking as taxpayer and community liaison, not as a Board member. Moreover, Respondent further notes Complainant failed to establish that Respondent violated School Ethics Law by failing to establish the requirements as set forth in *N.J.A.C.* 6A:28-6.4(a).

Respondent argues she did not make any allegations against the Superintendent; however, she did indicate that she received phone calls and she provided that information. She argues that she was providing information, only, as to what was communicated to her; she did not

“insinuate” anything the Superintendent did nor did not do; she was not voicing her complaints against the Superintendent but communicating to the public information that was shared to her as a community member and liaison; she relied upon prior board counsel’s legal advice that she was permitted to take off her Board member hat and speak as a citizen and/or community liaison; and she made it perfectly clear when she stated “she was stepping down as a Board Member to speak as a tax payer and community liaison during Public Comment and wants the record to reflect that she does not have her board member hat on and that she is a taxpayer and community leader.”

Respondent further argues at no time did she administer the schools, she did not interfere with the Superintendent’s administration of the schools in any way, and asserts that at no time did she make any personal promises or take any private action that compromised the Board. Respondent states she spoke as a community member and shared information that was provided to her, and she was providing her opinion on an issue that was affecting staff eliminations. Respondent also argues Complainant did not meet her burden that Respondent made personal promises or took any private action that may compromise the Board. Respondent maintains she received information not as a Board member but as a member of the community, and therefore, she was not required to go to the Superintendent with those complaints.

Respondent contends she provided the appropriate disclaimer and noted when she was speaking as a community liaison and taxpayer, she physically went off the dais in order to address concerns of the public. Respondent further contends she wanted to make this clear, as not to compromise the Board or make comments that would be attributed to the Board. According to Respondent, her comments and discussion were to state her opinion on ensuring the District acknowledge and respect culture and customs of the Muslim community and to acknowledge staff members and other personnel who have worked hard for the District. Respondent notes she referenced that this was approved of by the Board and on the school calendar. Respondent further notes she stated her personal opinion on such topics, provided information that was truthful in accordance with her experiences as a community liaison, and did not violate the Code. Moreover, Respondent maintains Complainant did not present any factual evidence that Respondent questioned how the Board was handling public concerns and directed community members to share their concerns with the principal or the Superintendent but instead gave a direct order to school personnel or became directly involved in activities or functions that are the responsibility of school personnel in the day-to-day administration of the school district. Respondent further maintains Complainant also failed to present any evidence that Respondent attempted to resolve a complaint or investigated a complaint before referring the matter to the chief administrative officer or acted outside of a public meeting and prior to the failure of an administrative solution.

Finally, Respondent asserts she testified that she consulted with prior Board counsel who advised her that she could leave the dais and speak as a citizen and not a Board member on prior occasions. Respondent maintains that this factual evidence is unrefuted, and therefore, Respondent can rely upon the advice of counsel and specifically the advice-of-counsel defense. Respondent vehemently disagrees with the findings that the charges are sustained.

IV. Analysis

Upon a thorough, careful, and independent review of the record, the Commission adopts the ALJ's findings of fact, as well as the legal conclusion that Respondent violated *N.J.S.A.* 18A:12-24.1(e) (Count 3) and *N.J.S.A.* 18A:12-24.1(j) (Counts 3 and 5) and did not violate *N.J.S.A.* 18A:12-24.1(d) (Count 5); but voted to modify the ALJ's legal conclusion to find that Respondent did not violate *N.J.S.A.* 18A:12-24.1(d) (Count 3) and *N.J.S.A.* 18A:12-24.1(i) (Count 5); and voted to recommend that a penalty of censure be imposed.

N.J.S.A. 18A:12-24.1(d) requires a Board member to not administer the schools, but, together with their fellow board members, to see that they are well run. Pursuant to *N.J.A.C.* 6A:28-6.4(a), factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(d) shall include, but not be limited to, evidence that the 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, the charter school, or the renaissance school project. The Commission finds that the record does not establish that Respondent violated *N.J.S.A.* 18A:12-24.1(d) in Count 3 "when she repeated allegations against the superintendent at the public microphone that involved accusations affecting the daily operations of the school." Simply repeating allegations is not evidence that Respondent gave a direct order to school personnel or that she became directly involved in activities or functions that are the responsibility of school personnel or the day-to-day administration. Therefore, the Commission finds that Respondent did not violate *N.J.S.A.* 18A:12-24.1(d) in Count 3.

The Commission agrees with the ALJ that Complainant did not meet her burden of proof and did not demonstrate that Respondent violated *N.J.S.A.* 18A:12-24.1(d) in Count 5 as "the testimony from the witnesses did not support [Respondent] making any direct statements that she handles the day-to-day operations." Accordingly, the Commission does not find that Respondent violated *N.J.S.A.* 18A:12-24.1(d) in Count 5.

Pursuant to *N.J.S.A.* 18A:12-24.1(e), a board member must recognize that authority rests with the board and a board member shall not make any personal promises nor take any private action that may compromise the board. In accordance with *N.J.A.C.* 6A:28-6.4(a), 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. The Commission has often said that board members do not give up their right to voice their opinions simply because they are on a board of education. In the current matter though, the Commission finds that while Respondent has a right to speak, her statements that the Superintendent acted "in a racist manner and stole credit from her staff," undermined the investigation and complaint process, as well as the chain of command. Moreover, Respondent testified that she received that information from the assistant superintendent. If it were not for her position on the Board, the assistant superintendent would not have a reason to share such information with Respondent. Further, instead of discussing the information directly with the Superintendent to attempt to resolve the matter, Respondent chose to share the information, true or not, with the public. Therefore, the Commission concurs that Respondent took action beyond the scope of her duties that compromised the Board and finds that Respondent violated *N.J.S.A.* 18A:12-24.1(e) in Count 3.

N.J.S.A. 18A:12-24.1(i) requires a board member to support and protect school personnel in the proper performance of their duties. Pursuant to *N.J.A.C. 6A:28-6.4(a)*, 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. The ALJ found that Respondent violated *N.J.S.A. 18A:12-24.1(i)* in Count 5, “when she took deliberate action by her choice of words to undermine the Superintendent in the proper performance of her duties.” The Commission disagrees and notes that not every negative comment about the superintendent undermines the superintendent or school personnel. The Commission further notes that the allegation that Respondent violated *N.J.S.A. 18A:12-24.1(i)* in Count 5 stemmed from her statement that she handled the day-to-day operations of the school and encouraged staff to come to her with their concerns rather than the administration. However, the ALJ found there was “no factual basis to support that [Respondent] stated she handles the day-to-day operations of the school or encouraged staff to come to her with their concerns.” Such comments may have been action that would have resulted in undermining, opposing, compromising or harming school personnel in the proper performance of her duties, but the ALJ found those facts were not demonstrated. Therefore, the Commission finds that Respondent did not violate *N.J.S.A. 18A:12-24.1(i)* in Count 5.

N.J.S.A. 18A:12-24.1(j) requires a board member to refer all complaints to the chief administrative officer and will act on the complaints at public meetings only after failure of an administrative solution. Pursuant to *N.J.A.C. 6A:28-6.4(a)*, factual evidence of a violation of *N.J.S.A. 18A:12-24.1(j)* shall include evidence that Respondent acted on or attempted to resolve a complaint, or conducted an investigation or inquiry related to a complaint (i) prior to referral to the chief administrative officer, or (ii) at a time or place other than a public meeting and prior to the failure of an administrative solution. By Respondent’s own testimony, Respondent did not refer the complaints to the chief administrative officer. The Commission agrees with the ALJ that Respondent did not refer the complaints in Counts 3 and 5 to the Superintendent for an administrative solution, and therefore, Respondent violated *N.J.S.A. 18A:12-24.1(j)*.

As to Respondent’s argument that she relied on the advice of counsel prior to speaking during public comment, the Commission notes that it is not finding that Respondent violated the Act or Code by speaking at a Board meeting as a member of the public. Instead, the Commission has already established that board members do not abdicate their rights to freedom of speech simply because they are on the board. However, the Commission finds that Respondent violated *N.J.S.A. 18A:12-24.1(e)* (Count 3) and *N.J.S.A. 18A:12-24.1(j)* (Counts 3 and 5) because she did not follow the chain of command and instead chose to publicly repeat information that she received before discussing the information with the Superintendent, as she was required to do. Respondent shared the complaints publicly before the administration was aware of the concerns or had the opportunity to address them, such action therefore compromised the Board. Respondent does not assert that she asked Board counsel for advice regarding this.

Finally, the Commission agrees with the ALJ that a censure is the appropriate penalty for Respondent’s violations of *N.J.S.A. 18A:12-24.1(e)* (Count 3) and *N.J.S.A. 18A:12-24.1(j)* (Counts 3 and 5). Respondent spoke at a Board meeting where she mentioned complaints

without referring them to the Superintendent in violation of *N.J.S.A.* 18A:12-24.1(j) (Counts 3 and 5) and made comments that compromised the investigation and complaint process, as well as the chain of command and, thus, compromised the Board in violation of *N.J.S.A.* 18A:12-24.1(e) (Count 3). As Respondent's actions occurred in public, the Commission finds that the public should be aware of her sanction. Accordingly, the Commission finds that a penalty of censure is warranted in this circumstance.

IV. Decision

For all of the aforementioned reasons, the Commission adopts the Initial Decision's findings of fact, adopts the legal conclusion that Respondent violated *N.J.S.A.* 18A:12-24.1(e) (Count 3) and *N.J.S.A.* 18A:12-24.1(j) (Counts 3 and 5) and did not violate *N.J.S.A.* 18A:12-24.1(d) (Count 5); but modifies the ALJ's legal conclusion to find that Respondent did not violate *N.J.S.A.* 18A:12-24.1(d) (Count 3) and *N.J.S.A.* 18A:12-24.1(i) (Count 5); and adopts the recommended penalty of censure.

Pursuant to *N.J.S.A.* 18A:12-29(c), this decision shall be forwarded to the Commissioner of Education for review of the Commission's recommended penalty. The parties may either: 1) file exceptions to the recommended sanction; 2) file an appeal of the Commission's finding of a violation; or 3) file both exceptions to the recommended sanction together with an appeal of the finding of a violation.

Parties taking exception to the recommended sanction of the Commission but *not disputing* the Commission's finding of a violation may file, **within thirteen (13) days** from the date the Commission's decision is forwarded to the Commissioner, written exceptions regarding the recommended penalty to the Commissioner. The forwarding date shall be the mailing date to the parties, as indicated below. Such exceptions must be forwarded to: Commissioner of Education, c/o Office of Controversies and Disputes, P.O. Box 500, Trenton, New Jersey 08625, marked "Attention: Comments on Ethics Commission Sanction," as well as to (ControversiesDisputesFilings@doe.nj.gov). A copy must also be sent to the Commission (school.ethics@doe.nj.gov) and all other parties.

Parties seeking to appeal the Commission's finding of violation *must* file an appeal pursuant to the standards set forth at *N.J.A.C.* 6A:4:1 *et seq.* **within thirty (30) days** of the filing date of the decision from which the appeal is taken. The filing date shall be three (3) days after the date of mailing to the parties, as shown below. In such cases, the Commissioner's review of the Commission's recommended sanction will be deferred and incorporated into the Commissioner's review of the finding of violation on appeal. Where a notice of appeal has been filed on or before the due date for exceptions to the Commission's recommended sanction (thirteen (13) days from the date the decision is mailed by the Commission), exceptions need not be filed by that date, but may be incorporated into the appellant's briefs on appeal.

Dennis M. Roberts, Chairperson

Mailing Date: July 28, 2026

***Resolution Adopting Decision
in Connection with C61-24***

Whereas, at its meeting on June 17, 2025, the School Ethics Commission (Commission) voted to transmit the above-captioned matter to the Office of Administrative Law (OAL) for a plenary hearing; and

Whereas, the Administrative Law Judge (ALJ) issued an Initial Decision dated May 15, 2026; and

Whereas, the ALJ found that Respondent violated *N.J.S.A.* 18A:12-24.1(d), *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(i) and *N.J.S.A.* 18A:12-24.1(j) and recommended a penalty of censure; and

Whereas, Respondent filed exceptions to the Initial Decision; and

Whereas, at its meeting on June 23, 2026, the Commission discussed adopting the Initial Decision's findings of fact, as well as the legal conclusions that Respondent violated *N.J.S.A.* 18A:12-24.1(e) (Count 3) and *N.J.S.A.* 18A:12-24.1(j) (Counts 3 and 5,) and did not violate *N.J.S.A.* 18A:12-24.1(d) (Count 5); modifying the ALJ's legal conclusion to find that Respondent did not violate *N.J.S.A.* 18A:12-24.1(d) (Count 3) and *N.J.S.A.* 18A:12-24.1(i) (Count 5); and recommending a penalty of censure be imposed; and

Whereas, at its meeting on July 28, 2026, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on June 23, 2026; and

Now Therefore Be It Resolved, the Commission hereby adopts the within decision.

Dennis M. Roberts, Chairperson

I hereby certify that this Resolution was duly adopted by the School Ethics Commission at its meeting on July 28, 2026.

Brigid C. Martens, Director
School Ethics Commission