

***Before the School Ethics Commission***  
***Docket No.: C65-25***  
***Decision on Probable Cause***

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**Ron Conti,**  
***Complainant***

v.

**Sheldon Epstein,**  
**Randolph Township Board of Education, Morris 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 July 8, 2025<sup>1</sup>, by Ron Conti (Complainant), alleging that Sheldon Epstein (Respondent), a member of the Randolph 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(a)*, *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(f)*, *N.J.S.A. 18A:12-24.1(g)* 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 August 18, 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. Following its discussion on January 27, 2026, the Commission adopted a decision at its meeting on February 24, 2026, finding that any allegations stemming from before January 9, 2025, were untimely filed, the Commission does not have jurisdiction over the allegations in Count 3, and there are insufficient facts and circumstances in the remaining allegations 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***

In Count 1, Complainant contends that on November 21, 2024, and May 5, 2025, Respondent “referenced the substance of executive session (closed session) discussions during public board meetings, despite clear legal and policy requirements that such matters remain

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<sup>1</sup> At the Commission’s meeting on September 23, 2025, the Commission denied Complainant’s motion to amend his complaint.

confidential as set forth” in Board policy. Specifically, at the November 21, 2024, meeting, Respondent allegedly said “...some recent comments during one such [executive session] meeting included personal attacks and profanity. Some of these comments came from a board leadership member. During these instances the board member responsible for leading the meeting was silent...” Further, according to Complainant, at the May 5, 2025, meeting in public session, Respondent said, “I’ve also been treated unprofessionally by Amanda [Board President], with expletives directed at me in closed session. And this was condoned by both Ron [Complainant] and Allison [Board Vice-President].” Per Complainant, the public has “referenced and repeated details that, to their knowledge, had only been discussed in executive session.” Complainant further contends “confidential administrative correspondence expresses concern about [Respondent’s] behavior, and the impact it has had on administrators . . . .” Complainant alleges Respondent violated *N.J.S.A. 18A:12-24.1(g)* and *N.J.S.A. 18A:12-24.1(i)*, by “publicly referencing confidential board discussions and internal disputes,” and therefore, he “failed to ‘hold confidential all matters . . . .’” and “these disclosures undermined trust within the board, discouraged candid participation by board members and staff, and contributed to a hostile public climate – actions that are inconsistent with the duty under section (i).”

In Count 2, Complainant maintains Respondent’s conduct undermines the Board. More specifically, Complainant asserts after Respondent made his statements at the November 21, 2024, meeting, and in addition to the public critiques described in Count 1, a newspaper reported on the Board meeting “fueled by [Respondent’s] public statements and challenges to official board communications, heightened perceptions of dysfunction and diminished public confidence in Board’s leadership and integrity.” Further, Complainant contends that at the May 5, 2025, Board meeting, Respondent “publicly accused Board leadership and the Finance Committee of ‘knowingly communicating the wrong information’ to the public regarding the timing of tax increases related to the referendum, asserting that the tax increase began in 2025 rather than 2026 as stated in official Board communications.” Complainant further contends Respondent “publicly characterize[s] board communications as ‘misleading’ and accused leadership of knowingly communicating wrong information” in violation of *N.J.S.A. 18A:12-24.1(e)*, by compromising the collective authority of the Board and *N.J.S.A. 18A:12-24.1(g)*, by failing to provide accurate information.

In Count 3, Complainant maintains Respondent “has engaged in a sustained pattern of disregarding Board governance norms and procedures, which has disrupted Board operations and imposed unnecessary burdens on staff and administration.” More specifically, Complainant further maintains Respondent has failed to submit questions in advance in accordance with Board policy, has frequently raised issues in public that have already been resolved and interfered with committee processes, despite not being a member of the committee. Complainant also maintains Respondent’s behavior violates *N.J.S.A. 18A:12-24.1(a)*, *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(i)*.

In Count 4, Complainant asserts at the November and May meetings, Respondent “referenced personal attacks and profanity directed at him during executive session” by a fellow Board member and “described these as attempts at bullying.” Moreover, Complainant states Respondent “criticized Board leadership for failing to maintain control or demonstrate effective leadership during these incidents.” Complainant further asserts Respondent’s behavior violates

*N.J.S.A.* 18A:12-24.1(i), because he “repeatedly undermined this obligation by publicly accusing staff and fellow Board members of misconduct, bullying, and dishonesty, and by fostering an atmosphere described as hostile and unsafe.”

In Count 5, Complainant contends that on November 21, 2024, May 5, 2025, and June 6, 2025, Respondent “repeatedly reopened and mischaracterized issues that were previously resolved through proper Board channels, thereby disrupting Board operations and undermining staff authority.” Per Complainant, Respondent’s “persistent reopening and mischaracterization of settled matters demonstrate a clear disregard for the Board’s collective decisions and administrative processes.” Complainant further contends Respondent violated *N.J.S.A.* 18A:12-24.1(f), by “misrepresenting Board actions,” *N.J.S.A.* 18A:12-24.1(g), by “disregarding confidentiality obligations” and *N.J.S.A.* 18A:12-24.1(i), by “failing to support and protect school personnel in the proper performance of their duties.”

In Count 6, Complainant maintains that from March 2024 through April 2025, Respondent has “repeatedly undermined” his obligation to support and protect school personnel “by challenging the Superintendent’s authority and decisions in both executive and public meetings” in violation of *N.J.S.A.* 18A:12-24.1(i).

#### **B. *Written Statement***

Respondent initially asserts the Complaint should be dismissed as time barred. Specifically, any allegations from 2024 to January 8, 2025, are untimely. Moreover, Respondent argues that any claims Complainant has made that Respondent violated Board policy and/or Board “norms” and “procedures” (Counts 1 and 3), are not within the authority of the Commission.

As to a violation of *N.J.S.A.* 18A:12-24.1(a) (Count 3), Respondent argues Complainant fails to satisfy the burden of proof to sustain such a violation, namely Complainant has not provided a copy of a final decision.

Regarding a violation of *N.J.S.A.* 18A:12-24.1(d) (Count 3), Respondent maintains “it is unclear” which acts by Respondent support this violation. According to Respondent, Complainant “generally contends that [Respondent’s] alleged failure to comply with Board Policy requiring Board members to ask questions in advance of Board meetings, rather than during those meetings, was a violation of the Act.” Respondent further maintains “the act of a Board member asking questions during a Board meeting, or attempting to discuss matters that other Board members believe are ‘settled issues,’ fails to constitute a violation of *N.J.S.A.* 18A:12-24.1(d).”

As to violations of *N.J.S.A.* 18A:12-24.1(e) (Counts 2 and 3), Respondent asserts the Complaint “lacks any evidence whatsoever that [Respondent] made any personal promises or took any action beyond the scope of his duties as a Board member, in any manner that potentially compromised the Board.” Respondent further asserts that none of his comments/statements are sufficient to sustain this violation.

Regarding a violation of *N.J.S.A.* 18A:12-24.1(f) (Count 5), Respondent again argues that Complainant has not provided any proof to demonstrate that Respondent surrendered his independent judgment and/or used the schools for personal gain or for the gain of friends. According to Respondent, Complainant's claim that he "repeatedly reopened and mischaracterized issues that were previously resolved," is insufficient to establish that Respondent took action on behalf of a special interest group or used the schools to acquire a benefit.

As to violations of *N.J.S.A.* 18A:12-24.1(g) (Counts 1, 2 and 5), Respondent contends his disclosures at the November 21, 2024, and May 5, 2025, Board meetings did not constitute "any matter 'pertaining to the schools . . .'" Respondent states that a board member's comments/statements, which may be perceived as offensive or inappropriate, do not constitute confidential information related to the schools. Respondent further contends that Complainant did not provide any proof to support that the statements were inaccurate or were not opinion or a reasonable mistake. As to the newspaper report, Complainant has not shown that Respondent had any involvement in the reporting. In sum, Respondent notes Complainant has not demonstrated that Respondent revealed confidential information or that the information was inaccurate, a mistake or his opinion.

Regarding violations of *N.J.S.A.* 18A:12-24.1(i) (Counts 1, 3 and 4-6), Respondent argues that Complainant "cannot show a violation of the [Act] simply by relying upon [Respondent's] exercise of his rights to speak publicly, including, but not limited to, during public Board meetings, regarding matters of public concern that relate to the District, the Board, or the District's schools." Moreover, Respondent's "respectful disagreement with the [] Superintendent regarding a matter relating to the District, the Board, or the District's schools, does not, in and of itself, constitute a violation of *N.J.S.A.* 18A:12-24.1(i)."

Finally, Respondent neither admits nor denies the allegations in the Complaint, notes the attached exhibits and documents "speak for themselves" and offers 12 "Affirmative Defenses."

### **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 Respondent may have violated any Board policies or procedures, 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. The allegations in Count 3 solely pertain to alleged violations of Board policy. Accordingly, those claims, including the entirety of Count 3, are dismissed.

### ***Alleged Untimeliness***

In his Written Statement, Respondent argues that, as the Complaint was filed on July 8, 2025, any allegations relating to actions occurring more than 180 days before that date, specifically, on or before January 9, 2025, are time-barred, and therefore, should be dismissed. Respondent also argues in his Written Statement that the allegations which occurred between March 2024 and December 2024 “were all known to Complainant either at the time they occurred or very soon thereafter.” Complainant did not address timeliness in his complaint.

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 not a credible basis upon which to find that Complainant was unaware of Respondent’s actions/conduct until the filing date of the Complaint. Complainant should have known of the allegations when they occurred or shortly thereafter as he was Board President at the time. Although the Commission recognizes 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, it does not find extraordinary circumstances in the within matter that would compel relaxation.

Therefore, the Commission finds that all allegations before January 9, 2025, including allegations about the November 21, 2024, Board meeting, should be dismissed as untimely.

### *Alleged Violations of the Act*

As to the remaining allegations, Complainant submits that Respondent violated *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(f), *N.J.S.A.* 18A:12-24.1(g) 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.

f. I will refuse to surrender my independent judgment to special interest or partisan political groups or to use the schools for personal gain or for the gain of friends.

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.

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), violations of *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(f), *N.J.S.A.* 18A:12-24.1(g) 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.

6. Factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(f) shall include evidence that Respondent took action on behalf of, or at the request of, a special interest group or persons organized and voluntarily united in opinion and who adhere to a particular political party or cause; or evidence that Respondent used the schools in order to acquire some benefit for himself, a member of his immediate family or a friend.

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.

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.

Based on its 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:12-24.1(e), *N.J.S.A.* 18A:12-24.1(f), *N.J.S.A.* 18A:12-24.1(g) and/or *N.J.S.A.* 18A:12-24.1(i) were violated in the Complaint. 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 his duties when he made comments at the May 5, 2025, public Board meeting. Concerning a violation of *N.J.S.A.* 18A:12-24.1(f), Complainant has not established that Respondent took action on behalf of, or at the request of, a special interest group or persons organized and voluntarily united in opinion and who adhere to a particular political party or cause or provided evidence that Respondent used the schools in order to acquire some benefit for himself, a member of his immediate family or a friend. 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 comments that were allegedly said in executive session would be considered confidential under any statutes or regulations as he did not reference the substantive content of what was discussed in executive session. Additionally, Complainant has not shown that Respondent's comments were inaccurate or that the inaccuracy was not due to Respondent's reasonable mistake or personal opinion. Lastly, as to a violation of *N.J.S.A.* 18A:12-24.1(i), Complainant has not shown Respondent took deliberate action which resulted in undermining, opposing, compromising or harming school personnel in the proper performance of their duties when he spoke at a meeting as his remarks were about fellow Board members and Board issues.

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(e), *N.J.S.A.* 18A:12-24.1(f), *N.J.S.A.* 18A:12-24.1(g) and *N.J.S.A.* 18A:12-24.1(i) in the Complaint.

#### **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 any allegations stemming from before January 9, 2025, were untimely filed, the Commission does not have jurisdiction over the allegations in Count 3, and 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: February 24, 2026

***Resolution Adopting Decision  
in Connection with C65-25***

***Whereas***, at its meeting on January 27, 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 meeting on January 27, 2026, the Commission discussed finding that allegations stemming from before January 9, 2025, were untimely filed; and

***Whereas***, at its meeting on January 27, 2026, the Commission discussed finding that it does not have jurisdiction to enforce or review Board policies and procedures, and therefore the entirety of Count 3 is dismissed; 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 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.

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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 February 24, 2026.

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Brigid C. Martens, Director  
School Ethics Commission