

***Before the School Ethics Commission***  
***Docket No.: C75-24***  
***Final Decision (Dismissal)***

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**In the Matter of Jason Garcia,**  
**Westwood Regional Board of Education, Bergen 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 September 27, 2024,<sup>1</sup> by Laura Cooper (Complainant), alleging that Jason Garcia (Respondent), a member of the Westwood Regional Board of Education (Board), violated the School Ethics Act (Act), *N.J.S.A.* 18A:12-21 *et seq.* More specifically, the Complaint alleged that Respondent violated *N.J.S.A.* 18A:12-24(b), as well as *N.J.S.A.* 18A:12-24.1(c) of the Code of Ethics for School Board Members (Code). Respondent filed a Written Statement on November 15, 2024.

On June 17, 2025, the Commission adopted a decision finding that there are sufficient facts and circumstances pled in the Complaint and in the Written Statement to lead a reasonable person to believe that *N.J.S.A.* 18A:12-24(b) was violated as set forth in the Complaint, but insufficient facts and circumstances to lead a reasonable person to believe that *N.J.S.A.* 18A:12-24.1(c) was violated as alleged in the Complaint. Based on its finding of probable cause, the Commission voted to transmit the remaining allegation in the above-captioned matter to the Office of Administrative Law (OAL) for a hearing.

Following transmittal to the OAL, the Commission voted to withdraw Probable Cause at its meeting on February 24, 2026. The Commission also requested that the file be returned from the OAL to the agency, in accordance with *N.J.A.C.* 1:1-3.3(a), as no allegations remain in this matter.

Thereafter, at its meeting on April 28, 2026, the Commission discussed the above-captioned matter and voted to dismiss same.

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<sup>1</sup> On September 24, 2024, Complainant filed a deficient Complaint; however, on September 27, 2024, 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. Probable Cause

### A. *The Complaint*

Complainant provided that on August 2, 2024, Respondent “posted an extensive endorsement for Ms. Peck’s [(Respondent’s friend and Board member)] candidacy for re-election on his Board of Education Campaign Facebook page.” Furthermore, Complainant maintained that the “endorsement also wrongfully use[d] [Respondent’s] official capacity as a trustee and as board president to endorse Ms. Peck for re-election in an attempt to secure unwarranted privileges, advantages for her.”

The social media post read:

My statements are mine alone and are not representative of the board or its individual members but may reflect some community sentiment.

While I am the President of the Westwood Board of Education, I offer this enthusiastic endorsement not only as a trustee but also as a lifelong volunteer, youth coach, mentor, father, and dedicated WWRSD stakeholder. I have deep roots in Westwood. Six family members graduated from Westwood Regional, and four more, ages six to seventeen, including my daughter, are attending Westwood Schools this year. My childhood and their future are why I have chosen to make this beautiful community my family’s forever home. I firmly believe that no one is better suited to make level-headed decisions for the betterment of all students, families, and our district than Ms. Andrea Peck. Over the past year, as the Board Vice President and the Curriculum and Instruction Chairperson, as well as over two years as a WWRSD trustee and several years as a Brookside PTO officer, Andrea has been a driving force in improving our schools and protecting our students.

Working with Andrea has been a privilege. Her brilliance, passion for education, selfless volunteering, and coaching have continually impressed me. Her deep care and commitment to our students’ education are unparalleled. Even in the face of personal attacks, Andrea always takes the high road and remains centered on what is best for our district, showcasing her integrity and strength of character.

Andrea’s focus on ensuring sound, judicious, prudent, and responsible investment returns has led to financial decisions that have driven academic success. Her efforts in policy reform have ardently defended the rights of families while supporting faculty, protecting students, and safeguarding against state-sanctioned disciplines. These accomplishments have had a tangible, positive impact on our district.

Andrea and I do not always agree and often view issues from different perspectives, but she consistently considers all viewpoints. She works professionally and respectfully toward our common goal: creating an educational

environment where all WWRSD students are challenged, nurtured, and able to thrive.

Andrea Peck always puts kids first—her commitment to education, civility, and collaboration is genuine and unwavering. This is not just a crafted image for the election; it is who she truly is. Her accomplishments speak for themselves; no one is better for this district. I am honored to offer my enthusiastic endorsement of Andrea Peck for re-election to our Westwood Regional School District Board.”

Complainant alleged that despite Respondent’s disclaimer at the top of the page, Respondent “completely contradicts, discredits and destroys the effectiveness of the disclaimer. Complainant contended that the body of Respondent’s endorsement “demonstrat[ed] at length” that Respondent’s endorsement was “founded significantly on the relationship [Respondent] and Ms. Peck share as fellow trustees, board president and vice president respectively.” Complainant further contended that the content of the post “extensively promotes [Respondent’s] official observations of her board activities and how they work together in that capacity and what he perceives to be her accomplishments in her role as a trustee and board vice president [in] an effort to sway voters to vote in her favor.” Accordingly, Complainant asserted Respondent violated *N.J.S.A. 18A:12-24(b)*, because Respondent “intentionally and deliberately used his official position to endorse a candidate in his capacity as a trustee and board president” and violated *N.J.S.A. 18A:12-24.1(c)*, because he took action, “posting the endorsement,” in his role as the Board president and trustee.

## **B. Probable Cause Decision**

In its probable cause decision, adopted on June 17, 2025, the Commission found that there were sufficient facts and circumstances presented in the Complaint and the Written Statement to lead a reasonable person to believe that Respondent violated *N.J.S.A. 18A:12-24(b)* in the Complaint. The Commission found that there appeared to be sufficient nexus between Respondent’s social media page and his role/membership on the Board as he has posted about Board matters in the past on the page and previously used the same page for his board election. The Commission found that while Respondent included a disclaimer, he added a statement that read “*While I am the President of the Westwood Board of Education, I offer this enthusiastic endorsement not only as a trustee...*” and also referenced Board matters, such as Ms. Peck’s “focus on ensuring sound, judicious, prudent, and responsible investment returns . . . that have driven academic success,” as well as her “efforts in policy reform.” The Commission found that a reasonable member of the public could find this to contradict the disclaimer, and given the nexus between the social media page and Respondent’s Board membership, as well as the content of the speech, a reasonable person would perceive that Respondent was posting in his official capacity as a Board member. Therefore, Respondent may have used his official position to secure an unwarranted privilege or advantage for a fellow Board member, and a violation of *N.J.S.A. 18A:12-24(b)* may be supported.

However, the Commission found that there were 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)* was violated as alleged in this complaint. The Commission noted that

Complainant had not shown what official board action, if any, Respondent took with regard to his endorsement of a candidate. Accordingly, the Commission dismissed the alleged violation of *N.J.S.A.* 18A:12-24.1(c).

### III. Analysis

Following transmittal to the OAL, the Commission reviewed this matter in light of recent decisions, namely *Santhana v. DiMare*, Docket No. C56-25 (March 24, 2026),<sup>2</sup> and voted to withdraw Probable Cause to ensure consistency.

In *Dimare, supra*, the Commission did not find probable cause when the Board member Respondent published a political opinion article in an online newspaper, Patch.com, in which he referenced his position on the Board when he “criticized” two Township Committee candidates and supported two others. The article, which included a disclaimer stating “[t]hese statements reflect my personal views as a private citizen, not those of the Board of Education or its members,” was then posted on Respondent’s Facebook page, entitled “Christian DiMare Holmdel Township Board of Education Member.” Specifically, the Commission found that Respondent’s disclaimer indicated that the views expressed in the article do not represent the views of the Board, and therefore, as Respondent used an appropriate disclaimer, a reasonable member of the public would not perceive that he was speaking in his official capacity as a Board member. The Commission noted, “[w]hile, at times, a disclaimer could be rendered ineffective, the Commission reminds the regulated community that those circumstances are limited.”

The Commission finds it necessary to reiterate the standard for when Board member involvement in social media implicates the Act. The Commission has explained that in order for a social media post to be offered pursuant to official duties, there must be a sufficient nexus between the social media page and the role/membership on the Board. *Hodrinisky v. Faussette, Hasbrouck Heights Board of Education, Bergen County*, Docket No. C11-21 (August 30, 2021). As the Commission explained in *Aziz v. Nikitinsky et al., Monroe Township Board of Education, Middlesex County*, Docket No. C56-22 (October 17, 2022)

... Although social media activity by a school official can be regarded as action [I/M/O *Treston, Randolph Township Board of Education, Morris County*, Docket No. C71-18 (April 27, 2021) and *Kwapniewski v. Curioni, Lodi Board of Education, Bergen County*, Docket No. C70-17 (December 17, 2019)], it is only when certain competent and credible factual evidence is proffered therewith that a violation can be substantiated.

As a general matter, a school official does not violate the Act merely because he/she engages in social media activity. Instead, the Commission’s analysis is guided by whether a reasonable member of the public could perceive that the school official is speaking in his or her official capacity or pursuant to his or her official duties. Whether a school official is perceived as speaking in his or her

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<sup>2</sup> While the Commission’s decision in *DiMare* was adopted on March 24, 2026, the matter was discussed by the Commission at its meetings on January 27, 2026, and February 24, 2026.

official capacity and pursuant to his or her official duties turns, in large part, on the content of the speech. If the speech in question has absolutely no correlation or relationship to the business of the Board and/or its operations and, therefore, could not possibly be regarded as a statement or position on behalf of the Board (as a body), a school official will not violate the Act. Conversely, if the speech in question does relate to the business of the Board and/or its operations, it is then reasonable for the reader to perceive the speech as being offered in an official capacity and pursuant to his or her official duties. Nonetheless, the filing party would still need to prove all elements of the cited provision of the Act...

Moreover, the use of a disclaimer on social media can help to clarify whether an individual is speaking in his or her official capacity and pursuant to his or her official duties; however, the presence of a disclaimer is not dispositive.

Following its additional review of this matter, the Commission now finds that even if the facts as asserted in the Complaint are proven true by sufficient credible evidence, they would not support a finding that Respondent violated *N.J.S.A.* 18A:12-24(b). As in *Dimare, supra*, there was a disclaimer on Respondent's Facebook post, and the disclaimer specifically mentioned that the statements made were Respondent's "alone and are not representative of the board or its individual members but may reflect some community sentiment," and as such, a reasonable member of the public would not perceive that Respondent was speaking pursuant to his official duties. Although the Commission originally found that the content of Respondent's post, and his reference to his position as President of the Westwood Board of Education, rendered his disclaimer to be inadequate, upon further review, the Commission now finds that the statement when viewed as a whole demonstrates that the post represents his personal opinion, and would not nullify his disclaimer. Specifically, Respondent makes clear that he is offering the endorsement "not only as a trustee but also as a lifelong volunteer, youth coach, mentor, father, and dedicated WWRSD stakeholder," and given his "deep roots in Westwood," he chose to make Westwood his "forever home," which is his personal context. Accordingly, the Commission finds Respondent's disclaimer specifically indicated that the views expressed in the article do not represent the views of the Board, and the statement itself does not indicate otherwise. As Respondent used an appropriate disclaimer, a reasonable member of the public would not perceive that he was speaking in his official capacity as a Board member. Therefore, despite the Commission's original findings in the Probable Cause Decision, it now finds Respondent's posts from his campaign Facebook account were not made in his capacity as a member of the Board, nor did they have the appearance of being representative of, or attributable to the Board. As such, Respondent cannot be found to have used his official position to secure unwarranted privilege or advantage for others, in violation of *N.J.S.A.* 18A:12-24(b), when he posted on social media in his private capacity with an appropriate disclaimer.

As this was the only remaining allegation within the Complaint, the Commission voted to withdraw Probable Cause.

#### **IV. Decision**

As Probable Cause has been withdrawn, and no further allegations remain, the Commission dismisses this matter. Accordingly, the above-captioned matter is hereby dismissed.

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: April 28, 2026

***Resolution Adopting Decision  
in Connection with C75-24***

***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 hearing; and

***Whereas***, at its meeting on February 24, 2026, the Commission voted to withdraw Probable Cause in this matter; and

***Whereas***, on February 24, 2026, the Commission requested that the file be returned from the OAL to the agency as this was the only remaining allegation in this matter; and

***Whereas***, at its meeting on April 28, 2026, the Commission discussed dismissing the above-referenced matter; and

***Whereas***, at its meeting on April 28, 2026, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings; 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 April 28, 2026.

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Brigid C. Martens, Director  
School Ethics Commission