

Before the School Ethics Commission
Docket No.: C80-25
Decision on Probable Cause

Michele McGuigan,
Complainant

v.

Anthony Susino and David Calhoun,
Neptune City Board of Education, Monmouth County,
Respondents

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on September 11, 2025,¹ by Michele McGuigan (Complainant), alleging that Anthony Susino (Respondent Susino) and David Calhoun (Respondent Calhoun) (collectively Respondents), members of the Neptune City 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:12-24.1(g)* of the Code of Ethics for School Board Members (Code). Respondents filed a Written Statement on November 6, 2025.

The parties were notified by correspondence dated February 17, 2026, that the above-captioned matter would be discussed by the Commission at its meeting on February 24, 2026, to determine whether probable cause exists. Following its discussion on February 24, 2026, the Commission adopted a decision at its meeting on March 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.

II. Summary of the Pleadings

A. *The Complaint*

By way of background, Complainant provides that she was involved in an “incident” in 2018 when she was employed by the Neptune City School District (District) as a paraprofessional. According to Complainant, the incident was investigated and “classified as ‘Not Established’ meaning no substantiated findings were made.” Complainant maintains that

¹ On August 28, 2025, Complainant filed a deficient Complaint; however, on September 11, 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*.

“any records or details associated with [the incident], are protected as confidential under *N.J.S.A.* 9:6-8.10a and were never discussed in public session.” Complainant further maintains that Respondent Calhoun was not a Board member at the time of the incident, and therefore, should not have any knowledge of it. Subsequently, Complainant “voluntarily resigned” from her employment, and thereafter, was elected to the Board in November of 2018. Complainant notes that after serving two terms as a Board member, which ended in December 2024, she then applied for an open seat in January/February 2025.

Complainant notes that she was informed by a community member in March 2025 that Respondents stated Complainant “was not a good person and did not deserve to serve on the [B]oard.” Complainant further notes Respondents stated, “there had been an incident involving [Complainant] and a student while [she] was employed at Woodrow Wilson, which was caught on video and reviewed by police.” Complainant asserts Respondents violated *N.J.S.A.* 18A:12-24.1(g), because Respondent Susino “used confidential information from executive session(s) in 2018 to tarnish [her] reputation/character to a fellow board member [Respondent Calhoun],” and a community member. Complainant further asserts that although Respondent Calhoun “was not privy to the information discussed” in 2018, he “was disseminating that information that he should never have possessed.”

B. *Written Statement*

Respondents deny that they discussed the incident with a community member and further argue that the allegations “do not reach the level of conduct regulated by [*N.J.S.A.*] 18A:12-24.1(g).” Respondents maintain that they are “entitled to express their opinions on a now well-known sequence of events leading to Complainant’s resignation.” Respondents further maintain the incident “is well known in the community,” and they did not divulge any confidential school communications. Respondents argue that the “allegations, even if true, appear to relate to casual non-[Board] business and are beyond the scope of the [Act].” Respondents contend that it “is not a violation of the Code to vote for or against a candidate seeking appointment to the [Board].”

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 *N.J.S.A.* 9:6-8.10a and/or any Board policies, 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 Respondents violated *N.J.S.A.* 18A:12-24.1(g) and this provision of the Code provides:

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(g) needs to be supported by certain factual evidence, more specifically:

7. Factual evidence of a violation of the confidentiality provision of *N.J.S.A.* 18A:12-24.1(g) shall include evidence that Respondents 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 Respondents 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 Respondents and evidence that establishes that the inaccuracy was other than reasonable mistake or personal opinion or was not attributable to developing circumstances.

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:12-24.1(g) was violated. Complainant has not demonstrated that the substance of what Respondents allegedly said was considered confidential under any statutes or regulations. In addition, Complainant has not demonstrated that Respondents would only have knowledge of the incident as a result of being a Board member. Additionally, Complainant has not shown that Respondents' comments were inaccurate or that the inaccuracy was not due to Respondents' reasonable mistake or personal opinion.

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(g).

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 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 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: March 24, 2026

***Resolution Adopting Decision
in Connection with C80-25***

Whereas, at its meeting on February 24, 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 February 24, 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 March 24, 2026, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on February 24, 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 March 24, 2026.

Brigid C. Martens, Director
School Ethics Commission