

Before the School Ethics Commission
OAL Docket No.: EEC-04653-23
SEC Docket No.: C93-22
Final Decision

In the Matter of Luis Muniz and Gabrielle Bennett-Meany,
Belleville Board of Education, Essex County,
Respondents

I. Procedural History

The above-captioned matter arises from a Complaint that was filed on October 6, 2022, by Michael Sheldon (Complainant), alleging that Luis Muniz (Respondent Muniz) and Gabrielle Bennett-Meany (Respondent Bennett-Meany) (collectively referred to as Respondents), members of the Belleville 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(c)* in Count 1 and Count 2.

On November 21, 2022, Respondents filed a Motion to Dismiss in Lieu of Answer (Motion to Dismiss), and Complainant filed a response to the Motion to Dismiss on January 6, 2023. At its meeting on March 21, 2023, and after reviewing the parties' submissions at its meeting on February 21, 2023, the Commission adopted a decision denying the Motion to Dismiss in its entirety, and directing Respondents to file an Answer to Complaint (Answer). On April 10, 2023, Respondents filed an Answer as directed.

At its meeting on April 25, 2023, the Commission considered the filings and, at its meeting on May 23, 2023, the Commission voted to find probable cause for the stated violations of *N.J.S.A. 18A:12-24(c)* in Count 1 and Count 2. Based on its finding of probable cause, the Commission voted to transmit the within matter to the Office of Administrative Law (OAL) for a hearing.

Following motions for summary decision, the Administrative Law Judge (ALJ) issued an Initial Decision on May 21, 2026, concluding that Respondents violated *N.J.S.A. 18A:12-24(c)*, and recommending a penalty of censure. Respondents filed exceptions to the Initial Decision, in accordance with *N.J.A.C. 1:1-18.4*, and Petitioner filed a reply thereto.

At its meeting on August 25, 2026, the Commission discussed the above-captioned matter, and at its meeting on September 22, 2026, the Commission voted to adopt the Initial Decision's findings of fact, the legal conclusion that Respondents violated *N.J.S.A. 18A:12-24(c)*, and the recommended penalty of censure.

II. Initial Decision

The ALJ found that the underlying question is whether “the affirmative votes of Respondents on August 15, 2022, and September 19, 2022, approving rental payments to Michael Melham,” violated *N.J.S.A. 18A:12-24(c)*. *Initial Decision* at 2.

The parties submitted the following joint stipulation of facts:

1. Respondents Luis Muniz and Gabrielle Bennett-Meany, served as members of the Belleville Board of Education from 2020 to 2024.
2. Since February 15, 2005, Michael Melham has been the owner of the property located at 335 Union Avenue in Belleville (335 Union).
3. In 2019, Respondents had a joint candidate committee election campaign for the 2020 Belleville Board of Education under the moniker “Better Belleville BOE.”
4. For the 2019 campaign cycle, Better Belleville BOE was registered with the New Jersey Election Law Enforcement Commission (ELEC) at the 335 Union address.
5. Michael Melham served as the 2019 Better Belleville BOE’s Chairperson and Treasurer.
6. The 2019 Better Belleville BOE received a contribution of \$7,400.00 each from “Belleville Victory 2022” and “Melham for Belleville,” totaling \$14,800.00, on October 31, 2019.
7. Belleville Victory 2022 and Melham for Belleville 2022 are Candidate Committees registered with the 335 Union address.
8. Belleville Victory 2022 was registered as a joint candidate committee with ELEC on July 29, 2019, and used the 335 Union address. Melham served as both the Chairperson and Treasurer for this entity.
9. Melham for Belleville 2022 was registered as a single candidate committee with ELEC on August 16, 2018, and used the 335 Union address. Melham served as the Candidate, Chairperson, and Treasurer for this entity.
10. Upon the recommendation of the Superintendent, the Board voted to approve entering into a five-year lease agreement with Michael Melham for use of the property at 335 Union at its January 25, 2021, meeting.
11. Respondents ran for reelection in 2022 and had a joint candidate committee election campaign for the 2022 Belleville Board of Education under the moniker “Better Belleville BOE.”
12. For the 2022 campaign cycle, Better Belleville BOE was registered with ELEC to 314 Washington Avenue in Belleville.
13. Michael Melham served as the 2022 Better Belleville BOE’s Chairperson and Treasurer.
14. On August 15, 2022, and September 19, 2022, Respondents both voted to approve a monthly lease payment of \$3,009.00 to Michael Melham.
15. The lease payment that was the subject of Respondents’ votes on August 15 and September 19, 2022, was for a property owned by Melham, the 335 Union Avenue address.
16. On October 4, 2022, the Better Belleville BOE campaign received a contribution of \$10,000.00 from Belleville Victory 2022.
17. In November 2022, the Better Belleville BOE campaign received a contribution of \$8,000.00 from Belleville Victory 2022.

Id. at 3-4.

According to the ALJ, Respondents argue, among other things, that their votes approving rental payments to Melham were “ministerial acts,” and that Petitioner failed to prove “contradictory desires.” *Id.* at 6. The ALJ noted Petitioner argues “it is irrelevant whether the votes of Respondents to approve rental payments to Mr. Melham were administrative or substantial.” *Ibid.*

The ALJ found there is no dispute that Respondents had a relationship with Melham as he served as chairman and treasurer of their campaign and his committees donated money to Respondents’ campaign. *Ibid.* Therefore, the ALJ concluded that this relationship “creates indirect financial involvement that might reasonably be expected to impair [their] objectivity or independence of judgment.” *Ibid.* The ALJ further concluded “this relationship created a conflict requiring Respondents to recuse themselves from votes involving Mr. Melham, which they failed to do in voting to approve rental payments to Mr. Melham.” *Id.* at 7. Finally, the ALJ also concluded the affirmative votes of Respondents constitute a violation of *N.J.S.A.* 18A:12-24(c). *Ibid.*

The ALJ stated Petitioner requested a censure and the ALJ agreed as, “the public perception of the votes herein are important” and “the votes to make rental payments to Mr. Melham could easily be perceived by members of the public as improper and done to curry favor with Mr. Melham.” *Ibid.* Therefore, the ALJ ordered that Respondents be censured. *Ibid.*

III. Exceptions

Respondents’ Exceptions

Respondents initially argue, contrary to the ALJ’s conclusion that “Respondents’ relationship with Michael Melham ‘might reasonably be expected to impair [their] objectivity or independence of judgment,’” there was not any independence of judgment to exercise. Rather, Respondents note the “question before the court was not whether there was a pre-existing relationship between Mr. Melham and the Respondents, which has been acknowledged, but whether that relationship created a conflict of interest that could impair their objectivity or independence of judgment.” Respondents maintain that although the ALJ “determined that there was a conflict that required Respondents to recuse themselves from voting on the District’s rental payments to Mr. Melham, the statute requires that there be more than a conflict, it must also be capable of impairing their objectivity or independence of judgment.”

Respondents further maintain it “is undisputed that the District entered into a five-year lease with Mr. Melham to rent space in a building he owned,” the “District was required to make monthly rental payments for the space they were occupying for administrative offices,” and that “Respondents voted to approve the bill list that included the rental payment to Mr. Melham.” However, Respondents argue “[i]n no way could voting to approve the list containing hundreds of bills recommended by the Superintendent for Board Approval compromise the Respondents’ independence of judgment as related to whether to approve the bill list simply because two of those checks would go to the Respondents’ campaign manager under an existing contract.” Therefore, Respondents assert the Commission “should consider whether a reasonable, fully

informed person would have doubts about the official's impartiality.” As such, Respondents further assert “a *reasonable* person would not think that the relationship between Mr. Melham and the Respondents, as well as his contractual relationship with the District, impaired Respondents’ impartiality.”

Respondents contend the Initial Decision should be rejected because the “financial benefits” that Melham received “were created in January 2021 when the District entered into the Lease agreement stating the monthly payment he was to receive for the duration of the contract, not when the routine payment of rent for the facility occurred monthly over a year after the lease commenced.” Respondents further contend that the “appearance of impropriety must be ‘something more than a fanciful possibility. It must have some reasonable basis.’” According to Respondents, the ALJ concluded that “Respondents violated *N.J.S.A. 18A:12-24(c)* by voting to approve payments to the District’s landlord in August and September 2022 while he was acting as their campaign treasurer” and further concluded that Respondents “should have recused themselves from voting on the payment of the District’s bills because of their connection to him.” However, Respondents argue that Melham “was not a direct contributor to their campaign.” Respondents maintain despite the assertion that the “votes to make rental payments could easily be perceived by members of the public as improper and done to curry favor with Mr. Melham,” the ALJ “overlooks the fact that the payments were required to be made under the contract, it was not a new award or some other benefit to which he was not entitled.” Moreover, Respondents further maintain the ALJ “incorrectly determined that Respondents had a direct or indirect financial involvement that might reasonably be expected to impair either Respondents’ objectivity or independence of judgment,” nor were there any allegations that Respondents “or any of their immediate family members had a personal involvement in the payments to the landlord for the District’s rental property, thereby creating some benefit to them.” Therefore, Respondents assert the finding of a violation of *N.J.S.A. 18A:12-24(c)* was incorrect.

As to penalty, Respondents contend “should the Commission uphold the Court’s finding that Respondents violated the [Act], a reprimand would be a more appropriate penalty.” Respondents further contend “as for balancing aggravating/mitigating circumstances for a penalty, the Respondents voted on a bill list that is routinely presented to Board Members for approval, containing hundreds of items to be voted upon. Any oversight was not an intentional flouting of [Respondents’] ethical obligations.”

Petitioner’s Reply to Respondents’ Exceptions

Petitioner notes the Commission found probable cause to credit the allegations that Respondents violated *N.J.S.A. 18A:12-24(c)* when they approved a monthly lease payment to Michael Melham, the then and current Mayor of Belleville, at the August 15 and September 19, 2022, Board meetings. Moreover, the Commission “also advised that ‘whether the matter(s) voted upon is administrative or of profound significance is of no moment; instead, the critical issue is whether a school official has a conflict which necessitates their recusal.’”

According to Petitioner, Respondents had a “joint candidates committee” election campaign for the Belleville BOE known as “Better Belleville BOE.” The candidates used an address for their campaign, which was owned by Mayor Melham who also served as the

Chairperson and Treasurer for the 2019 campaign cycle. Petitioner notes Respondents' 2019 campaign received, among others, a contribution of \$7,400.00 each from "Belleville Victory 2022" and "Melham for Belleville," totaling \$14,800.00. According to the 2019 campaign's report to ELEC, both Belleville Victory 2022 and Melham for Belleville are entities registered with the same address that is owned by Mayor Melham. Petitioner further notes "[a]ccording to its own filings with the ELEC, Belleville Victory 2022 was also registered as a joint candidate committee with the ELEC on July 29, 2019, and similarly used the 335 Union address, with Melham serving as both the Chairperson and Treasurer."

Petitioner maintains that the Board "entered into the lease agreement at issue with Melham for use of the property at 335 Union in January 2021." Petitioner further maintains "[i]n 2022, Respondents ran for reelection under the same Better Belleville BOE moniker (2022 campaign), registered with the ELEC on July 27, 2022, with Melham again serving as the campaign's Chairperson and Treasurer." Thereafter, Petitioner notes Respondents, in their roles as Board members, voted to approve a monthly lease payment for the property owned by Mayor Melham.

Petitioner asserts the ALJ issued an Initial Decision granting Petitioner's motion for summary decision and the ALJ correctly found the undisputed facts noted above, which were submitted as joint stipulations of fact by the parties. Petitioner contends by granting Petitioner's motion, the ALJ determined that "Respondents violated *N.J.S.A. 18A:12-24(c)* when they participated in the votes at issue because: (1) Respondents' relationship with Melham created an indirect financial involvement that might reasonably be expected to impair their objectivity or independence of judgment; and (2) Respondents' relationship with Melham created a conflict requiring Respondents to recuse themselves from votes involving Melham, which they failed to do." According to Petitioner, the ALJ correctly noted that the standard for determining whether a violation has occurred is what a reasonable member of the public would believe. Further, Petitioner notes the ALJ rejected Respondents' contention that the "ministerial" nature of their votes cannot create a conflict unless there is proof of "contradictory desires." Per Petitioner, the ALJ found that the nature of Respondents' relationship to Melham is one which might reasonably be expected to impair objectivity, especially if no time has elapsed between active campaigning and the time of the vote.

Petitioner argues, in their exceptions Respondents identify two reasons for which they take issue. "First, Respondents take exception to the ALJ's overall determination that they violated *N.J.S.A. 18A:12-24(c)* because the votes at issue were administrative. Second, Respondents argue that reprimand is the appropriate penalty if the Commission adopts the ALJ's finding that Respondents violated *N.J.S.A. 18A:12-24(c)*." Petitioner further argues Respondents are proffering the same argument that the Commission specifically rejected in the Probable Cause Notice. Therefore, Petitioner contends Respondents' exceptions should be rejected because the ALJ's decision was legally appropriate.

IV. Analysis

Upon a thorough, careful, and independent review of the record, the Commission adopts the ALJ's factual findings, the legal conclusion that Respondents violated *N.J.S.A. 18A:12-24(c)*, and the recommended penalty of censure.

N.J.S.A. 18A:12-24(c) states that no school official shall act in their official capacity in any matter where they, a member of their immediate family, or a business organization in which they have an interest, has a direct or indirect financial involvement that might reasonably be expected to impair their objectivity or independence of judgment and no school official shall act in their official capacity in any matter where they or a member of their immediate family has a personal involvement that is or creates some benefit to the school official or member of their immediate family.

The Commission finds that Respondents had a direct or indirect financial interest when they voted on payments to Michael Melham on August 15, 2022, and September 19, 2022, while he was the Chairperson and Treasurer of the Better Belleville BOE, the joint candidate committee under which they ran for reelection in 2022 and while his two committees donated money to Respondents' election campaign. Such financial involvement may reasonably be expected to impair their objectivity or independence of judgment with respect to Michael Melham.

The Commission does not find Respondents' exceptions to be persuasive. While Respondents argue that Melham "was not a direct contributor to their campaign," this is not the only criteria for a financial involvement. Melham was the Chairperson and Treasurer for their campaign committee which created the financial relationship. In addition, Melham was both the Chairperson and Treasurer for the Belleville Victory 2022 PAC which also contributed to their campaign.

Accordingly, the Commission agrees with the ALJ that Respondents violated *N.J.S.A.* 18A:12-24(c).

With respect to a penalty, the Commission agrees with the ALJ that a penalty of censure is appropriate. Respondents should have been aware that voting on a financial matter that benefited Melham while Melham was intertwined with their campaign is prohibited. Nevertheless, even after Respondents became aware of the error, they still failed to acknowledge that the vote was inappropriate. Accordingly, the Commission finds that a censure is warranted for the violation of *N.J.S.A.* 18A:12-24(c).

IV. Decision

For the aforementioned reasons, the Commission adopts the ALJ's findings of fact, the legal conclusion that Respondents violated *N.J.S.A.* 18A:12-24(c), and 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: September 22, 2026

***Resolution Adopting Final Decision
in Connection with C93-22***

Whereas, at its meeting on May 23, 2023, the School Ethics Commission (Commission) voted to transmit the above-captioned matter to the Office of Administrative Law (OAL) for a hearing; and

Whereas, the Administrative Law Judge (ALJ) issued an Initial Decision dated May 21, 2026; and

Whereas, the ALJ found that Respondent violated *N.J.S.A.* 18A:12-24(c), and recommended a penalty of censure; and

Whereas, Respondents filed exceptions to the Initial Decision, and Petitioner filed a reply thereto; and

Whereas, at its meeting on August 25, 2026, the Commission reviewed the record in this matter, and discussed adopting the ALJ's findings of fact, the legal conclusions that Respondents violated *N.J.S.A.* 18A:12-24(c), and the recommended penalty of censure; and

Whereas, at its meeting on September 22, 2026, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on August 25, 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 September 22, 2026.

Brigid C. Martens, Director
School Ethics Commission