

Before the School Ethics Commission
Docket No.: C95-25
Decision on Probable Cause

**Rebecca Nieves,
Complainant**

v.

**Joseph Thomas,
Winslow Township Board of Education, Camden County,
Respondent**

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on October 3, 2025,¹ by Rebecca Nieves (Complainant), alleging that Joseph Thomas (Respondent), a member of the Winslow 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(b), and *N.J.S.A.* 18A:12-24(c), as well as *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(f)², *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).

On October 8, 2025, Respondent filed a Written Statement, which included an allegation that the Complaint is frivolous. On October 9, 2025, Complainant filed a response to the allegation of frivolous filing.

The parties were notified by correspondence dated March 17, 2026, that the above-captioned matter would be discussed by the Commission at its meeting on March 24, 2026, to determine whether probable cause exists and whether the Complaint is frivolous. Following its discussion on March 24, 2026, the Commission adopted a decision at its meeting on April 28, 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

¹ On September 30, 2025, Complainant filed a deficient Complaint; however, on October 3, 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.

² In Counts 2, 3 and 4, Complainant cited *N.J.S.A.* 18A:12-24(f), but used the language of *N.J.S.A.* 18A:12-24.1(f). Accordingly, the Commission will consider this to be an allegation of *N.J.S.A.* 18A:12-24.1(f).

the Complaint. The Commission also adopted a decision finding the Complaint not frivolous, and denying Respondent’s request for sanctions.

II. Summary of the Pleadings

A. *The Complaint*

In Count 1, Complainant contends that during a Board meeting on September 10, 2025, Respondent “left his seat at the dais,” went to the “public comment microphone” and “spoke in opposition to the Board’s decision [to hire the superintendent], criticized the hiring process, and further questioned the status of the current superintendent, who was on medical leave.” Among his comments, Respondent stated he was making the comments “not as a board member engaged in confidential deliberation but as a community stakeholder.” He further stated: “I have recused myself from matters concerning the superintendent. That recusal means I am no more entitled to confidential details than the public. But it also means I have every right just like the public to ask clear questions...” Respondent continued his comments about the hiring of the new Superintendent, stating:

...the process by which the hire was completed has not been made fully clear to the public. Will [sic] the proper procedures followed? What criteria guided the selection? And how was the decision communicated to the stakeholders who depend on that leadership? Third, this board has also developed and approved a job description for our interim superintendent. The public deserves to know how was this description formed? What input shaped it? Has the interim superintendent actually been appointed? If so, who is [it]? Why has it not been clearly shared? If not, what is the timeline of the process moving forward? And yes, I do see as of today, September 10, 2025, superintendent contract has been submitted to us for review. Yet 3 hours later, there is still no clarity on how or why we got there. The public deserves to understand the process, the reasoning, and the path forward, not simply be presented the documents absent explanation. These questions are not about sitting in an executive session. They are about the right of the public and by the extension conflicted members of the board now speaking as stakeholders to know the status of outcomes, directions of decisions that shape our children's education and district stability...

Complainant further contends Respondent’s actions violated *N.J.S.A.* 18A:12-24.1(c), *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 Count 2, Complainant asserts that on July 12, 2025, Respondent “used school facilities to film and stage a campaign announcement, including use of the school football field as a backdrop” and he “solicited campaign support and volunteers in connection with this event.” Complainant further asserts Respondent’s actions violate *N.J.S.A.* 18A:12-24(b) because he “used his position to secure unwarranted privileges or advantages by leveraging district property for personal campaign purposes”; and *N.J.S.A.* 18A:12-24.1(f) because he used the “schools for personal gain, contrary to the obligations of a board member.” Complainant notes that

Respondent apologized at a subsequent public meeting about using the school facilities, stating “I did a show from the field with no permission [and] I violated that policy.”

In Count 3, Complainant maintains that during a Board meeting on June 26, 2025, Respondent “wore clothing branded with his private podcast/business and distributed merchandise associated with the enterprise to attendees” in violation of *N.J.S.A.* 18A:12-24(b) because he secured “unwarranted privileges or advantages by promoting his private business in his official capacity”; *N.J.S.A.* 18A:12-24(c) because he acted “in an official capacity despite having a personal interest in the outcome of his promotional activity”; and *N.J.S.A.* 18A:12-24.1(f) because he used his “position and the school setting for personal gain.” Complainant affirms that she “witnessed him hand merchandise to a parent and student seated beside me.”

In Count 4, Complainant contends Respondent used the District’s official school logo in campaign materials and promotional content without authorization, including using the logo in printed and digital media, which “conveys the false impression of school or Board endorsement and exploits district resources for personal and political gain.” Complainant further contends Respondent violated *N.J.S.A.* 18A:12-24(b) because he used “his official position to secure unwarranted privileges or advantages by incorporating the district’s logo in campaign materials”; and *N.J.S.A.* 18A:12-24.1(f) because he used “school resources, property, or identity for personal gain.”

B. *Written Statement and Allegation of Frivolous Filing*

In his Written Statement, which includes an allegation of frivolous filing, Respondent argues as to Count 1, “the action that was taken occurred during a duly convened public meeting and in full view of the community.” Respondent further argues his “conduct was consistent with this obligation – to ask questions, promote improvement, and ensure that the public remains accurately informed.”

Regarding Count 2, Respondent maintains he used “the facility after school hours; no staff, students, or members of the public were present; and no public resources were utilized.” Moreover, Respondent states this did not result in any “personal, financial, or political gain and did not involve misuse of authority or influence.”

As to Count 3, Respondent contends “[a]t all times, [he] acted in good faith, within the bounds of the law, and consistent with the standards of ethical conduct expected of an elected school board member.” Respondent further contends his actions were in public, “with the sole intent of advancing the district’s mission and maintaining public trust.” Respondent also denies that he used his official position to secure any advantages.

Respondent did not provide a response to the allegation in Count 4.

Finally, Respondent alleges the Complaint is frivolous because it “lacks any reasonable basis in fact or law, and the timing of its submission, coupled with the [C]omplainant’s repeated pattern of interference in Board matters, demonstrates that it was filed in bad faith for the purpose of harassment and political disruption rather than legitimate ethical oversight.”

C. *Response to the Allegation of Frivolous Filing*

Complainant maintains the Complaint is not frivolous because it “was filed in good faith and followed the exact directions”; “it lists specific actions, on specific dates” and it “is backed by firsthand information and documentation.”

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, 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, based on the conduct more fully detailed above, Respondent violated *N.J.S.A. 18A:12-24(b)* and *N.J.S.A. 18A:12-24(c)*, and these provisions of the Act state:

b. No school official shall use or attempt to use his official position to secure unwarranted privileges, advantages or employment for himself, members of his immediate family or others;

c. No school official shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial involvement that might reasonably be expected to impair his objectivity or independence of judgment. No school official shall act in his official capacity in any matter where he or a

member of his immediate family has a personal involvement that is or creates some benefit to the school official or member of his immediate family;

In order to credit a violation of *N.J.S.A.* 18A:12-24(b), Complainant must provide sufficient factual evidence that Respondent used or attempted to use his official position to secure an unwarranted privilege, advantage or employment for himself, members of his immediate family, or “others.”

To credit a violation of *N.J.S.A.* 18A:12-24(c), Complainant must provide sufficient factual evidence that Respondent acted in his official capacity in a matter where he, or a member of his immediate family, had a direct or indirect financial involvement that might reasonably be expected to impair his objectivity, or in a matter where he had a personal involvement that created some benefit to him, or to a member of his immediate family.

Complainant further submits that Respondent violated *N.J.S.A.* 18A:12-24.1(c), *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:

c. I will confine my board action to policy making, planning, and appraisal, and I will help to frame policies and plans only after the board has consulted those who will be affected by them.

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), a violation(s) of *N.J.S.A.* 18A:12-24.1(c), *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:

3. Factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(c) shall include evidence that Respondent took board action to effectuate policies and plans without consulting those affected by such policies and plans, or took action that was unrelated to Respondent’s duty to (i) develop the general rules and principles

that guide the management of the school district or charter school; (ii) formulate the programs and methods to effectuate the goals of the school district or charter school; or (iii) ascertain the value or liability of a policy.

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.

Count 1

In Count 1, Complainant asserts that Respondent violated *N.J.S.A.* 18A:12-24.1(c), *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) when he made remarks at a Board meeting questioning the superintendent search process. Respondent argues his remarks were made at a public meeting and were designed to increase transparency.

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(c), *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) were violated. Regarding *N.J.S.A.* 18A:12-24.1(c), Complainant has not shown what Board action Respondent has taken as his statements/questions regarding transparency in the hiring process made during the Board

meeting were not “action,” nor were they outside of his duties as a Board member. Similarly, the Complaint does not allege what personal promises, if any, Respondent made, or how Respondent’s questions regarding whether an interim superintendent was appointed, who it is, and what process was followed were outside the scope of his duties or how they would compromise the Board, as required by *N.J.S.A. 18A:12-24.1(e)*. The Complaint also fails to explain how Respondent’s comments would constitute 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, as required by *N.J.S.A. 18A:12-24.1(f)* when he stated his opinion/viewpoint, or how his remarks would have created a benefit for himself. Further, Complainant has not demonstrated or provided evidence of what information in Respondent’s comments would have been either confidential or inaccurate as needed to sustain a violation of *N.J.S.A. 18A:12-24.1(g)*. Lastly, as to *N.J.S.A. 18A:12-24.1(i)*, as noted above, Respondent is permitted to have his own views and asking questions about the transparency of a hiring process does not equate to undermining, opposing, compromising or harming school personnel in the proper performance of their duties. The Commission notes that board members do not abdicate their fundamental rights as citizens after they become members of a board of education, and this necessarily includes the sacrosanct rights to freedom of speech and freedom of expression. Respondent notably came down from the dais, and provided a disclaimer, before making his statement. Additionally, it appears that Respondent was recused from matters concerning the Superintendent, and therefore, presumably the statements he was making were not based on information he had as a Board member, nor was he divulging confidential Board information.

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(c)*, *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 Count 1.

Count 2

In Count 2, Complainant argues that Respondent violated *N.J.S.A. 18A:12-24(b)* and *N.J.S.A. 18A:12-24.1(f)* when he used school facilities to film and stage a campaign announcement, including the school football field. Respondent argues he used the facility after school hours and no staff or students were involved.

Following its assessment, 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(b)* and *N.J.S.A. 18A:12-24.1(f)* were violated. Policies about who can use the school facilities, and for what purposes, would be the responsibility of the Board and enforcement of said policies would fall under Board governance. Complainant has not shown that Respondent’s use of the school facilities in his campaign announcement was an attempt to secure an unwarranted privilege or advantage that would not be available to others as required by *N.J.S.A. 18A:12-24(b)*. Further, as Complainant has not shown who may use, or not use, the school facilities, Complainant has not demonstrated that Respondent used the schools in order to acquire some benefit for himself, a member of his immediate family or a friend as needed to sustain a violation of *N.J.S.A. 18A:12-24.1(f)*.

Consequently, 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(b)* and *N.J.S.A. 18A:12-24.1(f)* in Count 2.

Count 3

In Count 3, Complainant argues Respondent violated *N.J.S.A. 18A:12-24(b)*, *N.J.S.A. 18A:12-24(c)* and *N.J.S.A. 18A:12-24.1(f)* when he wore clothing with his podcast name “Winslow Joe” on it and distributed merchandise associated with the podcast at a Board meeting. Respondent contends “[a]t all times, [he] acted in good faith, within the bounds of the law, and consistent with the standards of ethical conduct expected of an elected school board member.”

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(b)*, *N.J.S.A. 18A:12-24(c)* and *N.J.S.A. 18A:12-24.1(f)* were violated. In *I/M/O Sharnell Morgan, Pleasantville Board of Education, Atlantic County*, Docket No. 109-22 (August 19, 2025), the Commission stated that the wearing of a shirt with the name of Respondent’s nonprofit’s name on it alone would not violate *N.J.S.A. 18A:12-24(b)*. In that matter, the Commission found that the Respondent livestreamed her conversations with vendors, first introducing herself as a Board member and then promoting her company to procure services/benefits on behalf of her non-profit was in violation of *N.J.S.A. 18A:12-24(b)*. As such, in the current matter, Respondent’s wearing of a shirt, alone, would not violate *N.J.S.A. 18A:12-24(b)*. As to the distribution of merchandise, the Complaint lacks any details regarding the podcast/business or what Respondent was allegedly distributing at the Board meeting. The only fact alleged is that Complainant “witnessed [Respondent] hand merchandise to a parent and student seated beside [her].” It is unclear what Respondent gave to the parent/student, whether he gave anything to anyone else, or whether the parent/student had requested or purchased the item in advance. Without more information, Complainant has not demonstrated that Respondent’s distribution of an item to a parent/student or wearing his podcast shirt was an attempt to secure an unwarranted privilege or advantage that would not be available to others as required by *N.J.S.A. 18A:12-24(b)*. As noted above, due to the lack of evidence submitted by Complainant, with regard to *N.J.S.A. 18A:12-24(c)*, Complainant has not provided sufficient factual evidence that Respondent acted in his official capacity as a Board member in a matter where he had a direct or indirect financial involvement that might reasonably be expected to impair his objectivity, or in a matter where he had a personal involvement that created some benefit to him. Additionally, Complainant has also failed to demonstrate how Respondent used the schools in order to acquire some benefit for himself, as needed to sustain a violation of *N.J.S.A. 18A:12-24.1(f)*, as Complainant has not shown that others could not have given item(s) to someone at a meeting.

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(b)*, *N.J.S.A. 18A:12-24(c)* and *N.J.S.A. 18A:12-24.1(f)* in Count 3.

Count 4

In Count 4, Complainant contends Respondent violated *N.J.S.A.* 18A:12-24(b) and *N.J.S.A.* 18A:12-24.1(f) when he used the District's official school logo in campaign materials and promotional contents without authorization. Respondent did not provide a response to this Count.

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(b) and *N.J.S.A.* 18A:12-24.1(f) were violated. If the Board has a policy about the use of the school logo, it would be up to the Board to enforce said policy. Therefore, Complainant has not shown that Respondent used or attempted to use his official position to secure an unwarranted privilege, advantage or employment for himself in violation of *N.J.S.A.* 18A:12-24(b) as Complainant has not demonstrated that others could not have also used the school logo. Likewise, Complainant has not demonstrated that Respondent used the schools in order to acquire some benefit for himself, a member of his immediate family or a friend as needed to sustain a violation of *N.J.S.A.* 18A:12-24.1(f) when he used the school logo.

Consequently, 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(b) and *N.J.S.A.* 18A:12-24.1(f) in Count 4.

IV. Request for Sanctions

At its meeting on March 24, 2026, the Commission considered Respondent's request that the Commission find the Complaint frivolous, and impose sanctions pursuant to *N.J.S.A.* 18A:12-29(e). Despite Respondent's argument, the Commission cannot find evidence that might show that Complainant filed the Complaint in bad faith or solely for the purpose of harassment, delay, or malicious injury. The Commission also does not have information to suggest that Complainant knew or should have known that the Complaint was without any reasonable basis in law or equity, or that it could not be supported by a good faith argument for an extension, modification or reversal of existing law. *N.J.A.C.* 6A:28-1.2. Therefore, at its meeting on April 28, 2026, the Commission adopted a decision finding the Complaint not frivolous, and denying the request for sanctions.

V. 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 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 Commission further advises the parties that, following its review, it voted to find that the Complaint is not frivolous, and to deny Respondent's request for sanctions.

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: April 28, 2026

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***Resolution Adopting Decision
in Connection with C95-25***

Whereas, at its meeting on March 24, 2026, the School Ethics Commission (Commission) considered the Complaint, the Written Statement and the allegation of frivolous filing, and the response to the allegation of frivolous filing submitted in connection with the above-referenced matter; and

Whereas, at its meeting on March 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 discussed finding the Complaint not frivolous, and denying the request for sanctions; 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 from its meeting on March 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 April 28, 2026.

Brigid C. Martens, Director
School Ethics Commission