



MIKIE SHERRILL
Governor
DR. DALE G. CALDWELL
Lt. Governor

State of New Jersey
DEPARTMENT OF EDUCATION
PO Box 500
TRENTON, NJ 08625-0500

DR. LILY LAUX
Commissioner

SCHOOL ETHICS COMMISSION

May 26, 2026

For Public Release

Subject: Public Advisory Opinion – A11-26

The School Ethics Commission (Commission) received your request for an advisory opinion regarding your conduct as a member of the Board of Education (Board). The Commission's authority to issue advisory opinions is expressly limited to determining whether any prospective conduct or activity would constitute a violation of the School Ethics Act (Act). *N.J.S.A.* 18A:12-31. Pursuant to *N.J.S.A.* 18A:12-28(b), the Commission preliminarily discussed your request at its Advisory Opinion Committee meeting on May 13, 2026, and again at its regular meeting on May 26, 2026.

You inform the Commission that the Board is in the process of hiring a Board solicitor. You note that your brother-in-law (your spouse's brother) provides consulting services to one of the solicitors who is being considered. You further note that your brother-in-law is not an owner of the law firm, nor a partner or employee of the law firm. You state your brother-in-law's "consulting work is not related to the [Board]," "compensation is not tied in any way to whether the solicitor is appointed to the Board," and "he does not receive any benefit contingent upon the firm's contracts or engagement with the Board."

Based on the information provided in your request, you make the following inquiries:

1. Does this relationship constitute a conflict of interest requiring your recusal from discussion and/or voting on the appointment of the solicitor?
2. Does the absence of any direct or contingent financial benefit eliminate or reduce the likelihood of an "indirect benefit" under the School Ethics Act (Act)?
3. Are there additional factors the Commission considers in determining whether a consulting relationship creates a disqualifying interest?

As an initial matter, the Commission notes it has issued public advisory opinions, namely *Advisory Opinion A11-23* (A11-23), which provide detailed information regarding familial relationships concerning a "relative." To this end, your brother-in-law (your spouse's brother), is

a “relative” under the Commission’s more expansive definition. Stated differently, because your brother-in-law is related to you by virtue of your marriage to your spouse, he is your “relative.”

Turning to your request, and in its review of the specific facts and circumstances detailed within, the Commission advises that you would not be prohibited from participating in the discussion and/or vote related to the appointment of a solicitor. The Commission notes although your brother-in-law is your relative, you have indicated he is not “an owner of the law firm, nor a partner or employee of the law firm”; his “consulting work is not related to the [Board]”; his “compensation is not tied in any way to whether the solicitor is appointed to the Board” and “he does not receive any benefit contingent upon the firm’s contracts or engagement with the Board.” Therefore, your brother-in-law is not an employee of the firm and, as you have indicated, will not be involved in Board matters.

However, the Commission cautions that should the Board choose the law firm that your brother-in-law provides consulting services to, and should your brother-in-law consult on a matter that comes before the Board, you should recuse from all discussions and votes related to same. Although there is no presumption of a conflict based on the facts presented in your request, the Commission cannot determine if a future conflict may present itself, or if one of a different nature may develop, but is presently unknown to the Commission, you and/or the Board.

Finally, as a reminder, school officials must always be cognizant of their responsibility to protect the public trust, to honor their obligation to serve the interests of the public and the Board, and to periodically reevaluate the existence of potential conflicts of interest. The only way for a school official to truly safeguard against alleged violations of the Act is to avoid any conduct which could have the appearance, actual or perceived, of being in violation of the Act.

Sincerely,

Robert W. Bender, Chairperson
School Ethics Commission