

***Before the School Ethics Commission***  
***Docket No.: C10-24***  
***Decision on Probable Cause***

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**John Berenato,**  
***Complainant***

v.

**Laura Wingler,**  
**Manchester Township Board of Education, Ocean 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 February 2, 2024, by John Berenato (Complainant), alleging that Laura Wingler (Respondent), a member of the Manchester 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(a)*, *N.J.S.A. 18A:12-24(b)*, *N.J.S.A. 18A:12-24(c)*, *N.J.S.A. 18A:12-24(e)*, as well as *N.J.S.A. 18A:12-24.1(e)* of the Code of Ethics for School Board Members (Code) in Count 1, and *N.J.S.A. 18A:12-24.1(e)*, *N.J.S.A. 18A:12-24.1(f)* and *N.J.S.A. 18A:12-24.1(i)* of the Code in Count 2. On February 21, 2024, Respondent filed a Written Statement.

The parties were notified by correspondence dated July 16, 2024, that the above-captioned matter would be discussed by the Commission at its meeting on July 23, 2024, in order to make a determination regarding probable cause. Following its discussion on July 23, 2024, the Commission adopted a decision at its meeting on August 27, 2024, finding that any allegations involving social media posts that occurred in February 2022 in Count 2 were untimely filed, and with respect to the remaining allegations, 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 states Respondent ran for re-election in 2023 on the ticket “Putting Kids First.” According to Complainant, Respondent and her running mates accepted “political contributions” from the New Jersey Education Association (NJEA) through the local association, Manchester Township Education Association (MTEA). Per Complainant, Respondent is an advocate for “special education students, specifically those with autism,” which

Complainant notes “is evidenced by the pseudonym, ‘Mischief Momma,’ that she posts with on social media and her blog.” Complainant notes Respondent has “openly opposed new special education programs, resources, and changes to the structure of the child study team (CST).” Complainant further notes that Respondent has recently been elected as the Board’s liaison to the “Manchester Township School District’s [(District)] Special Education Advisory Group (SEPAG), despite being advised by two former [S]uperintendents . . . that this could be a violation of the [Code].” Complainant provides that Respondent has “threatened to sue the [District] if an out-of-district placement was recommended for her child (who has an IEP).” Furthermore, the Board President advised Respondent that she could not be a Board member and “engage in litigation with the” District.

With the above in mind and in Count 1, Complainant asserts that Respondent violated *N.J.S.A. 18A:12-24(a)*, *N.J.S.A. 18A:12-24(b)*, *N.J.S.A. 18A:12-24(c)*, *N.J.S.A. 18A:12-24(e)* and *N.J.S.A. 18A:12-24.1(e)* because Respondent and her running mate received “campaign contributions aggregating the sum of \$1,000.00 from the NJEA” and were formally endorsed by the MTEA on social media and by word of mouth throughout the District. Complainant further asserts the “political contribution was provided to [Respondent] in exchange for influencing her to vote positively on matters involving the [MTEA], including but not limited to collective bargaining, side-bar agreements, grievances, outstanding unfair labor practice disputes, personnel decisions, and ultimately, the unlawful termination of the Superintendent.” According to Complainant, Respondent participated in the executive session deliberation and vote in favor of terminating the Superintendent (Complainant) on November 7, 2023.

In Count 2, Complainant contends that on February 1, 2022, February 2, 2022, and November 22, 2023, Respondent posted on her “Mischief Momma” website that “she needs to create a PowerPoint presentation to educate [the Child Study Team (CST)] members and contends that [the] CST may need their own set of [Individualized Education Program (IEP)] goals to ensure they are doing their jobs properly.” Per Complainant, Respondent was appointed by the Board to be the liaison for SEPAG on December 13, 2023. Complainant further contends Respondent violated *N.J.S.A. 18A:12-24.1(e)*, *N.J.S.A. 18A:12-24.1(f)* and *N.J.S.A. 18A:12-24.1(i)* because her comments on social media are not appropriate and also infer that District personnel are “incompetent and not performing their jobs appropriately.” According to Complainant, Respondent “is passing personal judgment on the staff members, creating a culture of explicit bias toward staff members who are complying with the special education laws and statutes.” Complainant maintains that although Respondent may disagree with the practices, she should not “surrender her independent judgment or attack[] school personnel in her social media posts.” Moreover, as the SEPAG liaison, Respondent has a “vested interest in their efforts, voice and conviction.” Finally, Complainant notes Respondent has a child in the District with an IEP and should have separated herself from serving in such a role.

### ***B. Written Statement***

Respondent notes Complainant filed the Complaint as “revenge for [her] voting on November 7, 2023,” to terminate Complainant’s employment “because of his fraudulent statement on his initial job application which would have affected whether” the Board would

have hired him as Superintendent, as well as “another count that [she] cannot disclose . . . that warranted a full investigation making his termination imminent.”

As to Count 1, Respondent asserts that she did not accept the campaign donation in exchange for influencing her vote on matters that would come before the Board. Respondent discussed the November 2023 campaign and noted that the MTEA members “invited all [six] candidates to participate in a question-and-answer session.” Specifically, Respondent notes the MTEA members asked “all of us in the open meeting questions that they had prepared with regards [(sic)] to our philosophy . . . There were no specific questions” regarding any District personnel, including Complainant. Respondent reaffirms, “[a]t no time, did [she] make any promise nor did any of [her] fellow candidates make any promise to the MTEA that [they] would vote in a certain way.” Respondent maintains, subsequently, the MTEA contributed \$1,500.00 to the candidates (\$500 for each candidate on the “Putting Kids First” ticket). Respondent reiterates “that there has never been nor will there ever be any promise made by [her] for a political contribution.” Finally, Respondent contends Complainant “has not set forth any facts upon which such a claim could be sustained. There is no indication what promise was made and to whom it was made [].”

Regarding Count 2, Respondent denies that she “used her position as a board member to gain privileges for one or both of [her] children, who are special education students within the district.” Respondent further denies that she ever served as the liaison to SEPAG. Respondent maintains that although the Board President did include Respondent’s name on the list of potential liaisons for SEPAG on a report at the December 13, 2023, Board meeting, Respondent reiterates that she did not serve in that capacity and the Board President has “since rescinded the announcement regarding liaisons.” Respondent admits that she has attended SEPAG meetings as a parent “only to gain general knowledge.” As to Respondent’s alleged threat to sue the District, Respondent asserts that during a meeting with the principal, related to her child, and in her capacity as a parent, the principal told Respondent her child ““did not belong in public school’ and [should be placed in an out of district placement].” Respondent admits that upset her, and in anger and frustration she said she would sue the Board; however, afterwards and after “calm[ing] down,” Respondent “realized that [her] statement was clearly inappropriate and [she] apologized for making the statement.” Respondent contends that she has no intention of suing the Board. Respondent further contends that Complainant’s “claim that [her] advocacy for students with disabilities as a board member lacks merit and ignores the substantial segment of our student body dependent on special services.” Respondent asserts that her advocacy for students with disabilities does not, in any way, “undermine[] [her] capacity to make fair and well-informed decisions for all students.” As to her social media account, Respondent notes that she has a disclaimer, and further notes November 22, 2023, post was “a recirculation of an article that [she] authored for a publication . . . about [her] own personal experiences in high school over 21 years ago and has nothing to do with” the District or the Board. More specifically, Respondent maintains that she authored an article, entitled “The Behavioral Kid Might Be the Most Promising Student You Have,” over 21 years ago regarding her personal experiences, and it does not involve the District. In sharing the article, Respondent posted “Administrators should never forget the role they can play in a student’s life, to lift them up or to break them down. They tried to break me down and they failed.” Regarding other posts on “Mischievous Momma” related to the CST team and a PowerPoint presentation, Respondent provides they are related to her

experiences being a special education parent and attending IEP meetings. Respondent notes they do not mention her Board status, the District's name or "any specific identifiable information."

### 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."

#### *Alleged Untimeliness*

While Respondent did not argue that the online posts in Count 2, dated February 1, 2022, and February 2, 2022, were untimely filed, the Commission has determined to address this issue.

The Commission's regulations provide a one hundred eighty (180) day limitation period for filing a complaint. More specifically, *N.J.A.C. 6A:28-6.5(a)* provides, in relevant part:

- (a) Complaints shall be filed within 180 days of notice of the events which form the basis of the alleged violation(s). A complainant shall be deemed to be notified of events that form the basis of the alleged violation(s) when the complainant knew of the events, or when such events were made public so that one using reasonable diligence would know or should have known (emphasis added).

With the above in mind, and pursuant to *N.J.A.C. 6A:28-6.5(a)*, the Commission must determine when Complainant knew of the events which form the basis of the Complaint, or when such events were made public so that one using reasonable diligence would know, or should have known, of such events.

The Commission recognizes that limitation periods of this type serve to discourage dilatoriness and provide a measure of repose in the conduct of school affairs. *Kaprow v. Berkley Township Bd. of Educ.*, 131 *N.J.* 571, 587 (1993). Thus, "notice of the alleged violation" must be interpreted in a manner that anticipates the reasonable diligence of complainant(s). In addressing potential violations of the Act, the Commission must balance the public's interest in knowing of potential violations against the important policy of repose and a respondent's right to fairness. The time limitations set forth in the regulations must be enforced if the Commission is to operate in a fair and consistent manner. *Phillips v. Streckenbein et al., Edgewater Park Bd. of Educ., Burlington County*, C19-03 (June 24, 2003).

In this case, Complainant filed his Complaint on February 2, 2024, and the two posts at issue occurred on February 1, 2022, and February 2, 2022, two years prior to the Complaint and well outside the 180-day limitations period.

After review, the Commission finds that there is not a credible basis upon which to find that Complainant was unaware of Respondent's actions/conduct until a date(s) other than when they occurred. Although the Commission recognizes that the regulatory time period may be relaxed, in its discretion, in any case where strict adherence may be deemed inappropriate or unnecessary or may result in injustice, it does not find extraordinary circumstances in the within matter that would compel relaxation. The posts occurred on a public website, and Complainant does not allege that he learned of the events at a later date. The Commission finds that Complainant was aware of the actions at the time they were made, and despite his knowledge of the events that occurred in February 2022, Complainant waited two years to initiate the above-captioned matter. Consequently, the stated violations of the Act set forth in Count 2 involving website postings dated February 1, 2022, and February 2, 2022, are time barred, and therefore, 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(a), *N.J.S.A.* 18A:12-24(b), *N.J.S.A.* 18A:12-24(c) and *N.J.S.A.* 18A:12-24(e). These provisions of the Act state:

- a. No school official or member of his immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest;
- 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;
- e. No school official, or member of his immediate family, or business organization in which he has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his official duties. This

provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the school official has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the school official in the discharge of his official duties;

Complainant further submits that Respondent violated *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(f) and *N.J.S.A.* 18A:12-24.1(i). These provisions of the Code provide:

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.

i. I will support and protect school personnel in proper performance of their duties.

### ***Count 1***

In Count 1, Complainant asserts that Respondent violated *N.J.S.A.* 18A:12-24(a), *N.J.S.A.* 18A:12-24(b), *N.J.S.A.* 18A:12-24(c), *N.J.S.A.* 18A:12-24(e) and *N.J.S.A.* 18A:12-24.1(e) by accepting a political contribution from the NJEA and the MTEA in exchange for influencing her vote on matters, such as collective bargaining, side-bar agreements, grievances, outstanding unfair labor practice disputes, personnel decisions, and the unlawful termination of the Superintendent. Respondent counters that she did not accept the campaign donation in exchange for influencing her vote on matters that would come before the Board.

To credit a violation of *N.J.S.A.* 18A:12-24(a), Complainant must provide sufficient factual evidence that Respondent, or a member of her immediate family, has an interest in a business organization, or engaged in any business, transaction, or professional activity which was in substantial conflict with the proper discharge of her duties in the public interest.

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 her official position to secure an unwarranted privilege, advantage or employment for herself, members of her 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 her official capacity in a matter where she, or a member of her immediate family, had a direct or indirect financial involvement that might reasonably be expected to impair her objectivity, or in a matter where she had a personal involvement that created some benefit to her, or to a member of her immediate family.

To credit a violation of *N.J.S.A.* 18A:12-24(e), Complainant must provide sufficient factual evidence that Respondent, a member of her immediate family, or a business organization in which she had an interest, solicited or accepted a gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing her, directly or indirectly, in the discharge of her official duties.

Pursuant to *N.J.A.C.* 6A:28-6.4(a), 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 her duties such that, by its nature, had the potential to compromise the board.

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(a), *N.J.S.A.* 18A:12-24(b), *N.J.S.A.* 18A:12-24(c), *N.J.S.A.* 18A:12-24(e) and/or *N.J.S.A.* 18A:12-24.1(e) were violated. The Commission has advised that “the endorsement of a candidate by a local and/or statewide union does not create a per se future conflict unless a financial contribution is given and is intended to influence the Board member in the discharge of his/her duties as a Board member.” *Advisory Opinion A10-18* (A10-18). Additionally, “each case must be examined on a case-by-case basis to determine whether the political support was provided to the candidate with the intent to influence him/her in the exercise of his/her official duties, and/or whether he/she, in acting on a particular matter, could receive some type of personal benefit or does in fact act to provide his/her political supporters with an unwarranted privilege, advantage or employment.” *Ibid.*

Here, the Commission notes that the Complaint lacks any factual basis for its allegations regarding collective bargaining, side-bar agreements, grievances, outstanding unfair labor practice disputes or personnel decisions. The Complaint fails to allege that Respondent ever participated in a vote on those matters. Without any factual allegations, a violation with respect to those potential conflicts is not supported. As to the termination of the Superintendent, the Commission finds that, while the Complaint alleges that Respondent participated in the termination of the Superintendent on November 7, 2023, Complainant has not established that Respondent has a conflict related to the Superintendent’s employment. Although Board members who receive union endorsements may be conflicted from collective bargaining if negotiations begin within a year of the election, as collective bargaining agreements directly involve the terms and conditions of union members’ employment, such a conflict, without more, does not exist with regard to the Superintendent’s employment. Here, the Complaint lacks evidence demonstrating that the MTEA or the NJEA in any way provided their donation as a quid pro quo and/or to influence or encourage Respondent to take action against or terminate the Superintendent. As such, Complainant has failed to demonstrate that Respondent engaged in a business, transaction or professional activity which was in substantial conflict with the proper discharge of her duties (*N.J.S.A.* 18A:12-24(a)); used her position as a Board member to secure an unwarranted privilege, advantage or employment (*N.J.S.A.* 18A:12-24(b)); acted in her official capacity in a matter where she has a direct or indirect financial or personal involvement that might be reasonably expected to impair her objectivity or create a benefit to her (*N.J.S.A.* 18A:12-24(c)); solicited or accepted a gift, favor, or political contribution based on the understanding that it was given for the propose of influencing her in the discharge of her duties

(*N.J.S.A.* 18A:12-24(e)); or made personal promises or took action beyond the scope of her duties that, by its nature, had the potential to compromise the Board (*N.J.S.A.* 18A:12-24.1(e)). Consequently, and pursuant to *N.J.A.C.* 6A:28-9.7(b), the Commission dismisses the alleged violation(s) of *N.J.S.A.* 18A:12-24(a), *N.J.S.A.* 18A:12-24(b), *N.J.S.A.* 18A:12-24(c), *N.J.S.A.* 18A:12-24(e) and *N.J.S.A.* 18A:12-24.1(e) in Count 1.

### ***Count 2***

In Count 2, Complainant contends that Respondent violated *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(f) and *N.J.S.A.* 18A:12-24.1(i) by serving as a Board liaison to SEPAG while also being an advocate for special education students, posting an article on her “Mischief Momma” website on November 22, 2023, and threatening to sue the District if her child was placed out of the District. Respondent argues that she never served as the liaison to SEPAG, the article she posted had a disclaimer and was a “recirculation of an article that [she] authored for a publication . . . about [her] own personal experiences in high school over 21 years ago and has nothing to do with” the District or the Board, and her alleged threat to sue the Board was out of frustration in her role as a parent and she apologized after calming down.

Pursuant to *N.J.A.C.* 6A:28-6.4(a), a violation(s) of *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(f) and/or *N.J.S.A.* 18A:12-24.1(i) need to be supported by certain factual evidence, more specifically:

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 her duties such that, by its nature, had the potential to compromise the board.

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 herself, a member of her immediate family or a friend.

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.

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:12-24.1(e), *N.J.S.A.* 18A:12-24.1(f) and/or *N.J.S.A.* 18A:12-24.1(i) were violated. First, the Commission notes that whether Respondent attends SEPAG meetings as a liaison or as a member of the public, her purported dual membership on the Board and SEPAG, does not, in and of itself, violate the Act. See *Advisory Opinion A16-04* (July 27, 2004) (finding that there is no conflict of interest under the Act for a board member to serve as a co-facilitator of the Special Education Parent Discussion Group, provided that it does not impair or prejudice

the board member's independence of judgment in relation to board member's duties). The Commission has previously advised that membership on SEPAG could be a conflict when board members who serve on SEPAG "participate in IEP meetings, representing families of students in the district with disabilities who are seeking to initiate an IEP or to request related service, modification, or accommodation to an IEP on behalf of their child," and in the process "find themselves in opposition to school psychologists and school/district administrators for the purpose of adding/removing a service/modification/accommodation to an IEP." *Advisory Opinion A03-23* (January 21, 2023). In this matter, the facts and circumstances do not demonstrate, nor does the Complaint allege, that Respondent's membership took on such an involved role as an advocate for individual student matters in the District, beyond her own children in her role as a parent. As such, Complainant has not demonstrated that a conflict exists between Respondent's involvement in SEPAG and her position on the Board. To the extent that Respondent may have indicated to the principal that she would file a lawsuit regarding her child's placement, and later apologized, the Commission finds that such a comment in frustration as a parent in a private meeting with an administrator, when the lawsuit was never filed, does not have the potential to compromise the Board, is not action on behalf of a special interest group, nor does it undermine or harm school personnel.

With respect to the November 22, 2023, social post, the Commission notes that Complainant has not demonstrated Respondent made that post in her capacity as a Board member. 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. *Hodrinsky v. Faussette, Hasbrouck Heights Board of Education, Bergen County*, Docket No. C11-21 (August 30, 2021); *Donnerstag, et al. v. Borawksi, Central Regional Board of Education, Ocean County*, Docket No. C20-22 (August 22, 2023); *Donnerstag, et al. v. Koenig, Central Regional Board of Education, Ocean County*, Docket No. C19-22 (August 22, 2023). Additionally, as the Commission explained in *Aziz v. Nikitinsky et al., Monroe Township Board of Education, Middlesex County*, Docket No. C56-22 (October 17, 2022):

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 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 ...

Here, as indicated above, Respondent states that she authored the article, entitled “The Behavioral Kid Might Be the Most Promising Student You Have,” over 21 years ago regarding her personal experiences, and it does not involve the District administration, personnel or students. Once again, as it relates to her article, Respondent posted “Administrators should never forget the role they can play in a student’s life, to lift them up or to break them down. They tried to break me down and they failed.” The Commission notes that the Complaint lacks evidence demonstrating that Respondent’s page “Mischief Momma,” or the post, in any way indicated that she was a Board member or invoked her Board status. Additionally, the content of the post does not have a correlation to the business of the Board and its operations. As such, a reasonable person would not perceive the post as being offered in Respondent’s official capacity and pursuant to her official duties.

Therefore, and pursuant to *N.J.A.C.* 6A:28-9.7(b), the Commission dismisses the alleged violation(s) of *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(f) and *N.J.S.A.* 18A:12-24.1(i) in Count 2.

#### **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 Respondent that any allegations involving social media posts that occurred in February 2022 in Count 2 were untimely filed, and with respect to the remaining allegations, 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. Consequently, the Commission 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.

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Robert W. Bender, Chairperson

Mailing Date: August 27, 2024

***Resolution Adopting Decision  
in Connection with C10-24***

***Whereas***, at its meeting on July 23, 2024, 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 July 23, 2024, the Commission discussed finding that any allegations involving social media posts that occurred in February 2022 in Count 2 were untimely filed; and

***Whereas***, at its meeting on July 23, 2024, as to the remaining allegations, 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 August 27, 2024, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on July 23, 20; 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 August 27, 2024.

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Brigid C. Martens, Director  
School Ethics Commission