

***Before the School Ethics Commission***  
***OAL Docket No.: EEC-08212-22***  
***SEC Docket No.: C32-22***  
***Final Decision***

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**Stephanie Johnson,**  
***Complainant***

v.

**Kimberly Hanadel,**  
**Pinelands Regional 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 March 28, 2022,<sup>1</sup> by Stephanie Johnson (Complainant), alleging that Kimberly Hanadel (Respondent), a member of the Pinelands Regional 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:12-24.1(c) (Counts 1-2), *N.J.S.A.* 18A:12-24.1(e) (Counts 1-2), and *N.J.S.A.* 18A:12-24.1(g) (Count 3) of the Code of Ethics for School Board Members (Code).

At its meeting on August 23, 2022, and after reviewing Respondent's Motion to Dismiss in Lieu of Answer (Motion to Dismiss) and allegation of frivolous filing, as well as Complainant's response thereto, the Commission adopted a decision granting the Motion to Dismiss as to the alleged violation of *N.J.S.A.* 18A:12-24.1(g) in Count 3, but denying the Motion to Dismiss as to the alleged violations of *N.J.S.A.* 18A:12-24.1(c) (in Counts 1-2) and *N.J.S.A.* 18A:12-24.1(e) (in Counts 1-2). The Commission also voted to find that the Complaint was not frivolous and to deny Respondent's request for sanctions. Based on its decision, the Commission directed Respondent to file an Answer to the Complaint (Answer), which she did on September 12, 2022, and to transmit the matter to the Office of Administrative Law (OAL) following receipt of the Answer.

At the OAL, following Respondent's motion for summary decision, the Administrative Law Judge (ALJ) issued an Initial Decision on August 7, 2024, finding that Respondent did not violate *N.J.S.A.* 18A:12-24.1(c) and/or *N.J.S.A.* 18A:12-24.1(e), and dismissing the matter. The parties did not file exceptions to the Initial Decision.

At its meeting on September 24, 2024, the Commission discussed the above-captioned matter, and at its meeting on October 22, 2024, the Commission voted to adopt the Initial Decision's findings

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<sup>1</sup> Complainant filed a deficient Complaint on March 28, 2022. Subsequently, Complainant filed an Amended Complaint on April 11, 2022, that cured all defects and was deemed compliant with the requirements detailed in *N.J.A.C.* 6A:28-6.3.

of fact, the legal conclusion that Respondent did not violate *N.J.S.A.* 18A:12-24.1(c) and/or *N.J.S.A.* 18A:12-24.1(e), and the dismissal of the above-captioned matter.

## **II. Initial Decision**

In addition to being a Board member, Respondent was a real estate agent in the community. *Initial Decision* at 3. Complainant's mother was also a real estate agent in the community, and as such, she and Respondent had a "cordial and professional relationship." *Ibid.*

Prior to January 22, 2022, Respondent became aware of a petition circulating to remove the Superintendent (Petition), and one of the names on the Petition was Complainant's mother. *Id.* at 4. On January 22, 2022, Respondent contacted Complainant's mother and inquired why her signature was on the Petition, "asking for 'insight' as to why she signed it." *Ibid.* Complainant's mother shared that "she heard concerns" related to personnel and the Superintendent restricting and violating the Family and Medical Leave Act (FMLA), and then followed up the phone call with a text informing Respondent that the person she was referring to in their phone conversation was her daughter who was an employee at the Little Egg Harbor School District, which shares the same Superintendent as the Board. *Ibid.* Respondent replied to the text message, noting she could not comment about "any one person," and offered general information about the leave process. *Ibid.*

The ALJ found that "there is no plausible argument that can be made that the conversation between [Complainant's mother] and [Respondent] could be construed as 'Board action' to effectuate or develop specific Board policies or plans, or that her conversation . . . compromised or had the ability to compromise the Board despite petitioner's argument to the contrary." *Id.* at 9. The ALJ notes that the "common nexus of case law for violations of *N.J.S.A.* 18A:12-24.1(c) and [*N.J.S.A.* 18A:12-24.1(e)] is that bad-acting board members jeopardized their respective boards by taking action that could be imputed to their powers as board members without the approval of their board or within the scope of their authority." *Id.* at 12. However, that is not the case here because the only facts at issue "are whether [R]espondent reached out to [Complainant's] mother to gain insight on why she signed the petition and the subsequent text messages wherein [R]espondent immediately stepped back from a conversation which [Complainant's mother] turned personal, and a follow-up email providing insight on FMLA processes in the District." *Ibid.* The ALJ contends, "Even if, as [Complainant] vehemently claims, [R]espondent was aware that [the individual] was her mother when she called, and even if [R]espondent made the statement that 'The Board loves Dr. McCooley,' both of which are denied by [R]espondent and not even mentioned in [Complainant's mother's] statement, it does not equate to a violation of *N.J.S.A.* 18A:12-24.1(c) or *N.J.S.A.* 18A:12-24.1(e) under either count of the Complaint." *Ibid.* The ALJ maintains that the private conversation between Respondent and Complainant's mother, including the follow up text, "did not include anything that jeopardized the integrity or function of the board." *Id.* at 12-13. The ALJ notes that Complainant admitted if Respondent had called any other signatory of the Petition, other than her mother, it would not have been an issue. *Id.* at 13. Therefore, the ALJ concludes that a violation of *N.J.S.A.* 18A:12-24.1(c) and/or *N.J.S.A.* 18A:12-24.1(e) were not established, and the Complaint should be dismissed.

### III. Analysis

Upon a thorough, careful, and independent review of the record, the Commission adopts the ALJ's factual findings, the legal conclusion that Respondent did not violate *N.J.S.A.* 18A:12-24.1(c) and/or *N.J.S.A.* 18A:12-24.1(e), and the dismissal of this matter.

Pursuant to *N.J.S.A.* 18A:12-24.1(c), board members must confine board action to "policy making, planning, and appraisal" and "frame policies and plans only after the board has consulted those who will be affected by them." The Commission agrees with the ALJ that Respondent did not take official action to effectuate policies and plans without consulting those affected by those policies and plans. The Commission notes that Respondent contacted Complainant's mother due to their relationship as professional acquaintances after Respondent saw her name on a public petition. Respondent stopped the conversation when it began to involve an individual personnel matter, and so she ended the conversation prior to overstepping. As such, a violation of *N.J.S.A.* 18A:12-24.1(c) has not been established.

According to *N.J.S.A.* 18A:12-24.1(e), a board member must recognize that authority rests with the board and a board member shall not make any personal promises or take any action that may compromise the board. The Commission finds that Respondent's telephone call to Complainant's mother, as well as her subsequent text message in which she ended the conversation when it began to involve a specific individual, was not action beyond the scope of her duty that had the potential to compromise the Board. Moreover, without any further evidence that Respondent attempted to influence Complainant's mother to remove her name from the Petition, Respondent's actions in making a phone call to a professional contact simply to inquire about her reasoning in signing a public petition is not behavior that compromises the Board. As such, Complainant has not demonstrated that Respondent violated *N.J.S.A.* 18A:12-24.1(e).

Accordingly, the Commission concurs with the Initial Decision that this matter should be dismissed.

### IV. Decision

Upon review, the Commission adopts the Initial Decision's findings of fact, the legal conclusion that Respondent did not violate *N.J.S.A.* 18A:12-24.1(c) and/or *N.J.S.A.* 18A:12-24.1(e), and the dismissal of the above-captioned matter.

Therefore, this is a final agency decision and is appealable only to the Superior Court-Appellate Division. *See, N.J.A.C.* 6A:28-9.10(b) and *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: October 22, 2024

***Resolution Adopting Decision  
in Connection with C32-22***

***Whereas***, at its meeting on August 23, 2022, 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 August 7, 2024; and

***Whereas***, in the Initial Decision, the ALJ found that Respondent did not violate *N.J.S.A.* 18A:12-24.1(c) and/or *N.J.S.A.* 18A:12-24.1(e), and ordered the dismissal of the above-captioned matter; and

***Whereas***, the parties did not file exceptions to the Initial Decision; and

***Whereas***, at its meeting on September 24, 2024, the Commission reviewed and discussed the record, including the ALJ's Initial Decision; and

***Whereas***, at its meeting on September 24, 2024, the Commission discussed adopting the Initial Decision's findings of fact, the legal conclusion that Respondent did not violate *N.J.S.A.* 18A:12-24.1(c) and/or *N.J.S.A.* 18A:12-24.1(e), and the dismissal of the above-captioned matter; and

***Whereas***, at its meeting on October 22, 2024, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on September 24, 2024; and

***Now Therefore Be It Resolved***, the Commission hereby adopts the within decision.

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Robert W. Bender, Chairperson

I hereby certify that this Resolution was duly adopted by the School Ethics Commission at its meeting on October 22, 2024.

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Brigid C. Martens, Director  
School Ethics Commission