

Before the School Ethics Commission
Docket No.: C39-23
Probable Cause Notice

Lisa J. Guzik,
Complainant

v.

Ryan Campbell,
Mantua Township Board of Education, Gloucester County,
Respondent

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on April 6, 2023,¹ by Lisa J. Guzik (Complainant), alleging that Ryan Campbell (Respondent), a member of the Mantua 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:12-24.1(g)* and *N.J.S.A. 18A:12-24.1(i)* of the Code of Ethics for School Board Members (Code). Despite several reminders, Respondent did not file a Written Statement.

When Respondent failed to file a Written Statement, the Commission, in accordance with *N.J.A.C. 6A:28-7.3(b)*, issued a notice, dated May 16, 2023, informing Respondent that he had 10 additional days to file a Written Statement or each allegation in the Complaint would be deemed admitted, and the Commission may decide the matter on a summary basis. The Commission sent a second warning notice, dated June 21, 2023, again advising Respondent that failure to file a Written Statement would result in each allegation in the Complaint being deemed admitted. Despite these notices, Respondent did not file a Written Statement.

The parties were notified by correspondence dated January 16, 2024, that the above-captioned matter would be discussed by the Commission at its meeting on January 23, 2024, in order to make a determination regarding probable cause. Following its discussion on January 23, 2024, the Commission adopted a decision at its special meeting on February 27, 2024, finding that there are insufficient facts and circumstances pled in the Complaint² to lead a reasonable person to believe that the Act was violated as alleged in the Complaint.

¹ On April 6, 2023, Complainant filed a deficient Complaint; however, on April 19, 2023, 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 As Respondent did not file a Written Statement, the Commission's review of this matter was limited solely to the Complaint.

II. Summary of the Pleadings

The Complaint

In Count 1, Complainant alleges that on March 20, 2023, Respondent posted statements on his Facebook page, questioning the need to offer the “rookie” Superintendent a new contract, stating:

... is it typical for a rookie superintendent to start with a 5 year deal and 1 year and a few months to get a new contract?

Something seems odd[.] Why was the agenda sand bagged until just now?

Also why does this seem to violate [N.J.S.A. 18A:11-11]?

Why would we present a “New Contract” did the super [sic] want a raise? Did we add value to her resume?

Wild times. The [D]istrict has major budget issues, this doesn’t seem ethical!

Complainant further alleges that included under the post, were comments in which Respondent stated that approval of the contract was a “disgrace imo” and “in due time we will swing the pendulum back. We need a few more good parents up there with us.” Complainant asserts that the information disclosed in Respondent’s social media posts was confidential. Complainant further asserts that Respondent needlessly injured the Superintendent by speaking negatively about her. As a result, Complainant asserts that Respondent violated *N.J.S.A. 18A:12-24.1(g)* by failing to keep confidential information private and needlessly injuring the Superintendent.

In Count 2 and based on the same facts, Complainant asserts by speaking about the Superintendent in a negative manner, Respondent failed to support the Superintendent in the performance of her duties in violation of *N.J.S.A. 18A:12-24.1(i)*.

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 Violations of the Act

Complainant submits that Respondent violated *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:

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.

Count 1

In Count 1, Complainant argues that Respondent violated *N.J.S.A.* 18A:12-24.1(g) when he posted on social media criticizing the re-negotiation of the Superintendent's contract because he failed to keep confidential information private and needlessly injured the Superintendent.

Pursuant to *N.J.A.C.* 6A:28-6.4(a), 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."

Based on its review, the Commission finds that there are insufficient facts and circumstances presented in the Complaint to lead a reasonable person to believe that *N.J.S.A.* 18A:12-24.1(g) was violated. Complainant fails to specify what information included in Respondent's social media post was confidential. The excerpt of the agenda from the Board's March 20, 2023, meeting that appears to be included on the social media post demonstrates that a motion to approve the new employment contract for the Superintendent would be recommended at the Board meeting. As such, it is apparent that the Board's consideration of a new contract for the Superintendent was not confidential information. Further, posting that the contract was approved did not reveal confidential Board information because the approval happened in public. Accordingly, the Complaint does not demonstrate a violation of *N.J.S.A.* 18A:12-24.1(g). As such, and pursuant to *N.J.A.C.* 6A:28-9.7(b), the Commission dismisses Count 1.

Count 2

In Count 2, Complainant contends that Respondent violated *N.J.S.A.* 18A:12-24.1(i) by speaking negatively about the Superintendent on social media by questioning why the Board would present her with new contract and indicating that it is a "disgrace imo."

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(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.” Complainant has not demonstrated that Respondent’s actions undermined, opposed, compromised or harmed the Superintendent in the proper performance of her duties. Respondent’s statements on social media merely disagree with the outcome of the Board’s vote on the Superintendent’s contract, and Respondent is entitled to express disagreement with a decision of the Board. Additionally, there is no evidence that the Superintendent was harmed in any way as the Board approved her contract, and the social media post did not prevent the Superintendent from performing the essential functions of her job. Therefore, and pursuant to *N.J.A.C. 6A:28-9.7(b)*, the Commission dismisses the alleged violation of *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 there are insufficient facts and circumstances pled in the Complaint to lead a reasonable person to believe that the Act was violated and, consequently, 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.

Robert W. Bender, Chairperson

Mailing Date: February 27, 2024

***Resolution Adopting Decision
in Connection with C39-23***

Whereas, at its meeting on January 23, 2024, the School Ethics Commission (Commission) considered the Complaint in connection with the above-referenced matter; and

Whereas, Respondent did not file a Written Statement, and therefore, the Commission's review of this matter was limited solely to the Complaint; and

Whereas, at its meeting on January 23, 2024, the Commission discussed finding that the facts and circumstances presented in the Complaint would not lead a reasonable person to believe that the Act was violated and, therefore, dismissing the above-captioned matter; and

Whereas, at its special meeting on February 27, 2024, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on January 23, 2024; 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 special meeting on February 27, 2024.

Brigid C. Martens, Director
School Ethics Commission