

***Before the School Ethics Commission***  
***Docket No.: C62-24***  
***Decision on Probable Cause***

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**Laura Cooper,**  
***Complainant***

**v.**

**Jason Garcia,**  
**Westwood Regional Board of Education, Bergen 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 August 1, 2024, by Laura Cooper (Complainant), alleging that Jason Garcia (Respondent), a member of the Westwood 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(b)*, *N.J.S.A. 18A:12-24(c)*, 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(g)* of the Code of Ethics for School Board Members (Code).

Respondent filed a Written Statement on September 20, 2024, and also alleged that the Complaint is frivolous. On September 21, 2025, Complainant filed a response to the allegation of frivolous filing.

The parties were notified by correspondence dated May 13, 2025, that the above-captioned matter would be discussed by the Commission at its meeting on May 20, 2025, in order to make a determination regarding probable cause and the allegation of frivolous filing. Following its discussion on May 20, 2025, the Commission adopted a decision at its meeting on June 17, 2025, 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 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***

By way of background, Complainant provides that Respondent “has an established friendship and political alliance with two community members who were significant public supporters during [Respondent’s] campaign to run for the [Board].” Complainant further

provides that one of the community members (Member) has “repeatedly behaved in a way that has violated” Board policy towards Complainant. According to Complainant, despite her request for a “legal opinion and specific actions to ensure the safety of community members and [B]oard members during meetings,” Respondent has not “followed through on the requests,” which Complainant believes is because he is “influenced by his personal and political ties to the [community] [m]embers.” Furthermore, Complainant maintains that Respondent “has used his position as [Board President] to shield [the Member] from the consequences of her inappropriate actions towards [Complainant] on multiple occasions.” Complainant further maintains that Respondent’s “failure to respond appropriately to a request by a [B]oard member to uphold policies, and pursue a legal opinion and subsequent misrepresentations, lies and stonewalling are clear indicators of his visible support of inappropriate behavior which has undermined the [B]oard’s credibility and the community’s trust.”

With the above in mind, Complainant provides the following timeline of events:

- February 15, 2024: Complainant states she “held [Respondent] accountable in public for refusing to answer any of her emails,” and consequently, Member “charge[d] the dais [(sic)] at the end of the [B]oard meeting because she [was] angry” with Complainant. According to Complainant, the Member “repeatedly shout[ed]” Complainant’s name, and “challenge[d] her” and despite the attempts of “[n]umerous people,” including the Business Administrator (BA), to intervene and stop her, the Member continued to “shout” at Complainant. During this time, Respondent approached the Member, shook her hand and thanked her for her “defense of him.” When Complainant left the meeting, the Member followed her to her car, where she continued to “make lewd faces and gestures” toward Complainant. Complainant maintains that this meeting, as with all meetings, was subsequently posted to YouTube, and it captured the chain of events; however, “hours later a new video was posted that edited [the Member’s] behavior,” which according to Complainant, has never been done before. Complainant believes that Respondent “made this request in order to shield himself, his friends and his allies from the public consumption of this footage which cast the aforementioned parties in very bad light.”

- February 17, 2024: Complainant sends Respondent an email “recapping the events” of the February 15 meeting and requesting, among other things, security at future Board meetings, a cease-and-desist letter from Board counsel to the Member, and that Respondent address the inappropriate behavior and the removal of any individuals who disrupt future meetings. According to Complainant, in his response, Respondent “escalat[ed] a false accusation that [Complainant] acted unprofessionally and stated that he received multiple complaints from the public regarding Complainant’s “response to the assault,” despite not being able to produce any evidence to support his accusations.

- February 19, 2024: Complainant filed a police report against the Member.

- February 21, 2024: Complainant replies to Respondent’s February 17th email and informs Respondent that she believes he is responsible for the edited YouTube Board meeting video.

- March 18, 2024: Complainant’s attorney sends a letter to Respondent “about providing security” at future Board meetings. Complainant notes that Respondent did not reply.

- April 16, 2024: Complainant “sends another request for security” to Respondent but does not receive a response.

- May 9, 2024: Complainant maintains that despite Respondent’s repeated reassurances that all legal requests are sent to Board counsel, when she approached Board counsel to inquire about her request, Board counsel did not have any knowledge of said request.

- May 11, 2024: Complainant forwards her February 17th email that was originally sent to Respondent, to Board counsel, and she did not get a reply from either recipient.

- May 21 and May 29, 2024: Complainant again forwards her February 17th email to Respondent and Board counsel, and again does not receive a response from either party.

With the above in mind, Complainant asserts Respondent violated *N.J.S.A. 18A:12-24.1(e)* because he “has deliberately and knowingly refused to uphold his responsibilities related to Policy 0167 which requires him to interface with and manage any public participant in board meetings . . .” and this is “clear favoritism towards individuals with whom he has personal and political connections undermining the [B]oard’s impartiality and effectiveness”; violated *N.J.S.A. 18A:12-24.1(f)* because he has “refused to perform his duties of office which would have likely have had a negative impact to him through his friends and political allies if properly performed”; violated *N.J.S.A. 18A:12-24.1(g)* because he “has not provided accurate information or acted in concert with his fellow [B]oard members” and has “repeatedly and publicly lied” to protect his friends/political allies; violated *N.J.S.A. 18A:12-24(b)* because he “has inappropriately used his official position to secure the unwarranted privilege and advantages of the continued support of his political friends and allies”; and violated *N.J.S.A. 18A:12-24(c)* because he “has refused to perform his duties of office to protect his friends and political allies which creates some benefits to him personally.”

## **B. *Written Statement and Allegation of Frivolous Filing***

Respondent initially denies being involved in the verbal exchange between Complainant and the Member and further notes he does not have a “personal recollection of what was said between the parties and as such denies the allegations and leaves Complainant to her proofs.” In addition, Respondent maintains that “some of the claims appear to be based on alleged facts that occurred beyond the 180 day timeline,” and therefore, they should be dismissed.<sup>1</sup>

Respondent contends that the official minutes of the meeting in question, “do not reflect any communication as alleged by Complainant during the meeting,” but rather note the “alleged communications that occurred between [] Complainant and the Member happened after the

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<sup>1</sup> As to timeliness, Respondent references dates and actions that were included as background information and not as part of the alleged violations of the Act.

meeting had adjourned.” Therefore, Respondent argues that although one of his responsibilities as Board President is to maintain “a respectful environment during public participation” the alleged incident did not occur during the meeting, and therefore, he did not “refuse” to uphold the Board policy. Respondent further contends the Complaint is filled with “bald accusations,” namely that Respondent edited the Board meeting video; however, Complainant does not submit any evidence to support any of her accusations. Moreover, Respondent asserts that he is not responsible for Board meeting video/minutes, that is the responsibility of the BA, and further Respondent denies that he edited the video or asked anyone to edit the video.

Respondent asserts that it is not his responsibility to direct Board counsel or any other administrator to provide security for a Board meeting or to issue a cease and desist. Respondent further asserts that Complainant has “failed to demonstrate that the facts and circumstances presented in the Complaint would lead a reasonable person to believe that the Act has been violated.” Respondent argues that because Complainant has not provided any evidence to support the allegations that Respondent violated *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(g)* of the Code and/or *N.J.S.A. 18A:12-24(b)* and *N.J.S.A. 18A:12-24(c)*, the Complaint should be dismissed.

Finally, Respondent asserts the Complaint is frivolous because Complainant “knew or should have known that there is no basis to her Complaint that [Respondent] failed to implement a board policy pertaining to public participation for communications that occurred undisputedly after the board meeting was adjourned and that is not within the jurisdiction of the [Commission].” Respondent further asserts Complainant filed this Complaint “in bad faith to harass [Respondent] as she is requesting that he direct the Superintendent to provide security for her at Board meetings which itself could be a violation of the [Code].” Respondent notes that Complainant indicated “she was not in [(sic)] ‘afraid, scared or unsafe when it comes to [the Member]’”; which further supports that Complainant filed this in “bad faith for the purposes of harassment.”

### ***C. Response to Allegation of Frivolous Filing***

Complainant asserts that she filed her Complaint in “good faith,” she did not discuss the Complaint publicly with anyone, and her claims were not “intended to delay anything or cause anything to be delayed.” Complainant further asserts she has “made every effort to provide a reasonable and clear investigation, demonstrate established proofs and noted in detail the various ethical points that [Respondent’s] behavior has violated.” To the best of her knowledge, Complainant states that she believes Respondent “shirked his ethical responsibilities ... and the only appropriate course of action available in these circumstances is to bring the matter before the Commission for a disposition and adjudication.”

## **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 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(e), *N.J.S.A.* 18A:12-24.1(f), and *N.J.S.A.* 18A:12-24.1(g), and 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.

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.

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(g) need to be supported by certain factual evidence, more specifically:

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.

In this Complaint, Complainant alleges that Respondent violated *N.J.S.A.* 18A:12-24(b), *N.J.S.A.* 18A:12-24(c), *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(g) when he edited a video of the Board meeting to hide an altercation with the Member and supporter, failed to enforce Board policies with regard to the Member, and failed to follow-up on Complainant's requests for legal action related to the Member. Respondent argues that the alleged incident with the Member and Complainant happened after the public meeting had ended, he did not edit the video, and Board meeting video or minutes are not his responsibility. He also asserted that it was not his responsibility to direct Board counsel to provide security for a Board meeting or to issue a cease and desist.

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)*, *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(g)* were violated in this Complaint. As for *N.J.S.A. 18A:12-24(b)*, Complainant has not provided any 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." While Complainant alleges that Respondent may have edited a video of the Board meeting, Complainant does not provide any evidence that Respondent was responsible for the video, that he edited the video, or that the incident took place during the public meeting and should have been included with the video of the meeting. Regarding a violation of *N.J.S.A. 18A:12-24(c)*, Complainant has not shown any 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 does not allege that any actions taken by Respondent would have benefitted a family member as the Member is not a family member and further fails to state what benefit Respondent would have received from his alleged actions.

With respect to *N.J.S.A. 18A:12-24.1(e)*, the Complaint lacks factual support to demonstrate that Respondent made any personal promises to anyone or took action beyond the scope of his duties such that, by its nature, had the potential to compromise the board. The Complaint does not provide any evidence to show that Respondent either edited the video of the meeting or asked for the video to be edited. As noted above, it is not within the Commission's jurisdiction to review whether Respondent did not follow or enforce any Board policies. Complainant fails to articulate how Respondent's actions may have compromised the Board. As to *N.J.S.A. 18A:12-24.1(f)*, the Complaint lacks evidence of how Respondent used the schools in order to acquire some benefit for himself, a member of his immediate family or a friend. As stated above, the Commission does not enforce any Board policies. Finally, with regard to *N.J.S.A. 18A:12-24.1(g)*, Complainant fails to include any evidence that substantiates the inaccuracy of any 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. 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)*, *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(g)* in this Complaint.

#### **IV. Request for Sanctions**

At its meeting on May 20, 2025, 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 June 17, 2025, 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.

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Robert W. Bender, Chairperson

Mailing Date: June 17, 2025

***Resolution Adopting Decision  
in Connection with C62-24***

***Whereas***, at its meeting on May 20, 2025, the School Ethics Commission (Commission) considered the Complaint, the Written Statement and 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 May 20, 2025, 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 May 20, 2025, the Commission discussed finding the Complaint not frivolous, and denying the request for sanctions; and

***Whereas***, at its meeting on June 17, 2025, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on May 20, 2025; 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 June 17, 2025.

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Dana C. Jones  
School Ethics Commission