

Before the School Ethics Commission
Docket No.: C74-24
Decision on Probable Cause

Laura Einhorn,
Complainant

v.

Miriam Stern,
Cherry Hill Board of Education, Camden County,
Respondent

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on October 9, 2024,¹ by Laura Einhorn (Complainant), alleging that Miriam Stern (Respondent), a member of the Cherry Hill 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(f)* of the Code of Ethics for School Board Members (Code). Respondent filed a Written Statement on December 20, 2024.

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. 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.

II. Summary of the Pleadings

A. The Complaint

By way of background, Complainant claims Kristen Viglietta is Respondent's friend, and served as Respondent's treasurer for her 2020 campaign. Complainant further claims that Ms. Viglietta's spouse contributed to Respondent's campaign.

Complainant provides that at the Board meeting on March 26, 2024, Kristen Viglietta was approved by the Board for "the position of Administrative Assistant to the Superintendent."

¹ On September 20, 2024, Complainant filed a deficient Complaint; however, on October 9, 2024, 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*.

With the above in mind, Complainant asserts Respondent violated *N.J.S.A. 18A:12-24.1(f)*, because Ms. Viglietta is a friend and “served as the treasurer to [Respondent’s] campaign in 2020” and then was recommended for a position, and therefore, Ms. Viglietta received “personal gain from [Respondent’s] actions.”

B. Written Statement

Complainant initially argues that the Complaint is untimely as the vote to hire Ms. Viglietta occurred at the March 26, 2024, Board meeting and Complainant filed her Complaint on October 9, 2024, more than 180 days after the date of the meeting. However, Respondent maintains that if the Commission does not determine that the Complaint is untimely, they should dismiss it because the “Complaint fails to state a plausible claim that [Respondent] violated the [Code].”

Respondent further argues that Complainant has not demonstrated that Respondent “used the schools for any personal gain or for partisan political motives; therefore, the only claim that appears to be advanced in the Complaint is that [Respondent] took action to benefit a ‘friend.’” Respondent maintains that she “had no reasonable basis to reject the Superintendent’s recommendation because she was once acquainted with the person.” She also argues that she and Ms. Viglietta are acquaintances and not friends. Moreover, Respondent asserts “there was no indication that Mrs. Viglietta was not qualified for the position or that there would have been any legitimate reason to not [(sic)] support the Superintendent’s recommendation, other than to stymie his progress as the new [Chief School Administrator].”

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

In her Written Statement, Respondent submits that the allegation is time-barred as the vote occurred more than one hundred eighty (180) days prior to Complainant’s filing, and therefore, is untimely and should be dismissed.

N.J.A.C. 6A:28-6.5(a) provides a one hundred eighty (180) day limitation period for filing a complaint. *N.J.A.C. 6A:28-6.7(b)* further provides that

a complainant may amend a complaint to cure technical defects, clarify or amplify allegations made in the original complaint and such amendments

will relate back to the date the complaint was first received by the Commission for the purposes of determining timeliness pursuant to *N.J.A.C. 6A:28-6.5*.

In the present matter, the original deficient Complaint, was filed on September 20, 2024, which is within the 180-day time period of the vote on March 26, 2024, that forms the basis of this Complaint. Therefore, the Commission finds the complaint to be timely.

Alleged Violations of the Act

Complainant submits that Respondent violated *N.J.S.A. 18A:12-24.1(f)*, and this provision of the Code provides:

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.

Pursuant to *N.J.A.C. 6A:28-6.4*, 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.

Based on its 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:12-24.1(f)* was violated. It is the Superintendent's job to recommend the person he or she believes to be the best candidate for a position. Complainant has not provided any evidence that Respondent interfered or interceded with the Superintendent's recommendation on behalf of her acquaintance. Additionally, Complainant has not demonstrated that Respondent and Ms. Viglietta are more than mere acquaintances or that they share a current friendship and even if they were friends. Notwithstanding, although it would have been prudent for Respondent to recuse herself from any matter concerning the employment of her campaign treasurer, Complainant has not alleged that Respondent actively rallied to hire Ms. Viglietta, or had any involvement whatsoever, in her hiring. Therefore, without additional facts, which are not present here, Complainant has not demonstrated that Respondent surrendered her independent judgment to a special interest or partisan political groups or used the schools for personal gain or for the gain of friends when she voted on the Superintendent's recommendation to hire Ms. Viglietta. Accordingly, 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(f)*.

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 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 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: June 17, 2025

***Resolution Adopting Decision
in Connection with C74-24***

Whereas, at its meeting on May 20, 2025, 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 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 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.

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.

Dana C. Jones
School Ethics Commission