

Before the School Ethics Commission
Docket No.: C80-24
Decision on Probable Cause

Amy Steele,
Complainant

v.

Brian O’Neil,
Oxford Board of Education, Warren County,
Respondent

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on October 7, 2024, by Amy Steele (Complainant), alleging that Brian O’Neil (Respondent), a member of the Oxford 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)*, *N.J.S.A. 18A:12-24.1(e)* and *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 23, 2024.

The parties were notified by correspondence dated June 10, 2025, that the above-captioned matter would be discussed by the Commission at its meeting on June 17, 2025, in order to make a determination regarding probable cause. Following its discussion on June 17, 2025, the Commission adopted a decision at its meeting on July 22, 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 is employed in law enforcement, and is a parent to a District student. Respondent is a Board member, in addition to being a member of the Oxford Land Use Board. According to Complainant, in early 2024, the town was planning to build a cannabis facility directly behind her home. Out of concern for her family, Complainant and her spouse attended township meetings “related to the zoning, permitting and sale of the property to the marijuana distributors and ultimately filed appeals.” Complainant maintains Respondent “decided to publicly deride and humiliate” Complainant during a Board meeting, using information that he had knowledge of in his role on the Land Use Board, and which was unrelated to Board business and/or his role as Board Vice-President.

With the above in mind, Complainant states that she attended a Board meeting on April 25, 2024, and wore a t-shirt that said “Warren Hills,” which is the name of the school district. Complainant asserts at that meeting, Respondent made a statement that was “neither related to the operation of the school board nor on the agenda,” specifically, “Warren Hills enemy number one . . . Anyone that would oppose any kind of development in this town . . .” Complainant further asserts Respondent violated *N.J.S.A. 18A:12-24.1(c)*, because he did not “confine his board action to policy making . . . and instead used his board action to publicly deride a parent,” and his “public tirade was conducted in his official capacity as a board member.” Complainant also alleges that Respondent violated *N.J.S.A. 18A:12-24.1(e)*, because he improperly and illegally used his official position as a Board member to “silence the free speech of a citizen and prevent an opposing viewpoint of a member of the community,” which compromised the integrity of the Board and made it liable for the constitutional violations that Respondent committed in his official capacity. Further, Complainant asserts that Respondent violated *N.J.S.A. 18A:12-24.1(f)*, because Respondent “improperly surrendered his position as a member of the [Board] in order to serve his political fight as a member of the town council land use board and in support of his friend mayor and for his own political gain.” Complainant contends that Respondent’s “official action, attempting to intimidate [Complainant] (and [her] family) out of speaking against the sale of public property to a marijuana distributor, had nothing to do with his responsibilities as [B]oard member.”

B. Written Statement

In his Written Statement, Respondent argues that the public statement he made at the April 25, 2024, Board meeting was “in response to specific events that were and are occurring in the Township . . . these statements are in response to a dispute regarding a potential developer investing in the Township after another large business entity decided to remove operations from the Township. This investment would have a direct impact on the [Board] budget.” Respondent further argues that Complainant and her spouse filed “a Complaint in Lieu of Prerogative Writ against the Township and the Land Use Board challenging” their decision to approve a site plan for development of a property. According to Respondent, the developer “decided to part ways with the Township and cancelled its plans to invest . . . due to the prospect of lengthy litigation.” Respondent maintains it was these events “that prompted [him] to make the statements included in [Complainant’s] ethics complaint.”

As to a violation of *N.J.S.A. 18A:12-24.1(c)*, Respondent argues his “statements were related to fiscal realities in the Township” and he is “personally and professionally acquainted with the financial requirements of running the [Board],” and therefore, felt the need to make a statement related to fiscal events in the Township. According to Respondent he “felt the need to advocate for commercial development in the Township because it would have a direct impact on the [Board] budget.”

Regarding a violation of *N.J.S.A. 18A:12-24.1(e)*, Respondent maintains Complainant has not provided any facts to support that Respondent made any personal promises nor took any private action that compromised the Board, as his statements did “not provide any promises or indicate he has taken any private action.” Respondent further maintains his statement expressed

“the need for commercial investment in the [Township] because the [Board] needs money from such investment.”

Finally, as to a violation of *N.J.S.A.* 18A:12-24.1(f), Respondent asserts Complainant “has not provided any alleged fact that [Respondent] has surrendered his independent judgment to special interest or partisan political groups for personal gain or for the gain of friends.” Moreover, Respondent maintains the Complaint does not “allege[] facts that he nor any of his friends are directly benefit[t]ing from his actions or statements.” Respondent further maintains that his statements were made “in the interest of the [B]oard” because the Board’s “funding comes directly from the Township’s tax revenue and when businesses invest in the Township, the [B]oard can increase its budget.”

C. Public Comments Offered at the Commission’s Meeting on June 17, 2025

At the Commission’s meeting on June 17, 2025, a member of the public was present; however, he did not offer public comment. More detailed information regarding the attendance of the public can be found in the [minutes](#) from the Commission’s meeting on June 17, 2025.

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.” The Commission notes that, despite the potential public comment at its meeting on June 17, 2025, the Commission’s review of this matter was limited solely to the parties’ written submissions.

Alleged Violations of the Act

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

c. I will confine my board action to policy making, planning, and appraisal, and I will help to frame policies and plans only after the board has consulted those who will be affected by them.

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.

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

3. Factual evidence of a violation of *N.J.S.A. 18A:12-24.1(c)* shall include evidence that Respondent took board action to effectuate policies and plans without consulting those affected by such policies and plans, or took action that was unrelated to Respondent's duty to (i) develop the general rules and principles that guide the management of the school district or charter school; (ii) formulate the programs and methods to effectuate the goals of the school district or charter school; or (iii) ascertain the value or liability of a policy.

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.

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:12-24.1(c)*, *N.J.S.A. 18A:12-24.1(e)*, and/or *N.J.S.A. 18A:12-24.1(f)* were violated in this Complaint. As for *N.J.S.A. 18A:12-24.1(c)*, Respondent's statements at a Board meeting were not Board action or an attempt to take official board action. With respect to *N.J.S.A. 18A:12-24.1(e)*, the Complaint lacks factual support that Respondent made any personal promises to Complainant or anyone else. Although he is a Board member, Respondent is entitled to his own viewpoints and opinions on issues that affect the municipality. As the issue of cannabis regulation will not be before the Board, the Board cannot be compromised by Respondent's statements. Therefore, the Complaint lacks evidence that Respondent took action beyond the scope of his duties such that, by its nature, had the potential to compromise the board. Similarly, the Complaint fails to explain how his statements made at the meeting constitute Respondent taking 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, as required by *N.J.S.A. 18A:12-24.1(f)*. Even if Respondent has the same viewpoint as a special interest group, Respondent's statements do not establish that he made the statements at the request of said group. 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:12-24.1(c)*, *N.J.S.A. 18A:12-24.1(e)*, and/or *N.J.S.A. 18A:12-24.1(f)* in this Complaint.

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: July 22, 2025

***Resolution Adopting Decision
in Connection with C80-24***

Whereas, at its meeting on June 17, 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 June 17, 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 July 22, 2025, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on June 17, 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 July 22, 2025.

Dana C. Jones
School Ethics Commission