

Before the School Ethics Commission
Docket No.: C83-24
Decision on Probable Cause

**Weiwei Huang,
Complainant**

v.

**Viswabharath Reddy, Andrew Finkelstein, Asaf Farashuddin,
Priya Shivani, and Cynthia Longley-Richards,
Millburn Board of Education, Essex County,
Respondents**

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on October 24, 2024,¹ by Weiwei Huang (Complainant), alleging that Viswabharath Reddy, Andrew Finkelstein, Asaf Farashuddin, Priya Shivani, and Cynthia Longley-Richards (Respondents), members of the Millburn 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 Respondents violated *N.J.S.A.* 18A:12-24.1(a) (Counts 1, 2, 4 and 5), *N.J.S.A.* 18A:12-24.1(c) (Counts 1-5), *N.J.S.A.* 18A:12-24.1(d) (Counts 1-5), *N.J.S.A.* 18A:12-24.1(e) (Count 1), *N.J.S.A.* 18A:12-24.1(g) (Count 1), and *N.J.S.A.* 18A:12-24.1(i) (Counts 1 and 2) of the Code of Ethics for School Board Members (Code). Respondents filed a Written Statement on November 18, 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 any allegations in Count 1, Count 2, and Count 4 were untimely filed, and finding that there are insufficient facts and circumstances pled in the Complaint and in the Written Statements to lead a reasonable person to believe that the Act was violated as alleged in the Complaint.

¹ On October 18, 2024, Complainant filed a deficient Complaint; however, on October 24, 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.

II. Summary of the Pleadings

A. *The Complaint*

Complainant maintains “[d]ue to the complex, egregious, and brazen violations of law and significant betrayal of public trust by Respondents . . . Complainant requests that the Commission recognize ‘Relaxation of rules’ . . . or use another instrument of law or rule to set aside, invalidate, strike, or deem unenforceable ‘Time period for the filing of a complaint.’ The steps taken by Respondents . . . are many and could not have been known within the entire time period prescribed within statute.” Moreover, Complainant further maintains Respondents’ violations and conduct “are not isolated or sporadic” and are “continued, relentless, subsequent, cascading, and inherently correlated activities.”

In Count 1, Complainant provides that Respondents Shivani, Finkelstein and Longely-Richards were sworn-in as new members at the January 2, 2024, Board meeting. Respondent Reddy was nominated as President and Respondent Shivani was nominated by newly-elected Longely-Richards to serve as Vice President. According to Complainant, electing Shivani who never served on any school board, “indicat[ed] that her nomination and election was purposefully planned to enable her to function in a leadership capacity, even though she had no experience, nor did she receive any training as a [Board] member.” Complainant further provides that at that same Board meeting, “without the knowledge of the Superintendent, the [BA] or Board members” (who were not Respondents) Respondent Reddy “motioned” “a hand-carried resolution to immediately rescind the appointment of” Board counsel, (Cornell, Merlino, McKeever and Osbourne (Cornell)) and “announced the recommendation of the Weiner Law Group” (Weiner). Complainant notes that “despite Cornell being unanimously approved by the [Board] after an official and customary [Request for Proposal (RFP)] process on June 5, 2023, and despite Respondent Reddy being one of the [Board] members” who voted to approve them, Respondents “voted down a motion to resolution” and voted to approve the resolution to remove Board counsel. Complainant asserts all named Respondents violated *N.J.S.A.* 18A:12-24.1(a), because Respondents acted without authorization to appoint a new Board counsel, in violation of Board bylaws and New Jersey Statute; violated *N.J.S.A.* 18A:12-24.1(c), because their actions were “far outside of policy making, planning, and appraisal”; violated *N.J.S.A.* 18A:12-24.1(d), because their actions “demonstrate administration of the schools because action was taken only by [B]oard members, without involvement or knowledge of administrators”; violated *N.J.S.A.* 18A:12-24.1(e), because they took private action by usurping the authority to seek and interview new counsel; violated *N.J.S.A.* 18A:12-24.1(g), because confidential information had to be shared with them prior to being sworn in in order for a newly elected Board member to second a motion and to know how to vote; violated *N.J.S.A.* 18A:12-24.1(i), because they did not “support school personnel . . . such as the [BA] and [S]uperintendent” when they acted “unilaterally and without authorization to circumvent state law and impact the ability for the administrative staff to do their jobs” and violated *N.J.S.A.* 18A:12-24.1(j), because they failed to bring any complaints about Cornell to the chief school administrator (CSA).

In Count 2, Complainant contends that Respondents Reddy and Shivani “directed staff administrators to create a hand-carried resolution for the [S]uperintendent to publicly accept arbitrary opinions of Respondents” on March 26, 2024. After the resolution failed, Respondents

Reddy and Shivani directed that copies of the resolution “be placed at the entrance of the [Board] offices to show the work of the Respondents and make it appear as though the resolution is in fact being considered and contemplated.” Complainant further contends Respondents Reddy and Shivani violated *N.J.S.A. 18A:12-24.1(a)*, because the “desired changes sought were not being made through ethical means . . .”; violated *N.J.S.A. 18A:12-24.1(c)*, because the Resolution was “beyond [the Board’s] scope of responsibility and instead illustrated a statement of purported deficiencies and opinions of Respondents . . . It put into place arbitrary and capricious timelines . . . to ensure that neither teachers, nor administrators, nor the public would have reasonable time to thoroughly consider the massive changes demanded”; violated *N.J.S.A. 18A:12-24.1(d)*, because the Resolution “clearly illustrates administration of schools by directing the Superintendent (“CSA”) to make changes without support from the staff and without evidence that any of the purported grievances have any educational merit”; and violated *N.J.S.A. 18A:12-24.1(i)*, because the Resolution “contained false, arbitrary, and capricious statements . . . and should be construed as unethical and in violation of statute.”

In Count 3, Complainant maintains that on or about July 10, 2024, Respondent Reddy “proceeded to act in the capacity of a district human resources employee by publicly soliciting recommendations to fill district positions, going so far as to say why a former employee left her position” when he posted on social media about a job posting in the District. Respondent Reddy posted:

Millburn school district is looking to hire immediately for the role of Director of Curriculum and Instruction for Mathematics (K-12). If this opportunity aligns with your expertise and aspirations, feel free to reach out for more details.
#njschools Apply here: [link]

Respondent Reddy also posted in a WhatsApp group the following message:

Folks, Millburn school district is looking to hire immediately for the role of Director of Curriculum and Instruction for Mathematics (K-12). If this opportunity aligns with your expertise and aspirations or know someone that’s a good candidate, please feel free to reach out to Dr. Diskin [e-mail address] for more details.

[Link]

Also, the school is looking to hire science teachers. Even though there’s no posting yet, please reach out to Dr. Diskin to learn more.

In response to a comment in the WhatsApp group about the difference between this position and another in the District, Respondent Reddy replied “this is her job. [Employee Name] has chosen to resign due to a personal situation.”

Complainant asserts Respondent Reddy violated *N.J.S.A. 18A:12-24.1(c)*, by taking actions “outside of the scope or ‘policy making, planning and appraisal” and violated *N.J.S.A.*

18A:12-24.1(d), because his actions “match those of an employee of the district and a human resource administrator, which he is not.”

In Count 4, Complainant asserts that Respondents Reddy, Shivani, Finkelstein and Farashuddin “directed, or caused to direct, [Board counsel (Weiner)] to immediately work on activities that are typically performed in Program Committee . . . ” on or around January 29, 2024. According to Complainant, Weiner became the “defacto arm of the Program Committee for grading policy and directly assisted Respondents Reddy, Shivani and Finkelstein administer [(sic)] the school by conducting research and crafting grading policy without involving educators or the [S]uperintendent in clear and deliberate violation of *N.J.S.A. 18A:12-24.1(c)*.” Respondent Farashuddin “clearly presents himself as the implementer and taking steps to administer the schools by claiming that he ‘implemented new grading policies’ . . . ” Complainant further asserts Respondents Reddy, Shivani, Finkelstein and Farashuddin violated *N.J.S.A. 18A:12-24.1(a)*, because the desired changes were not done through legal and ethical procedures; violated *N.J.S.A. 18A:12-24.1(c)*, because they acted outside policy making, planning, and appraisal and did not consult with those who will be affected by them and violated *N.J.S.A. 18A:12-24.1(d)*, because they proceeded to administer the schools by directing school administrators to implement policies and procedures unlawfully.

In Count 5, Complainant states that Respondent Reddy “acted as an administrator of school by making unauthorized announcements and, acting in his official capacity as a [Board] member and President, hosting discussions using a public [social media] group . . . : in violation of *N.J.S.A. 18A:12-24.1(d)*. Further, Complainant provides that Respondent Reddy “acts as an administrator” by taking surveys on social media and “uses a disclaimer to make it appear as though he is asking on his own behalf, which he is clearly not.” Complainant contends that Respondent Reddy violated *N.J.S.A. 18A:12-24.1(a)*, because he effectively directs the Interim CSA to make the changes that he desires and violated *N.J.S.A. 18A:12-24.1(c)*, because he purposefully excluded teachers in discussions.

B. *Written Statement*

Respondents initially argue that Counts 1 and 2 are time barred. If the first two Counts are not dismissed as untimely, Respondents offer the following arguments.

As to Count 1, Respondents argue that the Complaint does not contain any factual support for the allegation that Respondent Reddy shared confidential information. According to Respondents, appointing a new law firm does not require an RFP (Bylaw 0174) and is not confidential. Moreover, candidates who run on the same slate “necessarily discuss their ideas and plans, in private and in public so that if they get elected they can take action.” In sum, Respondents maintain the Board was not required to use the RFP process to award a contract for legal services; and the allegation that [Respondent] Reddy communicated with Board [m]embers elect regarding the appointment of a new law firm cannot support a claim of an ethics violation.”

Regarding Count 2, Respondents state it does not contain a violation. According to Respondents, Respondents Reddy and Shivani did not give a direct order to school administration in a manner that is prohibited by the Act. Respondents argue, to the extent

Complainant alleged that Respondents Reddy and Shivani “directed the [BA] to prepare the resolution and post it at the entrance of the Board offices,” Respondents note “those tasks are squarely within the responsibilities of the [BA], and are routinely communicated by the Board directly to the [BA].”

As to Count 3, and the posts made by Respondent Reddy, Respondent Reddy contends the “posts contained the link to the online employment application for the Director position.” Moreover, Respondent Reddy responded to an inquiry from the public about the difference between the posted position and that of Hoda Abdelwahab’s position, which Respondent Reddy indicated was the same. Respondents argue based on the evidence and the facts, the Complaint cannot sustain Complainant’s alleged violations. Respondents further argue Respondent Reddy “was amplifying a job opening,” he did not divulge confidential information, nor did he develop the hiring process or endorse any candidates on his own. Respondents maintain, “the fact that Dr. Abdelwahab resigned and that it was due to a personal situation was true, not confidential, and harmless.”

Regarding Count 4, Respondents note it is also time barred. Moreover, Respondents contend there is not any “factual support for the assertion that [Weiner] has been serving as the ‘de facto arm of the program Committee for grading policy.’” Per Respondents, Complainant obtained the legal bills through an OPRA request, and these bills did not indicate “a single billing entry or email relating to the Board’s grading policy.” Respondents further contend they took the necessary and appropriate steps to effectuate the changes to the District’s grading policy. Respondents maintain that the Program Committee consisted of central administration, and teaching staff representatives, and was placed on the meeting agendas for a first and second reading allowing the Board and the public to comment. Respondents further maintain that Complainant has not provided any evidence to support the allegation that Respondent directed school personnel or became directly involved in activities or functions that are the responsibility of school personnel. Respondents argue that “policy making is solely the responsibility of the Board, and implementing those policies is the responsibility of the administration.” Respondents note, “Directing administrators to implement the Board’s policies is akin to directing them to simply do their jobs. It is not the type of ‘direct order’ that the [Act] intended to prohibit.”

Finally, as to Count 5, Respondent Reddy contends that his “WhatsApp” messages prove Complainant wrong. According to Respondents, Respondent Reddy’s messages do not constitute “official action; he did not direct anyone, let alone school personnel, to take any action; no changes were brought about by way of his message or survey; his discussion points are factual and no confidential information was shared.” Respondents further contend there “is no legal authority prohibiting school board members from speaking on matters of public importance to them under their First Amendment right of expression.”

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

At the Commission’s meeting on June 17, 2025, members of the public appeared by telephone and offered public comment regarding the above-captioned matter. More detailed information regarding the substance of those public comments 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 offering of 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 Untimeliness

In their Written Statement, Respondents submit that the allegations in Count 1, Count 2 and Count 4 are time barred. The allegations in Count 1 concern a vote at a Board meeting on January 2, 2024, the allegations in Count 2 concern purported instructions to staff on March 26, 2024, and the allegations in Count 4 are about instructions given to counsel on or around January 29, 2024.

The Commission’s regulations provide a one hundred eighty (180) day limitation period for filing a complaint. More specifically, *N.J.A.C.* 6A:28-6.5(a) provides, in relevant part:

- (a) Complaints shall be filed within 180 days of notice ***of the events which form the basis of the alleged violation(s)***. A complainant shall be deemed to be notified of events which form the basis of the alleged violation(s) ***when he or she knew of such events or when such events were made public so that one using reasonable diligence would know or should have known*** (emphasis added).

With the above in mind, and pursuant to *N.J.A.C.* 6A:28-6.5(a), the Commission must determine when Complainant knew of the events which form the basis of his Complaint, or when such events were made public so that one using reasonable diligence would know, or should have known, of such events.

The Commission recognizes that limitation periods of this type serve to discourage dilatoriness and provide a measure of repose in the conduct of school affairs. *Kaprow v. Berkley Township Bd. of Educ.*, 131 *N.J.* 571, 587 (1993). Thus, “notice of the alleged violation” must be interpreted in a manner that anticipates the reasonable diligence of complainant(s). In addressing potential violations of the Act, the Commission must balance the public’s interest in knowing of potential violations against the important policy of repose and a respondent’s right to fairness. The time limitations set forth in the regulations must be enforced if the Commission is to operate in a fair and consistent manner. *Phillips v. Streckenbein et al., Edgewater Park Bd. of Educ., Burlington County*, C19-03 (June 24, 2003).

In this case, Complainant filed her Complaint on October 24, 2024,² and one hundred eighty (180) days prior to that date is April 21, 2024. The events at issue in Counts 1, 2 and 4 occurred prior to that date.

After review, the Commission finds that there is not a credible basis upon which to find that Complainant was unaware of Respondents' actions/conduct until a date(s) other than when they occurred. Although the Commission recognizes that the regulatory time period may be relaxed, in its discretion, in any case where strict adherence may be deemed inappropriate or unnecessary or may result in injustice, it does not find extraordinary circumstances in the within matter that would compel relaxation. Critical to the Commission's determination was that the conduct either occurred at a Board or committee meeting, and as such Complainant was aware or could have been aware of the conduct on the day it occurred, as it was public knowledge. Moreover, Complainant does not allege that she learned of the events at a later date. The Commission finds that Complainant was aware of the conduct at the time it was conducted. Consequently, the stated violations of the Act set forth in Counts 1, 2, and 4 are time barred, and therefore, dismissed.

Alleged Violations of the Act

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

a. I will uphold and enforce all laws, rules and regulations of the State Board of Education, and court orders pertaining to schools. Desired changes shall be brought about only through legal and ethical procedures.

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.

d. I will carry out my responsibility, not to administer the schools, but, together with my fellow board members, to see that they are well run.

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

1. Factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(a) shall include a copy of a final decision from any court of law or administrative agency of this State demonstrating that Respondent failed to enforce all laws, rules and regulations of the State Board of Education, and/or court orders pertaining to

² *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.

schools or that Respondent brought about changes through illegal or unethical procedures.

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.

4. Factual evidence of a violation of *N.J.S.A. 18A:12-24.1(d)* shall include, but not be limited to, evidence that Respondent gave a direct order to school personnel or became directly involved in activities or functions that are the responsibility of school personnel or the day-to-day administration of the school district or charter school.

Count 3

In Count 3, Complainant alleges Respondent Reddy violated *N.J.S.A. 18A:12-24.1(c)* and *N.J.S.A. 18A:12-24.1(d)* when he posted on social media and in a WhatsApp group chat about a job posting in the District and about why a recent employee left the position. Respondent Reddy counters that he "was amplifying a job opening," did not divulge confidential information about any employee, and did not develop the hiring process or endorse any job candidates.

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(c)* and *N.J.S.A. 18A:12-24.1(d)* were violated. With respect to *N.J.S.A. 18A:12-24.1(c)*, the allegations in Count 3 do not consist of Respondent taking any official Board action to effectuate policies or plans without consulting those affected or action unrelated to his duties. As for *N.J.S.A. 18A:12-24.1(d)*, Complainant has not provided evidence that Respondent gave a direct order to school personnel or became directly involved in the hiring process or with specific candidates. Accordingly, 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(c)* and *N.J.S.A. 18A:12-24.1(d)* in Count 3.

Count 5

In Count 5, Complainant alleges Respondent Reddy violated *N.J.S.A. 18A:12-24.1(a)*, *N.J.S.A. 18A:12-24.1(c)* and *N.J.S.A. 18A:12-24.1(d)* when he used WhatsApp to make announcements and hosted discussions about the District. Respondent Reddy argues that his messages do not constitute official action and he did not direct anyone, including school personnel, to take any action.

Following its assessment, 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(a), *N.J.S.A.* 18A:12-24.1(c) and *N.J.S.A.* 18A:12-24.1(d) were violated. As to *N.J.S.A.* 18A:12-24.1(a), Complainant has not provided a copy of a final decision from any court of law or administrative agency of this State demonstrating that Respondent failed to enforce all laws, rules and regulations of the State Board of Education, and/or court orders pertaining to schools or that Respondent brought about changes through illegal or unethical procedures. As to *N.J.S.A.* 18A:12-24.1(c), the allegations in Count 5 do not consist of Respondent Reddy taking any official Board action to effectuate policies or plans without consulting those affected or action unrelated to his duties. With respect to *N.J.S.A.* 18A:12-24.1(d), Complainant has not provided evidence that Respondent Reddy gave a direct order to school personnel or became directly involved in activities or functions that are the responsibility of school personnel or the day-to-day administration of the school district. Therefore, 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(a), *N.J.S.A.* 18A:12-24.1(c) and *N.J.S.A.* 18A:12-24.1(d) in Count 5.

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 Respondents that any allegations in Count 1, Count 2, and Count 4 were untimely filed, and 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 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 C83-24***

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 meetings on June 17, 2025, the Commission discussed finding the allegations in Counts 1, 2, and 4 as untimely filed; 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