

Before the School Ethics Commission
Docket No.: C86-24
Decision on Probable Cause

Kelly Pratt-Johnson,
Complainant

v.

Kevin Barnes,
Ocean City Board of Education, Cape May County,
Respondent

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on October 23, 2024, by Kelly Pratt-Johnson (Complainant), alleging that Kevin Barnes (Respondent), a member of the Ocean City 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(e)* 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 December 11, 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 and dismissing the matter.

II. Summary of the Pleadings

A. The Complaint

By way of background, Complainant is a parent, and Respondent is the Board President. Complainant states that during the week of September 23, 2024, she attended two separate district “Back to School” nights for the primary school and the high school. On the first “Back to School” night at the primary school, Complainant came across a pastor who was handing out two flyers: a copy of the 2020 NJSLs [New Jersey Student Learning Standards] Comprehensive Health and Physical Health (Health Standards), and a copy of the “opt out” statute for the health standards. During the second “Back to School,” night at the high school, Complainant asserts the Superintendent asked the pastor what he was handing out, and then asked him to move away

from the school's entrance. On the third night, Complainant accompanied the pastor at the intermediate school's "Back to School" night. According to Complainant, Respondent approached Complainant and in "a loud voice and aggressive tone, told Complainant to keep her 'hate' away from him and to stop spreading 'hateful lies.'"

Complainant alleges that "following the incident, multiple social media posts decried the individuals handing out the information to parents and included hateful rhetoric." Complainant requested, via e-mail, that Respondent issue a public apology to Complainant to which she did not receive a response. Complainant then emailed Respondent to request a meeting to which Respondent replied, "please define the purpose of the meeting."

Complainant asserts that Respondent's aggressive behavior and action hurts the Board's integrity and intimidated the public from coming forward in violation of *N.J.S.A. 18A:12-24.1(e)*, because his actions were private and did not occur during a Board meeting.

Complainant further asserts Respondent violated *N.J.S.A. 18A:12-24.1(g)* because his "loud, aggressive, and public accusations against Complainant at a school-sponsored event" were not truthful.

B. Written Statement

Respondent admits that he attended the high school "Back to School" night event in his capacity as a parent, but he does not have any "knowledge pertaining to the alleged interaction between [the pastor] and the Superintendent." Respondent maintains that upon arriving at the high school, in his role as a parent, he observed Complainant handing out papers. Respondent further maintains he did not know what the papers were for, but knew that Complainant "was aligned with a vocal opponent of the . . . learning standards." Respondent argues that contrary to Complainant's account of the events, it was she who approached Respondent and asked if he wanted a flyer, and Respondent notes he replied, "No thank you." According to Respondent, Complainant asked, "Why not," and Respondent answered, "Because I am not interested in spreading any hate." Respondent denies any other statements that Complainant attributes to him. Respondent notes that Complainant did not attach Respondent's alleged posts and further notes that the referenced email and letter speak for themselves.

Respondent further admits that he did not issue an apology and denies that he "engaged in 'aggressive and hostile behavior.'" Respondent further denies that "his brief interaction with Complainant 'hurt the [B]oard's integrity and intimidated the public from coming forward or providing parents with accurate information regarding district policies' or that his brief interaction with Complainant 'compromised the [B]oard'" in violation of *N.J.S.A. 18A:12-24.1(e)*. Respondent also denies that Complainant's characterization of him is accurate or complete, that he provided inaccurate information and/or that he violated *N.J.S.A. 18A:12-24.1(g)*.

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

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), 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.

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.

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(e) and/or *N.J.S.A.* 18A:12-24.1(g) were violated in this Complaint. 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. Respondent was at the event as a parent and is entitled to his own viewpoints and opinions. As a parent, Respondent was entitled to refuse the flyers and to express his view of what the flyers represented. 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. As for a potential violation of *N.J.S.A.* 18A:12-24.1(g), the Complaint lacks evidence that establishes that any inaccuracies were said by Respondent or that the purported inaccuracies were not due to reasonable mistake or personal opinion.

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(e) and *N.J.S.A.* 18A:12- 24.1(g) in the 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 C86-24***

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