

***Before the School Ethics Commission***  
***Docket No.: C88-24***  
***Decision on Probable Cause***

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**Keith Kaplan,**  
***Complainant***

v.

**Jonathan Rodriguez,**  
**Teaneck 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 October 29, 2024, by Keith Kaplan (Complainant), alleging that Jonathan Rodriguez (Respondent), a member of the Teaneck 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)*, as well as *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 20, 2024.

The parties were notified by correspondence dated July 15, 2025, that the above-captioned matter would be discussed by the Commission at its meeting on July 22, 2025, in order to make a determination regarding probable cause. Following its discussion on July 22, 2025, the Commission adopted a decision at its meeting on August 19, 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***

Complainant asserts that during a voter forum hosted by the North East Teaneck Block Presidents Association on October 22, 2024, in response to the question asked by the moderator, “Why do you think there is so much hostility on the current board?” Respondent replied:

Um, why do you think there’s so much hostility on the Current board? I ...I’m gonna be plain. [sic] **I think that our three new members have been a detriment to the board.** Um, I think *they* have, um, done *their* best despite the, um, six of us to, um to **damage** the district. [sic] Um, both in perception and in actuality. Um, speaking on perception. Um, I think that the, the, the, *they’re*

fueled by, I don't know, Facebook, um to, to keep the vitriol going, um, as opposed to opening *their* minds and seeing that we are all people and *we* all want the best things for *ourselves*, for *our* community, and for *our* children. Thanks. (emphasis added by Complainant)

According to Complainant, Respondent denigrated and distinguished the “three new members” from the remainder of the Board using terms such as “we,” “them” and “our.” Complainant asserts by issuing such a statement, without a disclaimer, and by “differentiating” his fellow Board members, Respondent violated *N.J.S.A.* 18A:12-24.1(e) in Count 1, because he spoke as a current Board member and made false and disparaging statements about fellow Board members in public that he knew could compromise the Board.

In Count 2, Complainant contends Respondent violated *N.J.S.A.* 18A:12-24(b), because he used his official position to secure “unwarranted” advantages for himself and his preferred candidates that he endorsed and gave the impression that his preferred candidates were endorsed by the remainder of the Board, to the detriment of the remaining two candidates.

In Count 3, Complainant asserts Respondent violated *N.J.S.A.* 18A:12-24.1(f), because Respondent's comments were a direct effort to influence the residents to vote against the other candidates, and to advance his own personal and individual agenda by eliminating those candidates who do not share his views as to what is best for “our” children.

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

Respondent admits that he attended the candidate forum, but notes that any statements/comments he made were in his capacity as a candidate, and denies that any of his statements were false, but rather were political dialogue. Respondent further denies the allegations in the Complaint and notes that the Complaint is frivolous because it is a “personal and political vendetta.” Respondent cites Scanlan v. Chisholm, C123-22, and maintains this Complaint is “every bit as frivolous . . . and it deserves the same (or worse) fate.”

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

Complainant argues Respondent's claims are “unfounded and unsupported by any substantive evidence.” Complainant further argues, this matter is more akin to Kwapniewski v. Curioni, C70-19, rather than Scanlan. Complainant maintains the Complaint “is grounded in a reasonable basis in law and equity” and supported by a good faith argument.

### **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, based on the conduct more fully detailed above, Respondent violated *N.J.S.A. 18A:12-24(b)*, and this provision of the Act states:

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;

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.”

Complainant further submits that Respondent violated *N.J.S.A. 18A:12-24.1(e)* and *N.J.S.A. 18A:12-24.1(f)* 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.

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(f)* 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.

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(b)*, *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. The Commission has long held that Board members do not surrender the rights that they have as citizens, such as freedom of speech, when they become members of a school board. However, in exercising those rights, Board members must comply with the School Ethics Act. The Commission has advised Board members that endorsements require a Board member to indicate that such endorsement is their personal view and not that of the board of education; to provide accurate information that is not confidential; and to ensure that this private action does not compromise the Board. *See Advisory Opinion A02-06* (3/10/06) and *Advisory Opinion A36-14* (10/29/14). Nevertheless, as this was at a voter forum hosted by a community organization, the Commission does not believe that a disclaimer is necessary before every comment or statement a Board member makes at said event. Attendees at a voter forum are aware that candidates will be making statements in their capacity as candidates and not in another capacity, which makes it different than a social media post that is posted without a disclaimer, and could be construed as being in the Board member's official capacity.

With the above in mind, Complainant has not shown how 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" when he made comments at a voter forum that was open to all candidates as required by *N.J.S.A. 18A:12-24(b)*. With respect to *N.J.S.A. 18A:12-24.1(e)*, the Complaint lacks factual support that Respondent made any personal promises to any candidates or took action beyond the scope of his duties such that, by its nature, had the potential to compromise the Board when he expressed his personal opinion about certain Board members. Similarly, the Complaint fails to explain how Respondent's comments would 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)* when he stated his personal opinion about Board members. Consequently, 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:12-24.1(e)* and/or *N.J.S.A. 18A:12-24.1(f)*.

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

At its meeting on July 22, 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 August 19, 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: August 19, 2025

***Resolution Adopting Decision  
in Connection with C88-24***

***Whereas***, at its meeting on July 22, 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 July 22, 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 discussed finding the Complaint not frivolous, and denying the request for sanctions; and

***Whereas***, at its meeting on August 19, 2025, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on July 22, 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 August 19, 2025.

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Dana C. Jones  
School Ethics Commission