

Before the School Ethics Commission
Docket No.: C11-26
Decision on Probable Cause

Stephanie Johnson,
Complainant

v.

Gina Frasca and Melissa McCooley,
Pinelands Regional School District Board of Education, Ocean County,
Respondents

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on January 27, 2026, by Stephanie Johnson (Complainant), alleging that Gina Frasca, Assistant Superintendent (Respondent Frasca), and Melissa McCooley, Superintendent (Respondent McCooley) (collectively Respondents), of the Pinelands Regional School District 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(b)*, *N.J.S.A. 18A:12-24(c)*, *N.J.S.A. 18A:12-24(d)*, and *N.J.S.A. 18A:12-24(f)*. On March 23, 2026, Respondents filed a Written Statement.

The parties were notified by correspondence dated July 21, 2026, that the above-captioned matter would be discussed by the Commission at its meeting on July 28, 2026, to determine whether probable cause exists. Following its discussion on July 28, 2026, the Commission adopted a decision at its meeting on August 25, 2026, 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*

According to Complainant, on May 7, 2025, she received an email from the Business Administrator/Board Secretary (BA/BS), informing the Board that three (3) tort claim notices were filed by Respondents and Respondent McCooley's spouse. Complainant notes the notices indicated that Respondent McCooley, her spouse Lucas McCooley, and Respondent Frasca were seeking damages of \$5 million each for various frivolous claims from the Board and Complainant. Complainant further notes the notices did not have a date of occurrence and/or specific facts or incidents for their claims. Per Complainant, the attorney representing all three litigants is Mr. Steven Edelstein from the Weiner Law firm.

Complainant provides that Mr. Edelstein was previously paid by the Board in 2018 as a consulting attorney regarding the budget and was recommended as Respondents' counsel by Board counsel, Will Donio. Mr. Edelstein is also defending Respondents in their Office of Administrative Law (OAL) and School Ethics Commission (SEC) issues and being indemnified by the District. Complainant maintains this could be viewed as a conflict of interest as prior business relationships and monies have been exchanged from both parties involved.

Complainant states that she was told by the BA that she had to recuse herself and not attend the executive session in June because the Superintendent's evaluation and the tort claims were the only agenda items being discussed. Despite her disagreement related to the BA's recommendation of recusal regarding the tort claim, Complainant recused, nonetheless.

Complainant notes that she submitted two email requests on August 16 and 22, 2025, with questions regarding the agenda of the June meeting to the Board President (Hewitt). Complainant further notes that the following day, the Board President instructed her to send all questions directly to him and McCooley, to which she did, and included additional questions and requested documents, such as legal invoices.

Per Complainant, on August 27, 2025, Respondent McCooley responded by e-mail and included as recipients her personal attorneys, Mr. Edelstein and Mr. Robert Merenich. Thereafter, Complainant maintains Mr. Edelstein proceeded to send her a "threatening letter, stating she did not have the right to ask a question regarding [their] legal fees."

Complainant provides that on October 20, 2025, during Executive Session, Respondents McCooley and Frasca, as well as Board counsel, advised the Board that Mr. Edelstein would "be showing up to speak about their tort claims against Complainant." Complainant states that she was not present at this meeting. Complainant contends that Respondents did not recuse themselves from executive session when they advised of their premeditated actions against the District and the Board. Complainant further contends Respondents' presence and control over the meeting chilled the Board's "ability to act accordingly within their Ethics Oath and violated laws governing [the Open Public Meetings Act (OPMA)]."

Complainant maintains Mr. Edelstein spoke during the public forum portion and identified himself as Ms. McCooley and Ms. Frasca's personal attorney; he did not relay to the public that he was also representing Mr. McCooley. According to Complainant, Mr. Edelstein "relayed confidential district legal matters previously discussed in executive session and relayed lies to the public at the request of Ms. McCooley and Ms. Frasca and with compliance of the entire Board and Board Counsel."

Complainant further notes Board counsel, instructed the public, after Mr. Edelstein's comments, that the Board would not take additional questions regarding Mr. Edelstein's accusations against Complainant.

According to Complainant, Respondents "purposely and knowingly had their personal counsel attend a [Board] meeting and relay confidential [Board] information that is protected under [OPMA] and New Jersey statutes and regulations regarding disclosure of information affecting this matter and would harm the public trust in our Board."

Complainant maintains that “[f]alse and biased information was purposely relayed to the public that attended in person, online to view via Youtube [(sic)] and in writing as Respondents informed the local school journalist from *the Sandpaper* to be in attendance.”

With the above in mind, Complainant asserts Respondents violated *N.J.S.A.* 18A:12-24(b), because they “failed to properly discharge [their] fiduciary and ethical responsibilities” by releasing this information and as a result, secured unwarranted privileges, advantage for themselves, friends and family and allowed an unfair and improper advantage that compromised confidentiality protections.

Complainant further asserts Respondents violated *N.J.S.A.* 18A:12-24(c), because they allowed “confidential legal information to be released to the public by a private attorney” thereby undermining confidence in the Board’s integrity and governance. Complainant notes this “biased information favors the Respondents and puts the Board in a false light to the public as they are ignorant in their position as Board [m]embers” and by “not recusing themselves in executive session their presence chilled the Board and did not allow for questions or objections to Board Counsel.”

Complainant also asserts Respondent violated *N.J.S.A.* 18A:12-24(d), because they compromised the Board’s position through unauthorized actions and needlessly injured the Board and the District, and their “unauthorized disclosure [of] their actions completely undermines” the Board in their duties and undermines the staff and the administration.

Finally, Complainant asserts Respondents violated *N.J.S.A.* 18A:12-24(f), because they “used their office and relayed school information that is client-attorney privileged on both sides for the purpose of securing unwarranted [(sic)] privilege, financial gain for themselves, friends and family.”

B. *Written Statement*

In their Written Statement, Respondents maintain the Complaint “is replete [with] allegations that border on ridiculous.” Moreover, Respondents argue the Complaint “details many such irrelevant circumstances, going all the way back to the Board election campaign of 2024.”

Respondents’ counsel notes that “the only concrete allegation” is Complainant’s statement that Mr. Edelstein “relayed confidential district legal matters previously discussed in executive session and related lies to the public . . .” However, counsel notes that “is pure fiction.” Mr. Edelstein argues he did not relay any confidential information, and has attached a transcript. Respondents and their attorney assert “there is nothing alleged in this Complaint that violates any provisions of the School Ethics Act.”

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.”

Jurisdiction of the Commission

In reviewing the allegations in this matter, the Commission notes that its authority is limited to enforcing the Act, *N.J.S.A. 18A:12-21 et seq.*, a set of minimum ethical standards by which all school officials must abide. In this regard, the Commission has jurisdiction only over matters arising under the Act, and it may not receive, hear, or consider any matter that does not arise under the Act, *N.J.A.C. 6A:28-1.4(a)*.

With the jurisdiction of the Commission in mind, to the extent that Complainant seeks a determination from the Commission that Respondents may have violated the OPMA, the Commission advises that such determinations fall beyond the scope, authority, and jurisdiction of the Commission. Although Complainant may be able to pursue a cause of action(s) in the appropriate tribunal, the Commission is not the appropriate entity to adjudicate those claims. Accordingly, those claims are dismissed.

Alleged Violations of the Act

Complainant submits that, based on the conduct more fully detailed above, Respondents violated *N.J.S.A. 18A:12-24(b)*, *N.J.S.A. 18A:12-24(c)*, *N.J.S.A. 18A:12-24(d)*, and *N.J.S.A. 18A:12-24(f)* and these provisions of the Act state:

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;

c. No school official shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial involvement that might reasonably be expected to impair his objectivity or independence of judgment. No school official shall act in his official capacity in any matter where he or a member of his immediate family has a personal involvement that is or creates some benefit to the school official or member of his immediate family;

d. No school official shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his independence of judgment in the exercise of his official duties;

f. No school official shall use, or allow to be used, his public office or employment, or any information, not generally available to the members of the public, which he receives or acquires in the course of and by reason of his office or employment, for the purpose of securing financial gain for himself, any member of his immediate family, or any business organization with which he is associated;

In order to credit a violation of *N.J.S.A. 18A:12-24(b)*, Complainant must provide sufficient factual evidence that Respondents used or attempted to use their official position to secure an unwarranted privilege, advantage or employment for themselves, members of their immediate family, or “others.”

To credit a violation of *N.J.S.A. 18A:12-24(c)*, Complainant must provide sufficient factual evidence that Respondents acted in their official capacity in a matter where they, or a member of their immediate family, had a direct or indirect financial involvement that might reasonably be expected to impair their objectivity, or in a matter where they had a personal involvement that created some benefit to them, or to a member of their immediate family.

In order to credit a violation of *N.J.S.A. 18A:12-24(d)*, Complainant must provide sufficient factual evidence that Respondents engaged in employment or service, regardless of whether compensated, which might reasonably be expected to prejudice their independence of judgment in the exercise of their official duties.

To credit a violation of *N.J.S.A. 18A:12-24(f)*, Complainant must provide sufficient factual evidence that Respondents used their public employment, or any information not generally available to the public, and which they received in the course of and by reason of their employment, for the purpose of securing financial gain for themselves, their business organization, or a member of their immediate family.

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(c)*, *N.J.S.A. 18A:12-24(d)*, and *N.J.S.A. 18A:12-24(f)* were violated. At the outset, the Commission notes that Complainant does not articulate what confidential information Respondents’ attorney is alleged to have revealed or shared when he spoke in public session. With the above in mind, Complainant has not shown how Respondents’ attorney’s statements during public session constituted Respondents using or attempting to use their official position to secure an unwarranted privilege, advantage or employment for themselves, members of their immediate family, or “others” as required by *N.J.S.A. 18A:12-24(b)*. With regard to *N.J.S.A. 18A:12-24(c)*, Complainant has not demonstrated how Respondents acted in their official capacity in any matter where they, a member of their immediate family, or a business organization in which they have an interest, have a direct or indirect financial involvement that might reasonably be expected to impair their objectivity or independence of judgment when their attorney spoke in public session. Regarding a violation of *N.J.S.A. 18A:12-24(d)*, Complainant has not shown how Respondents have undertaken any outside employment or service. Finally, Complainant has not articulated what information

Respondents provided that show that Respondents used or, or allowed to be used, their public office or employment, or any information, not generally available to the members of the public, which they received or acquired in the course of and by reason of their office or employment, for the purpose of securing financial gain for themselves, any member of their immediate family, or any business organization with which they are associated as required by *N.J.S.A.* 18A:12-24(f).

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(b), *N.J.S.A.* 18A:12-24(c), *N.J.S.A.* 18A:12-24(d) and *N.J.S.A.* 18A:12-24(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 Respondents 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.

Dennis M. Roberts, Chairperson

Mailing Date: August 25, 2026

***Resolution Adopting Decision
in Connection with C11-26***

Whereas, at its meeting on July 28, 2026, 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 July 28, 2026, 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 August 25, 2026, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on July 28, 2026; 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.

Dennis M. Roberts, Chairperson

I hereby certify that the Resolution was duly adopted by the School Ethics Commission at its public meeting on August 25, 2026.

Brigid C. Martens, Director
School Ethics Commission