

Before the School Ethics Commission
Docket No.: C30-26
Decision on Probable Cause

**Robert Sammons,
Complainant**

v.

**Kristin Burke,
Lawrence Township Board of Education, Mercer County,
Respondent**

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on February 26, 2026,¹ by Robert Sammons (Complainant), alleging that Kristin Burke (Respondent), a member of the Lawrence Township 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(c).

On March 18, 2026, Respondent filed a Written Statement, which included an allegation that the Complaint is frivolous. On April 1, 2026, Complainant filed a response to the allegation of frivolous filing.

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 and whether the Complaint is frivolous. 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. The Commission also adopted a decision finding the Complaint not frivolous and denying Respondent's request for sanctions.

II. Summary of the Pleadings

A. *The Complaint*

Complainant asserts that, while discussing his child's Harassment, Intimidation, and Bullying (HIB) investigation and safety plan via email, Respondent stated that she has not seen

¹ On March 6, 2026, Complainant submitted supplemental exhibits.

evidence of bullying and that she was going to include his child's mother on the correspondence so that she could share the child's support plan with both parents.

Complainant's exhibits (February 18, 2026, email) indicate that Complainant believes that "a personal relationship exists between Principal Burke and [his child's] mother that was never disclosed and may have influenced the school's response to these safety concerns." Therefore, Complainant notified the Superintendent that he is "formally flagging it and asking that the district consider whether a conflict of interest exists and whether a neutral administrator should be assigned to oversee [the child's] matter going forward."

Complainant asserts that despite his request for Respondent's "recusal due to appearance of non-neutrality from mother's inclusion in safety correspondence," Respondent has not recused from the matter, and therefore, has violated *N.J.S.A. 18A:12-24(c)*. Further, Complainant asserts that Respondent violated *N.J.S.A. 18A:12-24(c)* when she refused to recuse herself from decisions affecting his child, thereby "creating a justifiable impression of impaired objectivity."

B. *Written Statement and Allegation of Frivolous Filing*

In her Written Statement, which includes an allegation of frivolous filing, Respondent argues this is not an ethics complaint, but rather it is a "disagreement between divorced parents regarding school communication and the District's handling of student-safety concerns." Respondent further argues "[e]ven accepting the allegations as true, the Complaint fails to plead facts that could establish a violation of that statute." According to Respondent, Complainant does not allege a "direct or indirect financial involvement," does not allege any "personal involvement creating a benefit to Respondent or a member of her immediate family," nor does he provide any "facts demonstrating a disqualifying conflict requiring recusal." Respondent maintains the allegations are "speculation that Respondent is 'friendly' with the student's mother and on Respondent's inclusion of both parents in communication concerning their child." Respondent further maintains the District is legally obligated to communicate with both parents and Complainant's mere request to have Respondent not be involved is not an ethics violation.

Respondent asserts the Complaint is frivolous because Complainant "admitted before filing that he was 'not in a position to document this definitively' and did not want to 'overstate' what he knew." Despite those claims, Respondent maintains Complainant "proceeded to file a complaint accusing Respondent of a conflict requiring recusal under *N.J.S.A. 18A:12-24(c)* without alleging any benefit to Respondent, any benefit to Respondent's immediate family, or any factual basis for the supposed relationship beyond his own speculation." Ultimately, Respondent asserts the "record shows that this was not a good-faith ethics complaint supported by concrete facts, but a speculative filing deployed as a leverage in a broader campaign to extract concessions from the District."

C. *Response to the Allegation of Frivolous Filing*

In his response to the allegation of frivolous filing, Complainant argues the Complaint "is not about personal relationships," but rather about a "principal who demonstrated a consistent pattern of institutional bias against a complaining parent – discounting documented safety

concerns, denying observed peer harassment, deflecting formal requests, and continuing to exercise oversight over proceedings directly affecting the student whose welfare was an issue after a formal recusal request was made.” Complainant further argues he provided a “documented record of communication” and filed this as “a last resort, after exhausting every available option at the building level and then at the district level, with written warnings at each step.”

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 Respondent may have violated any Board policies and/or school codes of conduct, the Commission advises that such determinations fall beyond the scope, authority, and jurisdiction of the Commission. Additionally, with the above in mind, the Commission notes that it does not have jurisdiction over HIB investigations and does not review HIB investigations, including the process of the investigations or outcome of said investigations. See *N.J.S.A. 18A:37-14*. In accordance with *N.J.S.A. 18A:6-9*, the New Jersey Department of Education, Office of Controversies and Disputes, assists the Commissioner of Education in using the process established by the Administrative Procedure Act to hear and decide disputes that arise under the State school laws (which includes *N.J.S.A. 18A:37-13, et seq.*). Accordingly, Complainant was able to pursue a cause of action in the appropriate tribunal and the Commission is not the appropriate entity to adjudicate these claims.

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(c)*, and this provision of the Act states:

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.

To credit a violation of *N.J.S.A.* 18A:12-24(c), Complainant must provide sufficient factual evidence that Respondent acted in her official capacity in a matter where she, or a member of her immediate family, had a direct or indirect financial involvement that might reasonably be expected to impair her objectivity, or in a matter where she had a personal involvement that created some benefit to her, or to a member of her 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(c) was violated. The Commission notes that the complaint is devoid of any evidence that Respondent had a direct or indirect financial involvement that might reasonably be expected to impair her objectivity, or had a personal involvement that created some benefit to her, or to a member of her immediate family. While the Complainant speculated that Respondent and his child's mother have a "relationship" that could be a conflict, Complainant does not even articulate what sort of relationship or conflict this would be, let alone provide evidence of said conflict.

Consequently, 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(c).

IV. Request for Sanctions

At its meeting on July 28, 2026, 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 25, 2026, 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.

Dennis M. Roberts, Chairperson

Mailing Date: August 25, 2026

***Resolution Adopting Decision
in Connection with C30-26***

Whereas, at its meeting on July 28, 2026, the School Ethics Commission (Commission) considered the Complaint, the Written Statement and the 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 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 July 28, 2026, the Commission discussed finding the Complaint not frivolous, and denying the request for sanctions; 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.

Dana C. Jones
School Ethics Commission