

KEITH S KAPLAN, :  
COMPLAINANT, : BEFORE THE SCHOOL  
v. : ETHICS COMMISSION  
OF NEW JERSEY  
JONATHAN G. RODRIGUEZ, : SCHOOL ETHICS ACT  
RESPONDENT.  
\_\_\_\_\_ : COMPLAINT

I, Keith S Kaplan, residing at [REDACTED]  
keith@teanecktoday.com, request the School Ethics Commission to consider a complaint against the  
above-named Respondent whose home address is [REDACTED], whose phone  
number is [REDACTED] and whose email address is [jrodriguez@teaneckschools.org](mailto:jrodriguez@teaneckschools.org);  
[REDACTED] in accordance with the authority of the School Ethics Commission to entertain  
such complaints under *N.J.S.A. 18A:12-21 et seq.*

The facts upon which this complaint is based are as follows:

### **RELEVANT BACKGROUND INFORMATION**

On October 22, 2024, the North East Teaneck Block Presidents Association (“NETBPA”) held a  
voter forum (the “Forum”) in which all candidates standing for the Board of Education election in 2024  
were invited to attend and answer questions posed by voters and residents. The forum was video  
recorded<sup>1</sup> and the video was provided to residents to inform and influence them as to the views of the  
candidates standing for the Board of Education in the 2024 General Election.

Mr. Rodriguez was afforded an opening statement under the forum rules and began by stating:

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<sup>1</sup> The recording of the Forum is available at the following link (visited on October 29,  
2024): <https://vimeo.com/1022508672>

“Hi Everybody. Thank you to the Northeast Teaneck Block Association for all you do in the community. Um, and of course we're hosting this event tonight. Um, and **of course thank you to everybody that's here and who's watching on social media.** Um, thank you for making sure **that you were informed in your decision this November.** I'm John Rodriguez, and I'm running with Seleene [Wong] and Nadia [Hosein] to make sure that the school board's main focus remains on the education and social emotional development of our public-school students. Both my parents and I are Teaneck school graduates, and my two young kids attend Bryant and Hawthorne, now. After years of working at as a professional actor myself, I, I've spent the past 10 years teaching the next generation of theater lovers and theater actors. I absolutely love my job.

Um, I think at this point, two weeks before the election that most people watching and who are here have some idea of who I am, what I'm willing to fight for, and the things that I believe. So I just wanna say this: It's not every day that there are three candidates from three very different backgrounds who are all parents of public school students who have all taken careers in education on a slate together--that's special. We have the expertise, the skin in the game, and most importantly, the hearts for this position. As a voter, I wanna make sure that my board represents and is reflective of our students. Please vote for column three. Thank you.” (emphasis added)

At approximately 48 minutes<sup>2</sup> into the forum, the moderator asked: “Why do you think there is so much hostility on the current board? Mr. Rodriguez?”

In response, Trustee Rodriguez stated:

Can I think about it for a minute? I haven't thought about anything else for the past three years.

Um, why do I think there's so much hostility on the Current board? I... I'm gonna be plain. **I think that our three new members<sup>3</sup> have been a detriment to the board.** Um, I think that they have, um, done their best despite the, um, six of us to, um, to **damage** the district. Um, both in perception and in actuality. Um, speaking on

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<sup>2</sup> Video of Respondent's comments can be found between 48:04 and 49:16 here:

<https://vimeo.com/1022508672?share=copy#t=2884.082>

<sup>3</sup> Board Trustees Gruber, Kirshenbaum and Wolff were elected in the 2023 General election and were sworn in to their positions on January 3, 2024.

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)

1. Statement of specific facts in support of the allegation:

The Teaneck school board is composed of nine trustees, serving three-year terms, elected annually by the voters of Teaneck. Respondent Rodriguez has served as a Trustee of the Teaneck School Board since 2022. At the NETBPA forum, Respondent was asked questions and spoke in his specific capacity as a Trustee / Board member during his responses. Respondent denigrated the three recently elected Trustees / Board members (i.e. David Gruber, Gerald Kirshenbaum and James Wolff) in his responses as having “done their best... to damage the district both in perception and actuality.”

Respondent also distinguished the “three new members” from the remaining members of the Board through “we” vs “them” framing and explicit language such as, “despite the six of us” (i.e. President Clara Williams, Vice-President Kassandra Reyes, Trustees Victoria Fisher, Edward Ha, Dennis Klein, and himself).

In addition to the denigration of his fellow Trustees (who were not on the forum and in no position to speak to the attacks), Respondent Rodriguez continued his attacks through attribution of his understood motivations as to why his fellow Trustees were doing “their best to damage the district” (“they’re fueled by, I don’t know, Facebook, to keep the vitriol going...”).

Finally, Respondent differentiated his fellow trustees by stating that we (i.e. the six other trustees--as opposed to Messrs. Gruber, Kirshenbaum an Wolff) “all want the best things for ourselves, for our community, and for our children.”

**Date of occurrence: October 22, 2024.**

I assert the facts above to be a violation of: [N.J.S.A. 18A:12-24\(b\)](#), [N.J.S.A. 18A:12-24.1\(e\)](#) and [N.J.S.A. 18A:12-24.1\(f\)](#) of the School Ethics Act, for the following reasons:

**Count 1:**

Mr. Rodriguez violated N.J.S.A. 18A:12-24.1(e) by speaking as a current Trustee of Teaneck Board of Education and making false and disparaging statements about fellow Board members in a public forum, which he knew could compromise the board.

**Count 2:**

Mr. Rodriguez also violated N.J.S.A. 18A:12-24(b) by using his official position to secure “unwarranted” advantages for himself and his preferred candidates that he endorsed and gave the impression were endorsed by fellow board members, to the detriment of the remaining two candidates.

**Count 3:**

These statements also violate N.J.S.A. 18A:12-24.1(f) because the comments were a direct effort to influence Teaneck residents to vote against other candidates, and to advance a personal and individual agenda of Respondent (and those on his slate) by eliminating future Board candidates who do not share his view(s) as to what the “best things for ourselves, for our community, and for our children” would be.

**USE OF OFFICIAL POSITION TO SECURE UNWARRANTED ADVANTAGES**

Respondent / Trustee Rodriguez secured unwarranted advantage for himself and his running-mates. His actions resulted in unwarranted privileges to himself as the candidate and his slate, by providing the appearance that these candidates were receiving a Board endorsement<sup>3</sup>.

## NO DISCLAIMERS

Commission Advisory Opinion 36-14 (A36-14) (October 29, 2014), guides board members on disclaimers and the use of social media or publications in connection with board elections. As a member of the Board serving his third year, Respondent would be aware of the requirements and should have been aware that a public setting (where the goal was influencing the voters) would be subject to disclosure requirements.

Unlike social media activity mentioned in Commission Advisory Opinion A02-22 (A02-22), (February 25, 2022), the comments referenced in this Complaint took place in settings where Respondent was clearly speaking as a Trustee of the Board and Candidate. The Legislature established specific standards to guide board members' conduct to "ensure and preserve public confidence." Commission Advisory Opinion A02-06 (A0-06), (March 10, 2006) (citing 18A:12-22).

By his use of language such as "our", "we" and "us" in referencing his role and those of his like-minded Board members while endorsing specific candidates, Respondent's language compromised the board.

The behavior exhibited by Trustee Rodriguez is per se detrimental to any public confidence.

A reasonable observer would understand the multiple references to his board membership while endorsing Board candidates as a clear use of his position as Board Trustee to secure personal gain for both himself and his friends. See In the Matter of Shawn Giordano, Lacey Township Bd. of Educ., EEC 10952-20, Initial Decision (April 27, 2023), (concluding a violation of [N.J.S.A. 18A:12-24\(b\)](#) occurred when a board member highlighted her membership and

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<sup>3</sup> No disclaimers were presented at the meeting.

urged viewers to her Facebook video to vote for certain board candidates to assist her service as a board member).

Because the substance of Mr. Rodriguez's statements may reasonably lead the public to believe that he was speaking and representing himself as a board member, a disclaimer (even if one had been offered), would likely be insufficient. See Nazir v. Patel, Piscataway Twp. Bd. of Educ., Middlesex Cty., C43-19, Comm'n (May 25, 2021) (concluding that when a school official cites to [their] Board position or office but fails to include an appropriate disclaimer, [they are taking] action which is violative of N.J.S.A. 18A:12-24.1(e).").

In Giordano, the Administrative Law Judge highlighted that a disclaimer would have been inadequate even if used, given the substance of her speech. Because the endorsement would benefit the candidates, and because the respondent stated the candidates' election would benefit her personally, respondent violated N.J.S.A. 18A:12-24(b). Even if a disclaimer had been made pursuant to the Ethical Requirements, the substance of his comments vitiated the force and effect any disclaimer could have achieved.

### **INAPPROPRIATE INFLUENCE**

In his contrast of his slate vs others, Trustee Rodriguez "attempted to influence the voters to 'stack' the Board with those who would help respondent achieve his personal agenda".

See I/M/O of Christopher T. Treston, EEC 09014-19, C71-18 Comm'n (Apr. 27, 2021).<sup>4</sup>

Undeniably, "it is the public policy of this State that public officials avoid even the appearance of impropriety." Friends Retirement Concepts v. Bd. of Educ. Borough of Somerville, 356 N.J. Super. 203, 214 (Law Div. 2002).

Sufficient probable cause exists to credit the allegations in the complaint against Trustee Rodriguez, “supported by facts and circumstances strong enough . . . to warrant a reasonable person to believe” the school official violated that Act. N.J.A.C. 6A:28-10.7(b).

WHEREFORE, I, as Complainant, request that the School Ethics Commission find and determine that the above-named Respondent has violated the School Ethics Act and that Respondent be subject to such penalty as provided by the Act.

Date: October 29, 2024 \_\_\_\_\_

Signature of the Complainant

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<sup>4</sup> In Treston, the Commission found an unwarranted advantage was given to the candidates where respondent made “multiple references to his position on the Board and Board matters generally” in an op-ed, despite his use of a disclaimer. Ibid. Treston’s disclaimer was insufficient to overcome the substance of his op-ed, which attacked certain candidates and supported others. See I/M/O/ Elissa Malespina, EEC 09540-22, C22-22 Comm’n (Apr. 16, 2024).

CERTIFICATION

Keith S Kaplan, of full age, hereby certifies that the following statements are true:

1. I am the complainant in this matter.
2. I have read the complaint and aver that the facts contained therein are true to the best of my knowledge and belief and I am aware that the statute that created the School Ethics Commission authorizes the School Ethics Commission to impose penalties for filing a frivolous complaint. *N.J.S.A. 18A:12-29(e)*. I am aware that if the respondent replies to the complaint with an allegation that the complaint is frivolous, I shall have 20 days from receipt of the written statement to only respond to the allegation that the complaint is frivolous.
3. The subject matter of this complaint is not pending in any court of law or administrative agency of this State. I will advise the School Ethics Commission if I subsequently become aware that it is pending elsewhere.

Date: October 29, 2024

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Signature of the Complainant