

IN THE MATTER OF RHONDA : COMMISSIONER OF EDUCATION
WILLIAMS-BEMBRY, BOARD OF :
EDUCATION OF THE CITY OF : DECISION
HACKENSACK, BERGEN COUNTY :

SYNOPSIS

The School Ethics Commission (Commission) found that respondent – a member of the Hackensack Board of Education – violated *N.J.S.A. 18A:12-24(b)* of the School Ethics Act when she failed to recuse herself from voting on certain personnel matters as to which she was arguably biased, and for improperly communicating with district administrators and others concerning the recruitment and hiring of school employees. The Commission recommended the penalty of censure in this matter.

Upon review, the Commissioner – whose jurisdiction is limited to reviewing the Commission’s recommended sanction – concurred that censure is the appropriate penalty for the violations found. Accordingly, the Commissioner directed that respondent be censured as a school officer found to have violated the School Ethics Act.

This synopsis is not part of the Commissioner’s decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.

December 15, 2014

IN THE MATTER OF RHONDA : COMMISSIONER OF EDUCATION
WILLIAMS-BEMBRY, BOARD OF :
EDUCATION OF THE CITY OF : DECISION
HACKENSACK, BERGEN COUNTY

Before the Commissioner is a determination by the School Ethics Commission (Commission) that respondent Williams-Bembry, a member of the Hackensack Board of Education, should be censured for her failure to recuse herself from voting on certain personnel matters as to which she was arguably biased, and for improperly communicating with district administrators and others concerning the recruitment and hiring of school employees. Upon review of the record, the Initial Decision of the Office of Administrative Law (OAL), and the Commission's decision dated October 29, 2014, the Commissioner adopts the recommendation of the Commission that respondent be censured for violations of *N.J.S.A. 18A:12-24(b)*.¹

The complaint in this matter was filed on November 7, 2012. On February 19, 2013 and March 19, 2013, respectively, the Commission denied a motion filed by respondent to dismiss the pleadings, and found probable cause to credit the allegations in the complaint. The matter was then transmitted to the OAL on May 13, 2013 for a plenary hearing, which was held on January 27 and 29, and April 16, 2014.

In his Initial Decision, the administrative law judge (ALJ) assigned to the case found that respondent's participation in voting regarding the reappointment in 2012 of High School Principal James Montesano was a violation of *N.J.S.A. 18A:12-24(b)*. There was evidence in the record that in 2010, when Montesano had first been recommended for the position of Principal of

¹ Respondent has filed no written comments to the Commission's decision.

Hackensack High School, respondent had attempted to influence her fellow Board of Education members to vote against him – in contravention of the recommendation of the district superintendent. Additionally, respondent’s opposition to the appointment of Montesano and others was reported in the media. The foregoing behavior was part of the grounds for an ethics complaint against respondent, which complaint was resolved by a settlement. The settlement included an admission by respondent that her conduct had violated the School Ethics Act. She agreed to accept a reprimand.

Considering respondent’s history of antipathy toward Montesano, the ALJ concluded that her participation in the May 2012 vote regarding Montesano’s reappointment created an appearance of impropriety. More specifically, that history put into question respondent’s ability – in 2012 – to impartially evaluate the district superintendent’s recommendation that Montesano be offered a contract. After studying the School Ethics Act, [*Board of Education of Sea Isle City v. Kennedy*, 196 N.J. 1, 6 \(2008\)](#), [*Friends Retirement Concepts v. Board of Education of Somerville*, 356 N.J. Super. 203, 212 \(Law Div. 2002\)](#), and the Commission’s 2008 [*Advisory Opinion* A06-08](#),² the ALJ stated:

What the [School Ethics Act’s] legislative findings and declarations, the published decisions, and the advisory opinion [addressing *N.J.S.A. 18A:12-24(b)*] make plain is that Bemby should have recused herself. The email that is the gravamen of the previous ethics complaint against her, the reprimand she received from the Commission in the settlement of that case, and the affidavit she signed in conjunction with that settlement establish the kind of prior negative history the advisory opinion addresses. As such, her vote created the justifiable impression that the public trust was being violated.

Regarding the claim that respondent improperly attempted to influence the staffing and hiring decisions of school administrators, the ALJ found:

² The question posed in Advisory Opinion A06-08 was whether a board member, who had previously been fired by the superintendent of the Board’s district, could participate in a vote concerning that superintendent’s evaluation.

Bembry handed [Interim District Superintendent Joseph] Abate nine resumes and followed up with [Buildings and Grounds Director John] Doller who felt pressured to interview one of them, Hunt. As such, these facts alone create the justifiable impression that Bembry attempted to use her position as a board member to secure an unwarranted privilege or advantage for those nine individuals, including Hunt, and cannot be fairly characterized as a mere inquiry for information.

The Commissioner notes that interference with district personnel matters was another basis for the above-referenced reprimand which respondent received in 2011.

Ultimately, the ALJ determined that respondent had once again violated the School Ethics Act, and recommended a reprimand. At a public meeting on September 23, 2014, the Commission “adopted the conclusions of the ALJ for the reasons expressed in his Initial Decision.” *In the Matter of Rhonda Williams-Bembry, Hackensack Board of Education, Bergen County, SEC DKT. NO. C49-12 at 2.* However, it recommended that the Commissioner impose the penalty of censure, in lieu of reprimand. *Ibid.*

The Commissioner agrees with the sanction recommended by the Commission. The Commission appropriately took into account respondent’s acknowledgement of her improper conduct – and its concomitant penalty -- in 2011. Her replication of that conduct in 2012 warrants the more serious penalty of censure, and the Commissioner accordingly directs that respondent be censured.

IT IS SO ORDERED.³

ACTING COMMISSIONER OF EDUCATION

Date of Decision: December 15, 2014

Date of Mailing: December 17, 2014

³ This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36, N.J.S.A. 18A:6-9.1.*