



## ANALYSIS

In her affidavit, the respondent acknowledged: (1) that she engaged in communication both publicly and by email that was improper for a Board member; (2) that she made improper comments at Board meetings on June 8, 2010 and August 23, 2010; and (3) that she engaged in conduct and communication regarding the hiring of personnel that was improper. The respondent further acknowledged that her conduct violated N.J.S.A. 18A:12-24.1(b), (d), (e), (f), (g) and (i) of the Code of Ethics for School Board Members. (Affidavit of Rhonda Williams Bembry at pp. 1-2) The Consent Order states that the settlement of the within matter “shall not constitute precedent or be considered an admission of guilt in other pending or future litigation.” (Consent Order at p. 2) The parties agree that the respondent shall be subject to a penalty of reprimand and that by agreeing to this penalty, the respondent agrees to waive any and all hearings to which she is entitled; she further agrees not to oppose or appeal the reprimand. (Id.)

While the Commission takes note of the numerous allegations that were raised by the complainant in this matter and is admittedly troubled by the complainant’s willingness to consent to a resolution which includes a penalty inconsistent with the Commission’s prior rulings, given the multiple violations acknowledged by the respondent in this matter,<sup>1</sup> the Commission also recognizes:

the strong public policy of this State favoring the settlement of litigation, including contested cases before the OAL. Settlements permit parties to resolve disputes on mutually acceptable terms rather than exposing themselves to the uncertainties of litigation. See Morris County Fair Hous. Council v. Boonton Township, 197 N.J. Super. 359, 366, 484 A.2d 1302 (Law Div. 1984), aff’d o.b., 209 N.J. Super. 108, 506 A.2d 1284 (App. Div. 1986). “Settlements also save parties litigation expenses and facilitate the administration of the courts by conserving judicial resources.” Ibid. Consequently, settlements are generally upheld absent clear and convincing evidence of fraud or other compelling circumstances. See Nolan v. Lee Ho, 120 N.J. 465, 472, 577 A.2d 143 (1990) Ocean County Walton League v. DEP, 303 N.J. Super. 1, 10 (App. Div. 1997).

Additionally, where the parties to the matter are school officials, the conservation of public resources necessarily becomes a compelling factor to be weighed.

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<sup>1</sup> See, I/M/O Julia Hankerson, Woodbine Bd. of Ed., Cape May County, C36-02 (June 24, 2003) Commissioner of Education Decision No. 475-03SEC, decided August 14, 2003; Nathalie Yafet v. Elbert Smith, Hillside Bd. of Ed., Union County, C24-07 (October 27, 2008), aff’d, Commissioner of Education Decision No. 156-09A, decided May 15, 2009; and Jacobs v. Delbury, Sussex Wantage Reg’l Bd. of Ed., Sussex County, C44-07 (November 23, 2008) Commissioner of Education Decision No. 7-09SEC, decided January 9, 2009.

**DECISION**

For the reasons set forth above, the Commission adopts the Initial Decision of the ALJ accepting the Consent Order signed by the parties in this matter.

**PENALTY**

Pursuant to N.J.S.A. 18A:12-29(c), this decision shall be forwarded to the Commissioner of Education for review of the recommended sanction of reprimand.

Robert W. Bender  
Chairperson

Mailing Date: August 24, 2011

**Resolution Adopting Decision – C29-10**

**Whereas**, pursuant to N.J.A.C. 6A:28-10.8(a), the Commission voted to transmit this matter to the Office of Administrative Law (OAL) for hearing; and

**Whereas**, while at the OAL, the parties to this matter executed a Consent Order setting for the terms and conditions of a settlement; and

**Whereas**, the Administrative Law Judge concluded that the Consent Order met the requirements of N.J.A.C. 1:1-19.1; and

**Whereas**, at its meeting on July 26, 2011, the Commission determined to accept the proposed settlement; and

**Whereas**, the Commission finds that the within decision accurately memorializes its adoption of the Initial Decision accepting the Consent Order;

**Now Therefore Be It Resolved**, that the Commission hereby adopts the within decision and directs it staff to notify all parties to this action of the decision.

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Robert W. Bender, Chairperson

I hereby certify that this Resolution was duly adopted by the School Ethics Commission at it public meeting on August 23, 2011.

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Joanne Boyle, Executive Director  
School Ethics Commission