

***Before the School Ethics Commission***  
***OAL Docket No.: EEC-00215-19***  
***SEC Docket No.: C59-18***  
***Final Decision***

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***In the Matter of Rhonda Wilson,***  
**New Horizons Community Charter School, Essex County,**  
***Respondent***

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**I. Procedural History**

This matter arises from a Complaint that was filed on September 13, 2018, by Edward Stevens (Complainant), alleging that Rhonda Wilson (Respondent), an administrator employed by New Horizons Community Charter School (New Horizons or NHCCS), violated the School Ethics Act (Act), *N.J.S.A.* 18A:12-21 *et seq.* More specifically, the Complaint alleges that Respondent violated *N.J.S.A.* 18A:12-24(b) and *N.J.S.A.* 18A:12-24(d).

At its meeting on December 18, 2018, and after reviewing the Complaint, Answer to Complaint (Answer) and allegation of frivolous filing, as well as Complainant's response to the allegation of frivolous filing, the School Ethics Commission (Commission) voted to find probable cause to credit the allegations that Respondent violated *N.J.S.A.* 18A:12-24(b) and *N.J.S.A.* 18A:12-24(d) as set forth in the Complaint. The Commission also voted to find the Complaint not frivolous, and to deny Respondent's request for sanctions. Based on its findings of probable cause, the Commission transmitted the matter to the Office of Administrative Law (OAL) for a plenary hearing and, pursuant to *N.J.A.C.* 6A:28-10.7(b), the attorney for the Commission (Petitioner) was charged with prosecuting the allegations in the Complaint which the Commission found probable cause to credit.

At the OAL, the matter was assigned to the Honorable Thomas R. Betancourt, Administrative Law Judge (ALJ Betancourt). Following hearings on December 12, 2019, and December 13, 2019, the parties submitted their respective post hearing briefs, as well as reply briefs. On July 12, 2020, and after the parties' briefs were submitted, the record closed. On August 13, 2020, ALJ Betancourt issued an Initial Decision detailing his findings of fact and legal conclusions.

The Commission acknowledged receipt of ALJ Betancourt's Initial Decision on the date it was issued (August 13, 2020); therefore, the forty-five (45) day statutory period for the Commission to issue a Final Decision was September 28, 2020. Prior to September 28, 2020, the Commission requested a forty-five (45) day extension of time to issue its decision so as to allow the Commission, which only meets monthly, the opportunity to receive and review the full record, including the parties' Exceptions (if any). Pursuant to *N.J.S.A.* 52:14B-10(c) and *N.J.A.C.*

1:1-18.8, and for good cause shown, the Commission was granted an extension until November 12, 2020.

On September 11, 2020, and after securing consent for an extension from Respondent, Petitioner filed Exceptions to ALJ Betancourt's Initial Decision. On September 25, 2020, and also with the consent of her adversary for an extension, Respondent filed a response to Petitioner's Exceptions.

At its meeting on September 29, 2020, the Commission preliminarily discussed this matter, but voted to table its discussion until its October 27, 2020, meeting so that continued deliberations could take place. As a result, and with the parties' consent, the Commission requested and received a second extension (until December 28, 2020) to issue a Final Decision.

Thereafter, and at its meeting on October 27, 2020, the Commission continued its review of the full record in this matter. Consequently, and at its meeting on November 24, 2020, the Commission voted to adopt a decision adopting the findings of fact from ALJ Betancourt's Initial Decision; adopting the legal conclusion that Respondent did not violate *N.J.S.A.* 18A:12-24(b) and/or *N.J.S.A.* 18A:12-24(d); and dismissing the above-captioned matter.

## **II. Initial Decision**

In his Initial Decision, ALJ Betancourt provided a summary of the testimony provided by multiple witnesses regarding NHCCS's hiring process; the hiring of Yashmine Cooper (Ms. Cooper); the allegations that Respondent violated *N.J.S.A.* 18A:12-24(b) and *N.J.S.A.* 18A:12-24(d) because she recommended Ms. Cooper (Respondent's alleged niece) for employment at NHCCS; and that, in light of the familial relationship, Respondent's independence of judgment may have been compromised. *Initial Decision* at 3-12. More specifically, ALJ Betancourt heard testimony from Sherry Green, teacher; Cynthia Migosi, Human Resources (HR) Coordinator; Tom Omwega (Mr. Omwega), Business Administrator (BA); Charles Mugambe (Mr. Mugambe), Every Student Succeeds Education Act (ESSEA) Director; Ms. Cooper; and Respondent. *Id.*

After hearing testimony from the aforementioned witnesses, ALJ Betancourt noted, "When witnesses present conflicting testimonies, it is the duty of the trier of fact to weigh each witness's credibility and make a factual finding." *Id.* at 12. ALJ Betancourt further notes, "The finder of fact is not bound to believe the testimony of any witness, and credibility does not automatically rest astride the party with more witnesses." *Id.* at 13. According to ALJ Betancourt, "all the witnesses were credible," and although there were "inconsistent statements from ... several witnesses, none of them are of significant consequence to determine any of them were not credible." *Id.* Instead, the witnesses "merely testified as to what they respectively remembered." *Id.* The inconsistencies in testimony included the "timing of the posting of the job of vice principal; when it was published in the *Star Ledger*; whether a copy was sent to the union president; [and] whether Ms. Cooper and [Respondent] attended a wedding of a mutual

acquaintance.” *Id.* Nonetheless, “[n]one of these inconsistencies render any of the several witnesses not credible.” *Id.*

Based on the witness testimony, ALJ Betancourt issued the following *findings of fact*:

- 1) In August of 2017, NHCCS posted a job opening for an assistant principal on the school bulletin board, and in the *Star Ledger*. *Id.* at 14.
- 2) Several individuals submitted an application to HR. *Id.*
- 3) Of the applicants, 11 applicants were pre-selected for the interview process and five applicants were actually interviewed. *Id.*
- 4) One of the applicants interviewed was Ms. Cooper, and she was ultimately hired for the position of assistant principal. *Id.*
- 5) At NHCCS, the position titles of vice principal and assistant director are interchangeable titles. *Id.*
- 6) Ms. Cooper interviewed for the position “sometime in August 2017,” and the interview committee included Mr. Omwega (BA) and Mr. Mugambe (ESSEA Director). *Id.*
- 7) After conducting all of the interviews, Mr. Omwega and Mr. Mugambe met to discuss the interviews, determined that the position should be offered to Ms. Cooper, and wrote letters of recommendation to that effect. *Id.*
- 8) Respondent sent a letter to the NHCCS Board dated September 15, 2017, forwarding the letters of Mr. Omwega and Mr. Mugambe. In this letter, Respondent disclosed that she knew Ms. Cooper. *Id.*
- 9) Other than the September 15, 2017, letter to the Board, Respondent played no part in the selection or recommendation of Ms. Cooper. *Id.*
- 10) Respondent sent her September 15, 2017, letter to the Board in her capacity as CSA, as it is part of her job to forward recommendations from the interview team. *Id.* at 14-15.
- 11) Respondent can, in her discretion, reject a recommendation from the interview team. *Id.* at 15.
- 12) Ms. Cooper was hired by the Board on September 27, 201[7] by Board resolution. *Id.*
- 13) Respondent and Ms. Cooper know each other. They met when Ms. Cooper was a seventh grade student in the Orange School District, and Respondent was a special education teacher. Respondent ran an after school program which Ms. Cooper and her friends would frequent. Ms. Cooper regarded Respondent as a

role model/mentor, and when Ms. Cooper was in high school and later in college, the two women stayed in touch, on an annual basis. *Id.*

- 14) When Ms. Cooper graduated from college, she referred to Respondent as “her aunt,” but the two are “not related in any manner,” and the use of the term “aunt” is used as a term of endearment. *Id.*
- 15) Ms. Cooper and Respondent attended a wedding of one of Ms. Cooper’s fellow students. *Id.*
- 16) Respondent did not know Ms. Cooper applied for the position until she was provided with the recommendation from the interview team. *Id.*
- 17) Based on the testimony of both Ms. Cooper and Respondent, Ms. Cooper is considered an “other” for purposes of *N.J.S.A.* 18A:12-24(b). *Id.* at 16.
- 18) Ms. Cooper was “clearly qualified” for the position of vice principal at NHCCS. *Id.*
- 19) Respondent’s letter to the Board does not constitute Respondent securing “unwarranted privileges, advantage or employment” for purposes of *N.J.S.A.* 18A:12-24(b). *Id.*

Based on the testimonial and documentary evidence, ALJ Betancourt concluded that, although the relationship between Ms. Cooper and Respondent “extends beyond mere acquaintances,” Ms. Cooper is an “other” within the meaning of *N.J.S.A.* 18A:12-24(b). *Id.* at 16-17. However, Respondent was not involved in Ms. Cooper’s interview process, and was not aware that Ms. Cooper applied for the position. *Id.* at 17. In addition, Respondent “exerted no influence over the selection process.” *Id.* Instead, the interview team (Mr. Omwega and Mr. Mugambe) “independently decided” that Ms. Cooper was the most qualified candidate for the position, and sent letters of recommendation to Respondent. *Id.* Respondent then “did her job by forwarding the recommendation, which she agreed with, to the Board for their consideration.” *Id.* Respondent’s recommendation to the Board “has ‘adequate support and recommendation’ [from the interview team]” *Id.* According to ALJ Betancourt, Respondent “did not prejudice her independent judgment by recommending Ms. Cooper to the Board.” *Id.* ALJ Betancourt notes there is “no doubt” that Ms. Cooper is qualified for the position. *Id.* As such, and “[b]ased on the relevant, competent credible evidence presented in this matter,” ALJ Betancourt **concluded** that Respondent did not violate *N.J.S.A.* 18A:12-24(b) or *N.J.S.A.* 18A:12-24(d), and **ordered** that the Complaint be dismissed with prejudice. *Id.* at 16-18.

### III. Exceptions

#### *Petitioner’s Exceptions*

In its Exceptions, which were filed on September 11, 2020, Petitioner notes that “despite inconsistencies among the testimony from the witnesses,” ALJ Betancourt found “‘all of the witnesses to be credible[,]’ reasoning that none of the inconsistencies ‘are of significant

consequence to determine any of them were not credible.” Petitioner further notes, “[b]ased on this premise, the ALJ went on to make a number of findings that were wholly inconsistent with the factual record.” More specifically, and regarding the posting of the vice principal position, ALJ Betancourt found that the vice principal position was posted in August 2017 on the bulletin board at NHCCS and in the *Star Ledger*; 11 applicants were selected for an interview and ultimately five applicants were interviewed; and Ms. Cooper was interviewed for the position in August 2017. However, Ms. Green testified that she did not see the job posting on the school bulletin board or in the *Star Ledger*, nor did she receive a copy of the posting, as she should have because she is the union president. Ms. Green further testified that an Open Public Records Act (OPRA) request revealed that the vice principal job was posted in the *Star Ledger* in October 2017, which was after Ms. Cooper interviewed in August 2017. Furthermore, NHCCS could only provide the October 2017 posting, and stated that 10 applicants were interviewed for the position.

Although Mr. Omwega testified there was an email that detailed the vice principal posting was made in “August and/or September,” and he agreed to provide it, the email has not yet been received. Mr. Omwega further testified the Respondent discussed hiring a vice principal during the summer in 2017. Furthermore, Ms. Cooper testified that she was interviewed in September 2017.

As to the ALJ’s findings regarding the actions and decision of the interview committee, and the resulting transmittal of that decision from the interview committee to Respondent, and then from Respondent to the Board, Petitioner notes those findings contain an “incomplete summary of the facts.” Namely, ALJ Betancourt “ignored that Respondent’s letter begins by stating, ‘[p]lease receive the recommendation to hire Ms. Cooper for the position of Vice Principal at the [NHCCS,] and concludes, ‘[s]hould you have any questions regarding this recommendation, please do not hesitate to contact me.’” Moreover, the ALJ noted that Respondent had the ability to reject a recommendation from the interview committee.

Regarding the ALJ’s findings concerning the relationship between Respondent and Ms. Cooper, and Respondent’s knowledge about Ms. Cooper’s application for the position, Petitioner argues, the ALJ “once again” “ignored salient inconsistencies in the conflicting testimonies from Ms. Cooper and Respondent.” More specifically, that Ms. Cooper testified that Respondent was “very influential in her life,” and that she did not know that Respondent worked at NHCCS when she applied for the position even though her nephew attended the school. Ms. Cooper further testified that “she did not attend any weddings where Respondent or her son were present.” However, Respondent admitted to being at a wedding that Ms. Cooper also attended, and that although she did not correspond via email or telephone with former students, she did “remain friendly” with them and would “occasionally run into them.”

Petitioner further notes that ALJ Betancourt “made several findings” that prove Respondent and Ms. Cooper had a “close relationship” and that Ms. Cooper referred to Respondent as “her aunt,” although they were not related. ALJ Betancourt also noted in his

findings that Respondent was a mentor to Ms. Cooper during Ms. Cooper's college "matriculation."

Petitioner argues that "[d]espite all of this," ALJ Betancourt found that Ms. Cooper was qualified for the vice principal position, is considered an "other," and Respondent's letter to the Board "did not rise to the level of securing 'unwarranted privileges, advantage or employment' for [Ms.] Cooper." Instead, Petitioner argues that the Initial Decision should "be modified to find that the Commission has proven by a preponderance of competent credible evidence that Respondent violated the [Act] warranting disciplinary action of removal." Petitioner maintains that the Commission has proven that Respondent's actions had the potential to compromise the administration and leave a justifiable impression that the public's trust is being violated when she recommended that the Board hire Ms. Cooper, a friend who she has mentored throughout most of her life, for the vice principal position *before* it was advertised to the public.

Petitioner contends that ALJ Betancourt's "determination that the Commission did not meet its burden of proof is arbitrary and capricious and not supported by the record." Petitioner further contends, contrary to the ALJ's finding that "the witnesses were credible and that any inconsistencies were not of significant consequence," the "inconsistencies between the witnesses are of significant consequences." According to Petitioner, whether the job posting and advertisement for vice principal were "done before or after" the Board approved Ms. Cooper may support the finding that Respondent "secured unwarranted employment for her friend and mentee." Furthermore, the close relationship between Respondent and Ms. Cooper "must lead to the conclusion that Respondent's independence of judgment was prejudiced when Respondent recommended [Ms.] Cooper for a position that may not yet have been advertised." As argued above, Petitioner maintains, "there is a discrepancy as to when the [v]ice [p]rincipal position was posted." ALJ Betancourt found that the position was posted in August 2017, despite documentary evidence (Board subpoena) and a witness account (Ms. Green) contradicting this finding and indicating that the position was posted in October 2017, after Ms. Cooper's hiring. Furthermore, because Mr. Omwega could not provide the email to support his testimony that the vice principal job was posted in August or September 2017, his testimony "appears" to be "unreliable." According to Petitioner, these discrepancies support a more reasonable finding that "the [v]ice [p]rincipal position was not actually posted or advertised until after Respondent recommended [Ms.] Cooper to the Board, on September 15, 2017."

Furthermore, and as previously noted by Petitioner, ALJ Betancourt "disregarded conflicting evidence regarding how and when this position became available and how many individuals were interviewed for the position." Mr. Omwega testified that Respondent discussed the vice principal position in the summer of 2017, and Respondent denied any involvement in the decision. As CSA, "it is reasonable to believe" that Respondent "played at least some role" in the decision-making. Furthermore, the Board provided documentation that 10 potential candidates were interviewed, and Mr. Omwega testified that only five were interviewed - again this may lead to the conclusion that Mr. Omwega may be unreliable.

Petitioner asserts that Respondent's letter to the Board (September 15, 2017), was "not simply a Board employee forwarding a recommendation," but rather, "an official act in and of itself by Respondent as [CSA]" to recommend Ms. Cooper to be hired as the vice principal. Petitioner further asserts that Respondent "downplayed the extent of her interaction with [Ms.] Cooper" and, therefore, Respondent's testimony regarding their relationship "may be unreliable."

Based on the above, Petitioner argues that Respondent violated *N.J.S.A.* 18A:12-24(b). ALJ Betancourt "acknowledged" that Respondent and Ms. Cooper's relationship "extended 'beyond mere acquaintance'" and there is evidence to support that the position was not advertised prior to the "committee's" recommendation or prior to Respondent's recommendation to the Board. Petitioner further argues that the evidence and testimony support a finding that Respondent used her position to "secure employment for a close friend and someone she mentored for years." Furthermore, Petitioner maintains that Respondent violated *N.J.S.A.* 18A:12-24(d), because "there is a justifiable impression that the public trust was violated when Respondent," as the CSA, recommended Ms. Cooper, a close friend and someone she has mentored for years, be hired as the vice principal *before* the position was open to the public. It is reasonable to conclude that Respondent's "objectivity was impaired" as she "played a role in the recommendation process."

Finally, Petitioner concludes that because Respondent "violated the public trust by abusing her official position for gain," "secured unwarranted employment for [Ms.] Cooper because her recommendation to employ [a friend] occurred before the position was officially advertised," "[Ms.] Cooper obtained a position that was not posted or advertised to the public until after the [Board] officially hired her," "Respondent's recommendation awarded [Ms.] Cooper a job" that was not publicly advertised, "Respondent's actions warrant her removal from NHCCS."

### ***Response to Petitioner's Exceptions***

In her response to Petitioner's Exceptions, which were filed on September 25, 2020, Respondent first notes that the "Decision of the [ALJ] was not contrary to the weight of the evidence produced at Trial." Respondent maintains that the ALJ found that "more than eleven (11) people submitted [r]esumes. Eleven (11) people were pre-qualified to be interviewed and five were interviewed. That could not have occurred if the job was not posted prior to those interviews ... .["] Therefore, according to Respondent, the Petitioner's "argument that the employment of Ms. Cooper occurred before the position was posted is not based on facts." Respondent counters that "the facts are clear that [11] or more candidates were interviewed [i]n late August or early September 2017[,] including Ms. Cooper, prior to the Board meeting on September 17, 2017." Furthermore, Respondent maintains that she was not involved with any aspect of the job postings, candidate pre-selections, or the interviewing process.

Respondent further notes that the "allegations made against [Respondent] are unsupported and no action should be taken to remove, censure or reprimand her." Respondent

argues that contrary to the Petitioner's contention that Respondent violated *N.J.S.A.* 18A:12-24(b) because she "secured employment for a close friend, i.e., Ms. Cooper," Respondent was "more of a role model to Ms. Cooper rather than a friend." In addition, Respondent and Ms. Cooper "had never visited each other's homes," Respondent was not aware that Ms. Cooper applied for the vice principal position at NHCCS, Respondent had not spoken to Ms. Cooper prior to her hire, and the two women "did not interact on a regular basis." Furthermore, Ms. Cooper testified she has never met any of Respondent's family nor did she consider herself as Respondent's family friend. According to Respondent, "there was no evidence presented that [Respondent] played any role in the hiring of Ms. Cooper other than taking the recommendation of the Candidate Selection Committee (committee) that was comprised of Mr. Omwega and Mr. Mugambe to the Board for approval." Moreover, the members of the committee "considered Ms. Cooper to be the most qualified of all the other candidates for the position." Furthermore, there "was no evidence presented" to support that Respondent "used her position to secure unwarranted privileges for herself or anyone else." Respondent testified, "she was more concerned with the recommended candidates' qualification and experience than anything else." Respondent asserts, "it should be noted" that Ms. Cooper also testified that she did not receive "any unwarranted privileges or advantages."

Respondent maintains that it is important to note that her role in this entire process "did not deviate from the protocol that existed in all other similar matters," namely, she was not a member of the interview committee, she did not "exercise any authority or control" over the committee, she did not have any interaction with any potential candidates, and she did not employ "authority or control over" the job posting or advertising process related to the vice principal position.

Respondent asserts that Petitioner has "failed to demonstrate that [Respondent] received unwarranted privileges as result of Ms. Cooper's employment and that by employing Ms. Cooper, Respondent "received some special advantage or employment for herself or others" to substantiate a violation of *N.J.S.A.* 18A:12-24(b). Respondent reaffirms that Ms. Cooper was the "most qualified candidate," regardless of whether a friendship existed. Furthermore, Respondent notes, in *Mannion v. Ripley*, High Point Regional Board of Education, Sussex County, Docket No. C49-19 (C49-19), the Commission dismissed the case against the Superintendent, which alleged that he violated the Act "by concealing his personal relationship with a newly elected Board member and using his position to withhold information from the rest of the Board about his relationship with the new appointed Board [m]ember." Respondent asserts the Commission dismissed the allegations in C49-19 because Complainant did not "identify any specific action the Superintendent took in his official capacity to secure an unwarranted privilege, advantage or employment for himself or others." In addition, the Commission issued *Advisory Opinion A07-18*, (A07-18), which noted a specific action that "constitutes an unwarranted privilege, advantage of employment." Specifically, in A07-18, the Commission stated the Board member would provide his spouse's cousin "with an unwarranted, privilege, advantaged or employment if for example a position became available and [the Board member's] wife's cousin was not the most qualified candidate and yet she secured the position ... ." Respondent maintains that she "has

always been honest about her relationship with Ms. Cooper” and she provided that information to the Board, along with the committee’s recommendation. Petitioner’s claim that Respondent “violated the public’s trust is an absurdity.” Respondent further maintains that none of the witnesses testified that “they were made aware of an unwarranted privilege or advantage that benefited [Respondent]” and Petitioner’s legal brief is “void” of the same.

In summary, Respondent claims that Petitioner did not provide any evidence that Respondent made any “special requests” of the Board or staff to “secure unwarranted privileges for herself or Ms. Cooper.” Therefore, Petitioner “failed to meet its burden of proof” and, therefore, Petitioner’s request for Respondent’s “removal, censure and/or reprimand is unsupported by the facts and contrary to the” ALJ’s decision. Respondent “respectfully” requests that the ALJ’s decision become the “FINAL DECISION.”

#### **IV. Analysis**

As an initial matter, and with regard to the credibility of the witnesses who testified at the hearings in this matter, the Commission notes that “[a]n agency head reviewing an ALJ’s credibility findings relating to a lay witness may not reject or modify these findings unless the agency head explains why the ALJ’s findings are arbitrary or not supported by the record.” *S.D. v. Div. of Med. Assistance & Health Servs.*, 349 N.J. Super. 480, 485 (App. Div. 2002); *see also N.J.S.A. 52:14B-10(c)* (An agency head may only reject the ALJ’s credibility findings if he or she determines “from a review of the record that the findings are arbitrary, capricious or unreasonable or are not supported by sufficient, competent, and credible evidence in the record”). After review, the Commission does not believe there is a sufficient basis to disturb ALJ Betancourt’s credibility determinations.

In addition, although the Commission does not find it to be clear exactly when the position was posted (if at all) in a location or publication other than on the bulletin board, it is clear that more than one individual applied for the position in question. Had Ms. Cooper been the sole applicant for the position, the Commission may have remanded the matter for further fact finding. However, because several people applied for the position, it is clear that Ms. Cooper was one of nearly a dozen people who were aware of the posting. Therefore, it cannot be concluded that Ms. Cooper received any kind of “unwarranted” advantage from her “friend,” Respondent, about the existence of the posting.

With the above in mind, and upon a thorough, careful, and independent review of the record, including Petitioner’s Exceptions and Respondent’s response thereto, the Commission finds that, without any factual evidence or testimony to support a finding that Respondent had a role in the hiring of Ms. Cooper that was anything other than simply forwarding a recommendation from an independent interview committee, the record supports the findings of fact in ALJ Betancourt’s Initial Decision, and also supports ALJ Betancourt’s legal conclusion that Respondent did not violate *N.J.S.A. 18A:12-24(b)* or *N.J.S.A. 18A:12-24(d)*.

**V. Decision**

After review, the Commission adopts ALJ Betancourt's Initial Decision finding that Respondent did not violate *N.J.S.A.* 18A:12-24(b) and/or *N.J.S.A.* 18A:12-24(d), and dismissing the above-captioned matter.

Therefore, this is a final agency decision and is appealable only to the Superior Court-Appellate Division. *See, N.J.A.C.* 6A:28-10.11 and *New Jersey Court Rule* 2:2-3(a).

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Robert W. Bender, Chairperson

Mailing Date: November 24, 2020

**Resolution Adopting Decision  
in Connection with C59-18**

**Whereas**, at its meeting on December 18, 2018, the School Ethics Commission (Commission) voted to find probable cause to credit the allegations that Respondent violated *N.J.S.A.* 18A:12-24(b) and *N.J.S.A.* 18A:12-24(d); voted to find the Complaint not frivolous, and to deny Respondent’s request for sanctions; and voted to transmit the above-captioned matter to the Office of Administrative Law (OAL) for a plenary hearing; and

**Whereas**, following transmittal, the Honorable Thomas R. Betancourt, Administrative Law Judge (ALJ Betancourt) issued an Initial Decision dated August 13, 2020; and

**Whereas**, in his Initial Decision, ALJ Betancourt found that Respondent did not violate *N.J.S.A.* 18A:12-24(b) and/or *N.J.S.A.* 18A:12-24(d), and ordered the dismissal of the above-captioned matter; and

**Whereas**, on September 11, 2020, Petitioner filed Exceptions to ALJ Betancourt’s Initial Decision, and on September 25, 2020, Respondent filed a response to Petitioner’s Exceptions; and

**Whereas**, at its meetings on September 29, 2020, and October 27, 2020, the Commission reviewed and discussed the record, including ALJ Betancourt’s Initial Decision and the filed Exceptions; and

**Whereas**, at its meetings on September 29, 2020, and October 27, 2020, the Commission discussed adopting the findings of fact from the Initial Decision, adopting the legal conclusion that Respondent did not violate *N.J.S.A.* 18A:12-24(b) and/or *N.J.S.A.* 18A:12-24(d), and dismissing the above-captioned matter; and

**Whereas**, at its meeting on November 24, 2020, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meetings on September 29, 2020, and October 27, 2020; and

**Now Therefore Be It Resolved**, the Commission hereby adopts the within decision.

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Robert W. Bender, Chairperson

I hereby certify that this Resolution was duly adopted by the School Ethics Commission at its meeting on November 24, 2020.

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Kathryn A. Whalen, Director  
School Ethics Commission