

Before the School Ethics Commission
OAL Docket No.: EEC-04359-2022
SEC Docket No.: C14-22
Final Decision

Christina Ramos and Jashaun Sadler,
Complainants

v.

Christopher Gibbons,
Ridgefield Park Board of Education, Bergen County,
Respondent

I. Procedural History

The above-captioned matter arises from a Complaint that was filed on February 7, 2022, by Christina Ramos and Jashaun Sadler (collectively referred to as Complainants), alleging that Christopher Gibbons (Respondent), a member of the Ridgefield Park Board of Education (Board), violated the School Ethics Act (Act), *N.J.S.A. 18A:12-21 et seq.*¹ More specifically, the Complaint averred that Respondent violated *N.J.S.A. 18A:12-24.1(c)* and *N.J.S.A. 18A:12-24.1(d)* of the Code of Ethics for School Board Members (Code).

On February 24, 2022, the Complaint was served on Respondent, via electronic mail, notifying him that ethics charges had been filed against him with the School Ethics Commission (Commission), and advising that he had twenty (20) days to file a responsive pleading.² On April 11, 2022, Respondent filed an Answer to Complaint (Answer), which included an allegation that the Complaint was frivolous. On May 4, 2022, Complainants filed a response to the allegation of frivolous filing.

Thereafter, the parties were notified by correspondence dated May 16, 2022, that the above-captioned matter would be discussed by the Commission at its meeting on May 24, 2022. Following its meeting on May 24, 2022, the Commission advised the parties that it voted to transmit the above-captioned matter to the Office of Administrative Law (OAL) for a plenary hearing, and that it voted to reserve its determination on whether the Complaint was frivolous.

¹ On February 7, 2022, Complainants filed a deficient Complaint; however, on February 23, 2022, Complainants cured all defects and filed an Amended Complaint that was deemed compliant with the requirements detailed in *N.J.A.C. 6A:28-6.3*.

² In order to conduct business during the Coronavirus (COVID-19) pandemic, the Commission implemented an electronic filing system, which remains a permissible method by which the Commission and parties can effectuate service of process. Consequently, service of process was effectuated by the Commission through electronic transmission only.

The Commission further advised that, at the OAL, Complainants would have the burden to prove the alleged violations of *N.J.S.A.* 18A:12-24.1(c) and *N.J.S.A.* 18A:12-24.1(d) pursuant to the standards set forth in *N.J.A.C.* 6A:28-6.4.

At the OAL, the matter was assigned to the Honorable William Courtney, Administrative Law Judge (ALJ Courtney). After the matter was transmitted, the parties agreed to amicably resolve the matter, and ALJ Courtney issued an *Initial Decision (Dismissal Without Prejudice)* on September 6, 2022.

The Commission acknowledged receipt of ALJ Courtney's *Initial Decision (Dismissal Without Prejudice)* on September 6, 2022; therefore, the forty-five (45) day statutory period for the Commission to issue a Final Decision was October 21, 2022. Prior to that date, 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 review the full record. 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 December 5, 2022.

At a special meeting on October 17, 2022, the Commission considered ALJ Courtney's *Initial Decision (Dismissal Without Prejudice)* and, at its meeting on November 22, 2022, the Commission voted to adopt it as its Final Decision in connection with the above-captioned matter.

III. Initial Decision (Dismissal Without Prejudice)

In his *Initial Decision (Dismissal Without Prejudice)*, ALJ Courtney stated that, on August 30, 2022, "after completion of discovery, the parties participated in a scheduled telephone conference with the court to review the status" of the matter. *Initial Decision (Dismissal Without Prejudice)* at 1. Ultimately, the parties informed ALJ Courtney that they had mutually "determined it was possible that their differences could be amicably resolved without further intervention" of the Commission or the OAL. *Id.* The parties further informed ALJ Courtney of "their desire to dismiss the pending complaint without prejudice with the understanding that they would utilize the discovery exchanged in this matter in the event any complaint is filed in the future based upon the same factual claims." *Id.* at 1-2.

Based on the foregoing, and with the parties' consent and in the interest of justice, ALJ Courtney dismissed the matter, without prejudice. *Id.* at 2.

IV. Decision

Following a careful and independent review of the full record, the Commission **adopts** ALJ Courtney's *Initial Decision (Dismissal Without Prejudice)* as its Final Decision. Based on its review of the record, and although the parties did not reduce the terms of their settlement to a written agreement, the Commission finds there is no reason why it should not defer to the parties' mutual decision to amicably resolve their dispute, and to dismiss the above-captioned

matter as further described in ALJ Courtney's *Initial Decision (Dismissal Without Prejudice)*. Even though it is not specifically addressed in ALJ Courtney's *Initial Decision (Dismissal Without Prejudice)*, the Commission will regard the decision to amicably resolve the dispute, and to mutually dismiss the above-captioned matter, as Respondent's agreement to withdraw the allegation of frivolous filing and/or an agreement by Respondent not to further pursue this allegation. As such, and in these fact-specific circumstances, the Commission agrees that adoption of ALJ Courtney's *Initial Decision (Dismissal Without Prejudice)* as its Final Decision is appropriate.

Consequently, and for the reasons more fully discussed herein, the above-captioned matter is hereby dismissed.

Robert W. Bender, Chairperson

Mailing Date: November 22, 2022

***Resolution Adopting Decision
in Connection with C14-22***

Whereas, at its meeting on May 24, 2022, the School Ethics Commission (Commission) voted to transmit the within matter to the Office of Administrative Law (OAL) for a plenary hearing; and

Whereas, while at the OAL, the parties mutually agreed to amicably resolve their dispute, and to dismiss the above-captioned matter; and

Whereas, following the parties' mutual agreement, the Honorable William Courtney, Administrative Law Judge (ALJ Courtney) issued an *Initial Decision (Dismissal Without Prejudice)*; and

Whereas, at its special meeting on October 17, 2022, the Commission considered the *Initial Decision (Dismissal Without Prejudice)* issued by ALJ Courtney; and

Whereas, at its special meeting on October 17, 2022, the Commission discussed adopting ALJ Courtney's *Initial Decision (Dismissal Without Prejudice)* as its Final Decision; and

Whereas, at its meeting on November 22, 2022, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its special meeting on October 17, 2022; and

Now Therefore Be It Resolved, the Commission hereby adopts the within decision as its Final Decision and directs its staff to notify all parties to this action of its decision herein.

Robert W. Bender, Chairperson

I hereby certify that this Resolution was duly adopted by the School Ethics Commission at its meeting on November 22, 2022.

Kathryn A. Whalen, Esquire
Director, School Ethics Commission