

169-00

IN THE MATTER OF BRUCE WHITE, :
EWING TOWNSHIP BOARD OF :
EDUCATION, MERCER COUNTY. :
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 :

SYNOPSIS

Citing *In the Matter of Frank Pannucci*, the School Ethics Commission concluded that respondent violated *N.J.S.A. 18A:12-24(c)* of the School Ethics Act when, as a Board member, he negotiated and voted on a contract with a local bargaining unit where his wife was a member of the same statewide general union. The Commission recommended that the Commissioner impose a penalty of removal from the Board.

During the pendency of the administrative proceedings, the State Board of Education reversed the Commission's decision in *Pannucci*. The Commissioner found that, given the change in law that had occurred during the ongoing proceedings in this matter, he could not adequately assess the Commission's recommended penalty without having the benefit of that body's review of its decision in light of the State Board's ruling in *Pannucci*. The Commissioner, therefore, returned the matter to the Commission so that it could determine what effect, if any, the State Board's reversal of prior decisional law might have on its finding of violation and recommended penalty.

In its decision on return, the Commission considered the effect of the *Pannucci* decision on its finding of a violation and the penalty recommendation. The Commission reaffirmed that respondent violated *N.J.S.A. 18A:12-24(c)* of the School Ethics Act and added that the facts also established a violation of *N.J.S.A. 18A:12-24(a)* and (b) and reaffirmed its recommendation that the Commissioner impose a penalty of removal from the Board.

The Commissioner reiterated that the findings and conclusions of the Commission as to what occurred or whether it was a violation of the School Ethics Act are outside the scope of the Commissioner's review and must be accepted by him in reviewing the Commission's recommended penalty. The Commissioner determined that the violations of *N.J.S.A. 18A:12-24(b)* and (c) found by the Commission were insufficient to warrant the extreme result of respondent's removal from elected office. The Commissioner determined that the appropriate penalty to be imposed upon respondent as a school official found to have violated *N.J.S.A. 18A:12-24(a)*, (b) and (c) of the School Ethics Act, under the circumstances set forth by the Commission, was suspension from the Ewing Board of Education for a period of 45 days.

June 1, 2000

Accordingly, the Commissioner determines that the appropriate penalty to be imposed upon Bruce White, as a school official found to have violated *N.J.S.A.* 18A:12-24(a), (b) and (c) of the School Ethics Act, under the circumstances set forth by the Commission, is suspension as a member of the Ewing Township Board of Education for a period of 45 days from the date of this decision.

IT IS SO ORDERED.³

COMMISSIONER OF EDUCATION

Date of Decision: June 1, 2000

Date of Mailing: June 1, 2000

³ This decision, as the Commissioner's final determination, may be appealed to the State Board of Education pursuant to *N.J.S.A.* 18A:6-27 *et seq.* and *N.J.A.C.* 6:2-1.1 *et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.