

IN THE MATTER OF PATRICIA HAINES, :
HADDONFIELD BOARD OF EDUCATION, :
CAMDEN COUNTY. :
_____:

COMMISSIONER OF EDUCATION
DECISION

SYNOPSIS

The Commission recommended reprimand of respondent Board member for participating in a vote on a Board resolution authorizing the issuance and sale of new bonds with Commerce Bank designated as the paying agent when she was a vice president of Commerce National Insurance Services, a wholly owned subsidiary of Commerce Bank/North. The Commission found that this vote presented an indirect financial involvement that created the appearance that respondent could not be objective.

The Commissioner determined to accept the Commission's recommendation that reprimand was the appropriate penalty in this matter, in view of the Commission's determination that a violation of the School Ethics Act occurred.

November 27, 2000

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CAMDEN COUNTY. : DECISION
_____ :

The record of this matter and the decision of the School Ethics Commission (“Commission”) have been reviewed. Comments were filed by respondent which reference her arguments and positions set forth in the letter brief she submitted on September 12, 2000 to the Commission and which comment on why she believes the Commission inappropriately found a violation of the law occurred or, in the alternative, why the reprimand recommended by the Commission should be rejected as unwarranted. Complainant submitted a reply to respondent’s comments.

Initially, it must be emphasized that pursuant to *N.J.S.A.* 18A:12-29(c) and *N.J.A.C.* 6A:3-9.1, the determination of the Commission as to violation of the School Ethics Act is **not reviewable by the Commissioner** herein. Only the Commission may determine whether a violation of the School Ethics Act occurred. The Commissioner’s jurisdiction is limited to reviewing the sanction to be imposed following a finding of a violation by the Commission. Therefore, this decision is restricted solely to a review of the recommended penalty and its implementation.

Upon a thorough review of the record, the Commissioner determines to accept the Commission’s recommendation that a reprimand is the appropriate penalty in this matter for the

reasons expressed in the Commission's decision, wherein it was found that respondent violated *N.J.S.A.* 18A:12-24(c) on January 27, 2000 when she participated in a vote on a Board resolution authorizing the issuance and sale of new bonds with Commerce Bank designated as the paying agent because this vote presented an indirect financial involvement that created the appearance that respondent could not be objective. In so ruling, the Commissioner notes that the Commission considered and addressed the aggravating and mitigating factors raised by the parties in reaching its penalty determination and, having done so, imposed upon respondent the lowest penalty prescribed by statute. Additionally, the Commission was in the optimum position to make such determinations because it had the opportunity to fully investigate the facts presented. Therefore, its recommended penalty in this matter will not be disturbed absent a compelling basis to do so.

Accordingly, IT IS hereby ORDERED that Patricia Haines be reprimanded as a school official found to have violated the School Ethics Act . *

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

Date of Decision: November 27, 2000

Date of Mailing: November 27, 2000

* This decision, as the Commissioner's final determination in the instant matter, 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.* 6A:4-1.1 *et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.