

30-02 SEC

IN THE MATTER OF JAMES CARPENTER, :
PENNSVILLE BOARD OF EDUCATION, : COMMISSIONER OF EDUCATION
SALEM COUNTY. : DECISION

SYNOPSIS

The School Ethics Commission determined that respondent Board member violated the School Ethics Act when he voted to retain the bank where he is employed as the depository of monies for the District. The Commission recommended a penalty of reprimand to the Commissioner.

Based upon the Commission's finding of violation, which is not subject to review by the Commissioner, the Commissioner accepted the Commission's penalty recommendation and ordered that respondent be reprimanded.

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The record of this matter and the decision of the School Ethics Commission (“Commission”) have been reviewed. Comments with respect to the Commission’s decision were timely submitted by respondent, and were duly considered by the Commissioner in rendering the decision herein.¹

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 Act is **not reviewable by the Commissioner**. Only the School Ethics 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 School Ethics Commission. Therefore, this decision is restricted solely to review of the recommended penalty and its implementation.

Respondent’s comments with respect to the Commission’s decision set forth his objections to the Commission’s determination that he violated the School Ethics Act and his

¹ Complainant Robert J. Settle submitted comments to the Commission’s decision by letter dated December 22, 2001. However, pursuant to *N.J.A.C.* 1:6C-1.1 *et seq.* and *N.J.A.C.* 1:1-18.4, Mr. Settle is not a party to the within matter so as to provide him with the requisite standing to file written exceptions to the Commission’s decision. *See, also*, the State Board decision in *In the Matter of Frank Pennucci, Board of Education of Brick Township, Ocean County*, March 1, 2000.

request that the Commissioner void the Commission's findings. As to the reprimand, respondent states, *inter alia*, that:

Some people might consider a reprimand as a slap on the wrist, and therefore conclude that I am making much ado about nothing. But it is precisely because I give the decisions of the School Ethics Commission such weight, and place such value on my public name, that I am treating this matter with such seriousness. I sincerely believe that my vote did not violate the School Ethics Act; and I sincerely believe that the School Ethics Commission erred, though with out malice, when it concluded that I had violated the Act.*** (Respondent's Comments at 2)

Upon a thorough review of the record, the Commissioner determines to accept the Commission's recommendation that reprimand is the appropriate penalty in this matter. Given the Commission's finding that respondent violated *N.J.S.A.* 18A:12-24(c) by his participation in the District's depository, the Commission's recommended penalty in this matter will not be disturbed absent a compelling basis to do so.

Accordingly, IT IS hereby ORDERED that James Carpenter be reprimanded as a school official found to have violated the School Ethics Act.²

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

Date of Decision: 1/31/02

Date of Mailing: 2/1/02

² 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.