

IN THE MATTER OF FRANK PIZZICHILLO, :
FAIRVIEW BOARD OF EDUCATION, :
BERGEN COUNTY. :
_____ :
 :

COMMISSIONER OF EDUCATION

DECISION

The record of this matter and the decision of the School Ethics Commission (“Commission”), including the recommended penalty of reprimand, have been reviewed. Upon issuance of the decision of the Commission, respondent was provided 13 days from the mailing of such decision to file written comments on the recommended penalty for the Commissioner’s consideration. Respondent submitted no comments.¹

This matter comes before the Commissioner to impose a sanction upon Respondent Frank Pizzichillo, member of the Fairview Board of Education, based on findings of fact and conclusions of law by the Commission that he violated *N.J.S.A.* 18A:12-24 (e) and (g) of the School Ethics Act for revealing confidential employee documents to a member of the public.

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

¹Complainant Radomir Glavin submitted comments to the Commission’s decision by letter dated January 30, 2003. However, pursuant to *N.J.A.C.* 1:6C-1.1 *et seq.* and *N.J.A.C.* 1:1-18.4, Mr. Glavin 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. Accordingly, Mr. Glavin’s comments were not considered.

Commission. Therefore, this decision is restricted solely to 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 reprimand is the appropriate penalty in this matter for the reasons expressed in the Commission's decision. In so ruling, the Commissioner is satisfied that, in recommending a penalty for the violations it found, the Commission fully considered the nature of the offense and weighed the effects of aggravating and mitigating circumstances. Therefore, the Commission's recommended penalty in this matter will not be disturbed.

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

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: March 6, 2003

Date of Mailing: March 6, 2003

² This decision, as the Commissioner's final determination regarding penalty in this 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.*