#457-04 SEC

AGENCY DKT. NO. 353-10/04

School Ethics Decision: http://www.state.nj.us/njded/legal/ethics/00-03/c11-04.pdf

IN THE MATTER OF REMOND PALMER, :

ASBURY PARK BOARD OF EDUCATION, : COMMISSIONER OF EDUCATION

MONMOUTH COUNTY. : DECISION

:

The record of this matter and the decision of the School Ethics Commission ("Commission") finding that Asbury Park Board of Education (Board) member Remond Palmer violated *N.J.S.A.* 18A:12-24.1(a) and (e) of the Code of Ethics for School Board Members of the School Ethics Act (Act), and recommending a penalty of removal from his position as a member of the Board, have been reviewed. Upon issuance of the decision of the Commission, Mr. Palmer was provided 13 days from the mailing date of the decision to file written comments on the recommended penalty for the Commissioner's consideration.

No comments were filed by Mr. Palmer.

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 based upon a finding of a violation by the Commission. Therefore, this decision is restricted solely to a review of the Commission's recommended penalty.

Upon a thorough review of the record, the Commissioner determines to accept the Commission's recommendation that removing Remond Palmer from his position as a member of the Board 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

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violations it found, the Commission fully considered the nature of the offense and weighed the effects of aggravating circumstances.¹ Therefore, the Commission's recommended penalty in this matter will not be disturbed.

Accordingly, IT IS hereby ORDERED that Remond Palmer be removed from his position as a member of the Board as of the date of the filing of this decision.

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: November 12, 2004

Date of Mailing: November 12, 2004

¹ Mr. Palmer did not participate in the hearing before the School Ethics Commission, nor did he respond in any manner to the charges herein notwithstanding the provision of several opportunities to do so. There were no mitigating circumstances presented to the Commission, therefore, for its consideration.

² This decision 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.*