

IN THE MATTER OF ALPHONSE A. DE MEO, :
BELLEVILLE BOARD OF EDUCATION, : COMMISSIONER OF EDUCATION
ESSEX COUNTY. : DECISION
_____ :

The Commissioner has reviewed the record of this matter and the decision of the School Ethics Commission (“Commission”) recommending that former Belleville Board of Education member Alphonse A. DeMeo be reprimanded for having violated, during his term of office as a Board member,¹ section *N.J.S.A.* 18A:12-24.1(b) of the School Ethics Act. Prior to expiration of the applicable regulatory time frame, Mr. DeMeo filed written comments for the Commissioner’s consideration.

In his comments, Mr. DeMeo reiterates his arguments, made before the Commission, that reliance on mailing envelopes prepared by others is inappropriate in determining whether violations were committed by Mr. DeMeo, and that any conclusion holding actions of the type taken by Mr. DeMeo to constitute a violation of the School Ethics Act has the “potential for grave consequences,” in that it implicates protected rights of free speech which board members retain as individuals notwithstanding their board membership; thus, in Mr. DeMeo’s view, the Commissioner should not accept the Commission’s conclusion that he violated *N.J.S.A.* 18A:12-24.1(b). Further, Mr. DeMeo urges that the recommended penalty of reprimand is “too harsh under the circumstances” and “will serve nothing further than to tarnish the good name and record of an individual who has dedicated himself to serving the public.”

(Respondent’s Comments at 1-2)

¹ As noted in the Commission’s decision at 2, Mr. DeMeo was not reelected to the Board at the April 2004 school election.

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 the Commission's determination. Therefore, this decision is restricted solely to a review of the Commission's recommended penalty.

Upon a thorough review of the record, the Commissioner finds that Mr. DeMeo's comments largely apply to the School Ethics Commission's underlying determination of violation, which the Commissioner may not disturb. With respect to the Commission's recommended penalty in light of the violation found, the Commissioner is satisfied that the Commission fully considered the nature of Mr. DeMeo's offense and the circumstances surrounding it. Therefore, the Commissioner determines to accept the Commission's recommendation that reprimand is the appropriate penalty in this matter.

Accordingly, IT IS ORDERED that Alphonse A. DeMeo 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 17, 2004

Date of Mailing: November 18, 2004

* 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.*