

#156-05 (<http://www.nj.gov/njded/legal/ethics/2005/c18-04c19-04v.pdf>)

AGENCY DKT NO. 91-4/05

IN THE MATTER OF BRUCE FREILICH, :

WASHINGTON TOWNSHIP BOARD OF : COMMISSIONER OF EDUCATION

EDUCATION, BURLINGTON COUNTY. : DECISION

_____ :

SYNOPSIS

The School Ethics Commission determined that Washington Township Board of Education member Bruce Freilich violated *N.J.S.A.* 18A:12-24.1(e) and (g) of the Code of Ethics for School Board Members when he sent an unauthorized letter to a private donor. After considering the nature of the charge, the Commission recommended that the Commissioner of Education impose a penalty of reprimand.

Upon a thorough review of the record, the Commissioner, whose decision was restricted solely to a review of the Commission's recommended penalty pursuant to *N.J.S.A.* 18A:12-29(c) and *N.J.A.C.* 6A:3-9.1, concurred with the Commission's recommendation. The Commissioner thus ordered that Bruce Freilich be reprimanded as a school official found to have violated the School Ethics Act.

<p>This synopsis is not part of the Commissioner's decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.</p>

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The record of this matter and the decision of the School Ethics Commission (“Commission”), finding Washington Township Board of Education member Bruce Freilich violated *N.J.S.A.* 18A:12-24.1(e) and (g) of the Code of Ethics for School Board Members when he sent an unauthorized letter to a private donor and recommending a penalty of reprimand have been reviewed. Upon issuance of the decision of the Commission, Mr. Freilich was provided thirteen 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 either by Mr. Freilich or counsel on his behalf.

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 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 Bruce Freilich be reprimanded as a school official found to have violated the School Ethics Act.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: May 2, 2005

Date of Mailing: May 2, 2005

* 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.*