

AGENCY DKT. NO. 9-1/08

IN THE MATTER OF BENJAMIN DINEEN, :
UNIVERSITY ACADEMY CHARTER SCHOOL : COMMISSIONER OF EDUCATION
BOARD OF TRUSTEES, JERSEY CITY, :
HUDSON COUNTY :

DECISION

The record of this matter, the decision of the School Ethics Commission, forwarded to the Commissioner pursuant to *N.J.S.A.* 18A:12-29 solely for review of the Commission's recommended penalty, and respondent's comments have been reviewed, as have exceptions filed by the respondent pursuant to *N.J.A.C.* 1:6C-18.3.

In his exceptions, the respondent conveys the reasons why he believes that the sanction of reprimand should not be imposed upon him. More specifically, respondent points out that he has been a volunteer trustee for several years and has previously timely filed his annual disclosure statements.

Upon review, the Commissioner concurs with the penalty recommended by the Commission and additionally admonishes the respondent for failure to timely file the requisite disclosure statement, in that such delay has resulted in a waste of administrative and adjudicative time by local, county and State education officials. While the Commissioner appreciates the respondent's good intentions, the fact remains that the Commission found a violation to have occurred, and the Commissioner cannot disagree that a penalty is warranted even where the violation resulted from oversight rather than deliberate disregard of the law.¹

¹ The Commissioner notes that reprimand is the least of the penalties available for imposition under the School Ethics Act.

Accordingly, the above-named respondent is hereby reprimanded as a school official found to have violated the School Ethics Act.

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: February 1, 2008

Date of Mailing: February 1, 2008

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