

IN THE MATTER OF DORIS GRAVES, :
PLEASANTVILLE BOARD OF EDUCATION, : COMMISSIONER OF EDUCATION
ATLANTIC COUNTY. : DECISION

SYNOPSIS

The School Ethics Commission (Commission) found that respondent – a member of the Pleasantville Board of Education – violated *N.J.S.A.* 18A:12-24.1(d) of the Code of Ethics for School Board Members of the School Ethics Act when she spoke with the district’s Facilities Coordinator – and later appeared at a Board personnel meeting – regarding an employee personnel action affecting her cousin by marriage. The Commission transmitted the matter to the OAL for hearing pursuant to *N.J.S.A.* 18A:12-29b; following the hearing, the ALJ issued an Initial Decision finding good cause to determine that respondent’s conduct constituted a violation of *N.J.S.A.* 18A:12-24.1(d). The Commission subsequently recommended the penalty of censure in this matter.

The Commissioner, whose jurisdiction is limited to reviewing the Commission’s recommended sanction, adopted the Commission’s recommendation that respondent be censured, finding that the Commission fairly considered the nature and circumstances of respondent’s violations, and concurring that – as a long-time Board member – respondent should have realized that her actions exceeded the scope of her authority.

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.

July 10, 2008

AGENCY DKT. NO. 152-5/08

IN THE MATTER OF DORIS GRAVES, :
PLEASANTVILLE BOARD OF EDUCATION, : COMMISSIONER OF EDUCATION
ATLANTIC COUNTY. : DECISION

The record of this matter and the decision of the School Ethics Commission (“Commission”), including the recommended penalty of censure, have been reviewed.

This matter comes before the Commissioner to impose a sanction upon Respondent Doris Graves, member of the Pleasantville Board of Education, based upon findings of fact and conclusions of law by the Commission that she violated *N.J.S.A. 18A:12-24.1(d)* of the Code of Ethics for School Board Members which prohibits a Board member from administering the schools. Specifically, the Commission adopted the finding of the Administrative Law Judge that Ms. Graves acted improperly on two occasions:

Going directly to the Facilities Coordinator, even during what was admittedly a chance encounter, and discussing the proposed personnel action regarding Harry Graves was improper. Her concerns over the proposed actions should have been addressed to Superintendent Brooks. (footnote omitted). Respondent’s attendance at the Personnel Committee meeting, of which she was not a member, was a continuation of her involvement in the issue.
(Commission Decision at 3, citing the Initial Decision at 9)

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. No comments were submitted by or on behalf of Ms. Graves.

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 Code of Ethics for School Board Members is **not reviewable by the Commissioner** herein. Only the Commission may determine whether a violation of the Code of Ethics for School Board Members occurred. The Commissioner's jurisdiction is limited to reviewing the sanction to be imposed following 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 censure is the appropriate penalty in this matter. As evidenced in its decision, the Commission recommended the more stringent penalty of censure because, even though the violation was for a single provision of the Code of Ethics for School Board Members, Ms. Graves acted improperly on two separate occasions. Additionally, as a long-time Board member, "the respondent should have known that her actions were outside the scope of her authority." (Commission Decision at 3)

Accordingly, IT IS hereby ORDERED that Doris Graves be censured as a school official found to have violated the Code of Ethics for School Board Members.

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

Date of Decision: July 10, 2008

Date of Mailing: July 11, 2008