#168-10A (SEC Decision: http://www.nj.gov/education/legal/ethics/2009/C33-08.pdf)

SCHOOL ETHICS COMMISSION DKT. NO. C33-08

AGENCY DKT. NO. 3-3/10A

IN THE MATTER OF CHARLES CAREY, :

COMMISSIONER OF EDUCATION

PENNSAUKEN BOARD OF EDUCATION,

**DECISION** 

CAMDEN COUNTY.

Decided by the School Ethics Commission, March 23, 2010

For the Petitioner-Appellant, Charles Carey, pro se

For the Respondent, Deputy Attorney General Melissa Dutton

On March 26, 2010, appellant filed a notice of appeal from the March 23, 2010 decision of the School Ethics Commission, finding him in violation of *N.J.S.A.* 18A:12-24(c) of the School Ethics Act and recommending a penalty of reprimand. In its decision, the Commission determined that respondent – a member of the Pennsauken Board of Education, whose wife is employed as a secretary in the District – committed this violation when he voted to approve the 2008-09 salary for the Superintendent of Schools in the District. By letter dated April 8, 2010, the Director of the Bureau of Controversies and Disputes: 1) acknowledged respondent's appeal; 2) requested the Executive Director of the School Ethics Commission to certify the record and submit it, together with a statement of items comprising the record to the Commissioner; and 3) set up the briefing schedule for this appeal, which began by requiring appellant to submit a brief in support of his appeal within 20 days of the date of the April 8 letter. On April 16, 2010, the Executive Director of the School Ethics Commission certified the

record and submitted it - together with a statement of items comprising the record - to the

Commissioner. Respondent, however, has failed to submit the requisite brief in support of his

appeal and, therefore, the appeal IS HEREBY DISMISSED for failure to prosecute.

Accordingly, as the determination of the Commission as to violation of the School

Ethics Act is not reviewable by the Commissioner due to respondent's failure to prosecute

his appeal, pursuant to N.J.S.A. 18A:12-29(c) and N.J.A.C. 6A:3-9.1, the Commissioner's

jurisdiction at this time is limited to reviewing the sanction to be imposed following the 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 accepts the

Commission's recommendation that reprimand is the appropriate penalty in this matter. As

clearly stated in its decision, the Commission finds this penalty congruent with that imposed in

similar cases previously decided by the Commission. As such, the Commissioner finds no cause

to disturb the Commission's recommended penalty in this matter.

Accordingly, IT IS hereby ORDERED that Charles Carey be reprimanded as a

school official found to have violated the School Ethics Act.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: June 3, 2010

Date of Mailing: June 4, 2010

This decision may be appealed to the Appellate Division of the Superior Court pursuant to P.L. 2008, c. 36

(*N.J.S.A.* 18A:6-9.1)

2