

AGENCY DKT. NO. 53-2/16

IN THE MATTER OF :
ELIZABETH MORRISON BROWN, : COMMISSIONER OF EDUCATION
LEARNING COMMUNITY CHARTER : DECISION
SCHOOL, HUDSON COUNTY. :
_____ :

The Commissioner has reviewed the record of this matter and the decision of the School Ethics Commission, finding that respondent violated the School Ethics Act for failure to timely attend charter school trustee training in accordance with *N.J.S.A.* 18A:12-33. The Commission’s decision was forwarded pursuant to *N.J.S.A.* 18A:12-29 for the Commissioner’s final determination on the recommended penalty. The Commission advises that the respondent ultimately completed training after the issuance of its December 15, 2015 Order to Show Cause, but prior to the Commission’s January 26, 2016 meeting; therefore, a penalty of censure is recommended. Respondent has neither filed exceptions to the recommended penalty nor instituted an appeal of the Commission’s underlying finding of violation, pursuant to *N.J.A.C.* 6A:4.

Upon review, the Commissioner notes that in previous matters, when a respondent completed the requisite training after the issuance of the Order to Show Cause – but prior to the Commission’s meeting date – the penalty has been a reprimand.¹ The Commissioner’s determination of an appropriate sanction “inevitably requires consideration of penalties imposed in the past for similar conduct.” *In the Matter of the Tenure Hearing of Brigitte Geiger, School District of the Township of*

¹ See, e.g., *In the Matter of Magda Nieves, Camden’s Promise Charter School, Camden County*, Commissioner Decision No. 12-11SEC, decided January 10, 2011; *In the Matter of Jacqueline Phillips-Agins, Village Charter School, Mercer County*, Commissioner Decision No. 14-11SEC, decided January 10, 2011; *In the Matter of Linda Sterling, TEAM Academy Charter School, Essex County*, Commissioner Decision No. 17-11SEC, decided January 10, 2011; *In the Matter of Derek Capana, TEAM Academy Charter School, Essex County*, Commissioner Decision No. 18-11SEC, decided January 10, 2011; *In the Matter of Laurel Dumont, Newark Educators Charter School, Essex County*, Commissioner Decision No. 19-11SEC, decided January 10, 2011; *In the Matter of Deborah Burns, Academy Charter High School, Monmouth County*, Commissioner Decision No. 20-11SEC, decided January 10, 2011; *In the Matter of Richard Morales-Wright, Academy Charter High School, Monmouth County*, Commissioner Decision No. 24-11SEC, decided January 10, 2011; *In the Matter of Maria Littles, Chesilhurst Board of Education, Camden County*, Commissioner Decision No. 25-11SEC, decided January 10, 2011; *In the Matter of Adam Szpreingel, LEAP Academy Charter School, Camden County*, Commissioner Decision No. 28-11SEC, decided January 10, 2011; *In the Matter of Gerald Murray, Woodbine Board of Education, Cape May County*, Commissioner Decision No. 29-11SEC, decided January 10, 2011.

Mount Olive, Morris County, No. A-1409-13T2 (App. Div. Nov. 18, 2015), at 20.² As such, the Commissioner finds that a penalty of reprimand is appropriate in consequence of respondent's failure to timely honor an obligation placed upon charter school trustees by law. As suggested by the court in the *Geiger* opinion, however, this shall serve as notice to the regulated community that similar conduct in the future may result in more severe penalties. Respondent is also admonished for causing the unnecessary expenditure of administrative and adjudicative resources at both State and local levels.

Accordingly, respondent is hereby reprimanded as a school official found to have violated the School Ethics Act.³

IT IS SO ORDERED.⁴

COMMISSIONER OF EDUCATION

Date of Decision: April 11, 2016

Date of Mailing: April 12, 2016

² Although, pursuant to *R. 1:36-3*, unpublished opinions are not precedential or binding upon any court, the Appellate Division remanded this matter and directed the Commissioner to impose a lesser sanction consistent with those in prior matters.

³ The Commission recommended that any failure in the future to comply with the statutory requirement to complete training shall result in the removal of the respondent from her position on the Board for a period of three years. Under *N.J.A.C. 6A:28-10.12(a)*, if a violation of the School Ethics Act is found, "the Commission may recommend to the Commissioner the reprimand, censure, suspension, or removal of the school official." There is no provision that permits the Commission to recommend a penalty that includes the automatic removal of a school official for three years for future violations. Therefore, the respondent is reprimanded as a school official found to have violated the School Ethics Act without any future restrictions.

⁴ 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*)