

AGENCY DKT. NO. 63-2/18

MITCHELLE DRULIS V. ANNA FALLON, :  
BOARD OF EDUCATION OF THE : COMMISSIONER OF EDUCATION  
FLEMINGTON-RARITAN REGIONAL : DECISION  
SCHOOL DISTRICT, HUNTERDON COUNTY :

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The Commissioner has reviewed the record of this matter and the decision of the School Ethics Commission (SEC). The SEC found that respondent violated *N.J.S.A.* 18A:12-26(a)(4) of the School Ethics Act (SEA) for failure to disclose her spouse’s “interest” in the Asset and Wealth Management Group, LLC, in Question 3, Section III of the Personal/Relative and Financial Disclosure Statements (Disclosure Statements). The SEC declined to issue a penalty in this matter, finding that respondent’s omission was inadvertent and a mistake, and such failure to disclose her spouse’s “interest” was technical and *de minimis*. The Commissioner has also considered the exceptions filed by petitioner, and respondent’s reply thereto.<sup>1</sup>

Upon review, the Commissioner concurs with the SEC’s recommended decision not to issue a penalty on respondent, as the failure to disclose her spouse’s “interest” in the Asset and Wealth Management Group, LLC, was *de minimis*. It is evident from the record that respondent did not seek to conceal such information from the public as she disclosed in Question 1, Section III of the Disclosure Statements that the Asset and Wealth Management Group, LLC, was a source of income for her spouse. Therefore, the Commissioner is satisfied that respondent’s omission was inadvertent. However, respondent is reminded of her duty to properly honor the obligations placed upon her by law as a school board member. Respondent is further

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<sup>1</sup> The exceptions – while reflecting petitioner’s obvious disagreement with the findings and conclusions contained within the SEC decision – are unpersuasive for the reasons thoroughly set forth in the SEC decision and supported by the record in this matter. The Commissioner also clarifies that contrary to petitioner’s assertions, the SEC may decline to issue a penalty when it has found a violation to be *de minimis*. See *N.J.A.C.* 6A:28-10.12(a).

admonished for causing the unnecessary expenditure of administrative and adjudicative resources at both State and local levels.

Accordingly, respondent is not issued a penalty in this matter for her failure to respond to Question 3 of Section III of the Disclosure Statements, as such omission of information on the Disclosure Statements – in light of all the circumstances in this matter – was a *de minimis* violation of the SEA.

IT IS SO ORDERED.<sup>2</sup>

ACTING COMMISSIONER OF EDUCATION

Date of Decision: April 13, 2018

Date of Mailing: April 13, 2018

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<sup>2</sup> 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*)