

AGENCY DKT. NO. 360-8/98

IN THE MATTER OF BARRY LEVINE, :
EGG HARBOR TOWNSHIP BOARD : COMMISSIONER OF EDUCATION
OF EDUCATION, ATLANTIC COUNTY. : DECISION

The record of this matter and the decision of the School Ethics Commission (“Commission”) have been reviewed. Comments of respondent were timely filed.¹

Upon a thorough review of the record, the Commissioner determines to accept the Commission’s recommendation that a reprimand is the appropriate penalty in this matter, in view of the Commission’s determination that a violation of the School Ethics Act occurred under the circumstances set forth in the decision.

Accordingly, IT IS HEREBY ORDERED that Barry Levine be reprimanded as a school official found to have violated the School Ethics Act.²

COMMISSIONER OF EDUCATION

¹ It is noted that respondent’s comments deal solely with his denial of the charge against him and, therefore, the propriety of the Commission’s finding that he violated the School Ethics Act. The Commissioner herein stresses that only the School Ethics Commission may determine whether probable cause exists to credit the allegations in the complaint and, if so, whether the alleged conduct constitutes a violation of the School Ethics Act, *N.J.S.A. 18A:12-21 et seq.* The Commissioner’s jurisdiction is limited to reviewing the sanction, if any, to be imposed following the finding of a violation by the Ethics Commission (*N.J.S.A. 18A:12-29(c)*).

² This decision, as the Commissioner’s final determination 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. 6:2-1.1 et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.

AUGUST 26, 1998