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**SCHOOL ETHICS COMMISSION**

**BEFORE THE SCHOOL  
ETHICS COMMISSION**

**V.**

**Docket No.: D24-06**

**DIANE COLE  
MONTAGUE BOARD  
OF EDUCATION  
SUSSEX COUNTY**

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**DECISION FOR FAILURE TO  
FILE A DISCLOSURE STATEMENT**

**WHEREAS**, N.J.S.A. 18A:12-25 of the School Ethics Act requires each school official to file a personal/relative disclosure statement and N.J.S.A. 18A:12-26 requires each school official to file a financial disclosure statement with the School Ethics Commission; and

**WHEREAS**, Diane Cole is a member of the Board of Education for the Montague School District and thus a "school official" under N.J.S.A. 18A:12-23 of the Act and N.J.A.C. 6A:28-1.2 of the Code; and

**WHEREAS**, the deadline to file these disclosure statements was May 1, 2006 for school officials in office since January 30, 2005 and 30 days from swearing-in or start of employment for newly elected or appointed board members and administrators; and

**WHEREAS**, the School Ethics Commission was advised by the County Superintendent that this school official did not file a disclosure statement with her school district and the County Superintendent's office as required by the Act; and

**WHEREAS**, the Commission sent a reminder letter to her on August 29, 2006, indicating that if the completed statement was not filed by September 15, 2006, the Commission would issue an Order to Show Cause that could result in disciplinary action; and

**WHEREAS**, the Commission issued an Order on September 28, 2006, through regular and certified mail return receipt requested, directing this school official to Show Cause why the Commission should not find her in violation of the Act for failing to file the disclosure statements; and

**WHEREAS**, in its letter enclosing the Order, the Commission notified this school official that she had 20 days to respond to the Order, that the Commission would discuss this matter at its October 24, 2006 meeting, that she had the right to attend the meeting, and she could be found in violation of the School Ethics Act and receive a penalty up to removal; and

**WHEREAS**, the school official filed the completed disclosure statement with the County Superintendent on October 2, 2006,

**WHEREAS**, the school official did not file an answer; and

**WHEREAS**, the Commission finds that this school official was given ample opportunity to provide the complete disclosure statement; and

**WHEREAS**, the Commission finds that the failure to file a disclosure statement within the designated timeline constitutes a clear violation of N.J.S.A. 18A:12-25 and 26; and

**WHEREAS**, the appropriate penalty for the violation is reprimand since the form has been filed;

**NOW THEREFORE BE IT RESOLVED** that the School Ethics Commission finds that Diane Cole violated N.J.S.A. 18A:12-25 and 26 of the School Ethics Act and recommends that the Commissioner of Education impose a sanction of reprimand.

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Paul C. Garbarini, Chairperson  
School Ethics Commission

Dated: October 31, 2006

This matter shall be transmitted to the Commissioner of Education for action on the Commission's recommendation for sanction pursuant to N.J.S.A. 18A:12-29. Within thirteen (13) days from the date on which the Commission's decision was mailed to you, you may file written comments on the recommended sanction with the Commissioner of Education, c/o Bureau of Controversies and Disputes, 100 Riverview Plaza, P.O. Box 500, Trenton, NJ 08625, marked "Attention: Comments on Ethics Commission Sanction." A copy of any comments filed must be sent to the School Ethics Commission.