

AGENCY DKT. NO. 22-1/98

IN THE MATTER OF JAMES RUSSO AND, :
THOMAS SCARANO, WOODBRIDGE TOWN- :
SHIP BOARD OF EDUCATION, : COMMISSIONER OF
EDUCATION :
MIDDLESEX COUNTY. : DECISION
_____:

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

In his comments, Complainant Arthur Delaney urges that the Commissioner impose a stronger penalty than that of censure, as recommended by the Commission, opining that, notwithstanding the Board attorney’s advice, respondents had a duty to at least investigate seeking an advisory opinion from the Commission once the idea was raised at a Board meeting. (Complainant’s Comments at p. 1) Complainant further questions why Mr. Scarano received only a censure when the Commission noted it found that participation in negotiations and voting with a fiancée working in the District was even more troubling than the other votes taken, in that it served to directly enrich the Board member’s household, particularly here, where the contract went beyond the date of the marriage. Complainant urges a more severe penalty, noting that the attorney was wrong in his advice and contending that respondents’ actions were “ethically wrong and involved an outrageous abuse of the public trust***”. (Complainant’s Comments at p. 2)

Upon a thorough review of the record, the Commissioner determines to accept the Commission's recommendation that censure is the appropriate penalty in these matters, for both Mr. Russo and Mr. Scarano, for the reasons expressed in the Commissioner's decision finding that a violation of the School Ethics Act occurred¹ which is sufficiently serious to warrant the imposition of such penalty as is defined at *N.J.A.C. 6:3-9.19(c)1*. In so ruling, the Commissioner notes that the Commission considered and addressed all aggravating and mitigating factors raised by the parties in reaching each of its penalty determinations, and that the Commission was in the optimum position to make such determinations in that it had the opportunity to fully investigate the facts presented. Therefore, its recommended penalties in these matters will not be disturbed absent a compelling basis to do so.

Accordingly, it is hereby ORDERED that James Russo and Thomas Scarano be censured as school officials found to have violated the School Ethics Act and that separate Resolutions of Censure shall issue and progress in accordance with applicable regulation.²

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

¹ The determination of the Commission as to violation of the Act is not reviewable by the Commissioner herein, pursuant to *N.J.S.A. 18A:12-29(c)*. Therefore, this decision is limited to a review of the recommended penalty and its implementation.

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.

APRIL 16, 1998

IN THE MATTER OF JAMES RUSSO, :
WOODBIDGE TOWNSHIP BOARD OF : RESOLUTION OF CENSURE
EDUCATION, MIDDLESEX COUNTY. :
_____:

WHEREAS, Woodbridge Township Board of Education member James Russo participated in collective bargaining negotiations and voted in favor of the contract, although his sister was employed by the Board as a secretarial clerk and belonged to the union with which he was negotiating on behalf of the Board; and

WHEREAS, the School Ethics Commission concluded, at its meeting of January 27, 1998, that such conduct violated *N.J.S.A. 18A:12-24(c)* of the School Ethics Act; and

WHEREAS, considering the facts determined during the course of the investigation, the Commission recommended to the Commissioner of Education that he impose upon Mr. Russo the penalty of censure pursuant to *N.J.S.A. 18A:12-29(c)* and *N.J.A.C. 6:3-9.19(c)1*; and

WHEREAS, complainant submitted timely comments to the Commissioner contending that the recommended sanction should be increased, due to the serious nature of the violation; and

WHEREAS, the Commissioner has concluded that censure is the appropriate penalty for the aforementioned violation for the reasons set forth in his decision; now therefore

BE IT RESOLVED, that James Russo is hereby censured as a school official found to have violated the School Ethics Act; and

BE IT FURTHER RESOLVED that the Woodbridge Township Board of Education is ordered to read this resolution at the next public meeting following its adoption by the School Ethics Commission and to post it in such places as the Board posts its public notices.

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

APRIL 16, 1998

IN THE MATTER OF THOMAS SCARANO, :

WOODBIDGE TOWNSHIP BOARD OF : RESOLUTION OF CENSURE

EDUCATION, MIDDLESEX COUNTY. :

_____**:**

WHEREAS, Woodbridge Township Board of Education member Thomas Scarano participated in collective bargaining negotiations and voted in favor of the contract, although his brother and his fiancée were employed by the Board as teachers and belonged to the union with which he was negotiating on behalf of the Board; and

WHEREAS, the School Ethics Commission concluded, at its meeting of January 27, 1998, that such conduct violated *N.J.S.A. 18A:12-24(c)* of the School Ethics Act; and

WHEREAS, considering the facts determined during the course of the investigation, the Commission recommended to the Commissioner of Education that he impose upon Mr. Scarano the penalty of censure pursuant to *N.J.S.A. 18A:12-29(c)* and *N.J.A.C. 6:3-9.19 (c)1*; and

WHEREAS, complainant submitted timely comments to the Commissioner contending that the recommended sanction should be increased, due to the serious nature of the violation; and

WHEREAS, the Commissioner has concluded that censure is the appropriate penalty for the aforementioned violation for the reasons set forth in his decision; now therefore

BE IT RESOLVED, that Thomas Scarano is hereby censured as a school official found to have violated the School Ethics Act; and

BE IT FURTHER RESOLVED that the Woodbridge Township Board of Education is ordered to read this resolution at the next public meeting following its adoption by the School Ethics Commission and to post it in such places as the Board posts its public notices.

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

APRIL 16, 1998