

30-99 SEC

AGENCY DKT. NO. 561-12/98

IN THE MATTER OF LAWRENCE JAMES, :
CHESILHURST BOARD OF EDUCATION, : COMMISSIONER OF EDUCATION
CAMDEN COUNTY. : DECISION
_____ :

The record of this matter and the decision of the School Ethics Commission have been reviewed. Initially, it must be emphasized that pursuant to *N.J.S.A.* 18A:12-29(c), the determination of the Commission as to violation of the Act is **not reviewable by the Commissioner** herein. Only the School Ethics Commission may determine whether a violation of the School Ethics Act occurred. The Commissioner's jurisdiction is limited to reviewing the sanction to be imposed following a finding of a violation by the School Ethics Commission. Therefore, this decision is restricted solely to a review of the recommended penalty and its implementation.

No comments with respect to the Commission's recommended penalty were submitted to the Commissioner by the parties.

Upon thorough review of the full record in this matter, the Commissioner determines to accept the Commission's recommendation that censure is the appropriate penalty for the reasons expressed in the Commission's decision finding that a violation of the School Ethics Act occurred.

IT IS HEREBY ORDERED that Lawrence James be censured as a school official found to have violated the School Ethics Act.*

COMMISSIONER OF EDUCATION

* 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.

FEBRUARY 9, 1999

IN THE MATTER OF LAWRENCE :
JAMES, CHESILHURST BOARD : **RESOLUTION OF CENSURE**
OF EDUCATION, CAMDEN :
COUNTY. :
_____ :

WHEREAS, Chesilhurst Board of Education member Lawrence James was found by the School Ethics Commission to have asked the Board's Business Administrator to intercede for him in acquiring an unsecured loan from the bank that held the Board's accounts; and

WHEREAS, the School Ethics Commission further concluded that such conduct violated *N.J.S.A. 18A:12-24(b)* of the School Ethics Act; and

WHEREAS, considering the facts determined during the course of the investigation, the Commission recommended that the Commissioner of Education impose a penalty of censure for Mr. James' violation; and

WHEREAS, no comments were submitted to the Commissioner contending that the sanction should not be imposed or that it should be increased due to the serious nature of the violation; and

WHEREAS, the Commissioner, upon review of the record, 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 Lawrence James is hereby censured as a school official found to have violated the School Ethics Act; and

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

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

FEBRUARY 9, 1999