

231-00 SEC

AGENCY DKT. NO. 188-6/00

IN THE MATTER OF MARTIN AROCHO, :  
NEW BRUNSWICK BOARD OF : COMMISSIONER OF EDUCATION  
EDUCATION, MIDDLESEX COUNTY. : DECISION

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The record of this matter and the decision of the School Ethics Commission (Commission) have been reviewed. Comments with respect to the Commission's recommended penalty were timely submitted by respondent, and were duly considered by the Commissioner in rendering the decision herein.<sup>1</sup>

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, and that only the School Ethics Commission may determine whether a violation of the School Ethics Act has 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.

Upon thorough review of the 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.

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<sup>1</sup> Complainant, Brian Villa, submitted comments to the Commission's decision by letter dated June 6, 2000. However, pursuant to *N.J.A.C.* 1:6C-1.1 *et seq.* and *N.J.A.C.* 1:1-18.4, Mr. Villa is not a party to the within matter so as to provide him with the requisite standing to file written exceptions to the Commission's decision.

IT IS HEREBY ORDERED that Martin Arocho be censured as a school official found to have violated the School Ethics Act.<sup>2</sup>

COMMISSIONER OF EDUCATION

DATE OF DECISION: July 13, 2000

DATE OF MAILING: July 13, 2000

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<sup>2</sup> This decision, as the Commissioner's final determination regarding penalty 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. 6A:4-1.1 et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.