

330-02SEC

IN THE MATTER OF LORRAINE DUNCKLEY, :
DENVILLE TOWNSHIP BOARD OF : COMMISSIONER OF EDUCATION
EDUCATION, MORRIS COUNTY. : DECISION
_____ :

SYNOPSIS

The School Ethics Commission determined that respondent Board member violated *N.J.S.A.* 18A:12-26(a)(3) of the School Ethics Act for not disclosing the Board as a source of prepaid expenses for her conference attendance. The Commission also found that respondent violated *N.J.S.A.* 18A:12-24(c) of the Act for voting on the bill list including a reimbursement to her and her husband and for voting on a tuition payment to the school where her husband is employed. The Commission recommended that respondent be censured.

Upon review of the record, the Deputy Commissioner, whose decision was restricted solely to a review of the Commission's recommended penalty, concurred with the Commission's recommendation and, thus, ordered respondent censured as a school official found to have violated the School Ethics Act.

This synopsis is not part of the Commissioner's decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.

September 6, 2002

IN THE MATTER OF LORRAINE DUNCKLEY, :
DENVILLE TOWNSHIP BOARD OF : COMMISSIONER OF EDUCATION
EDUCATION, MORRIS COUNTY. : DECISION
_____ :

The record of this matter and the decision of the School Ethics Commission (“Commission”), including the recommended penalty of censure, have been reviewed.

This matter comes before the Deputy Commissioner, to whom this matter has been delegated pursuant to *N.J.S.A.* 18A:4-33, to impose a sanction upon Respondent Lorraine Dunckley, member of the Denville Township Board of Education, based upon findings of fact and conclusions of law by the Commission that she violated *N.J.S.A.* 18A:12-26(a)(3) of the School Ethics Act for not disclosing the Board as a source of prepaid expenses for her conference attendance. The Commission, additionally, found that respondent violated *N.J.S.A.* 18A:12-24(c) of the Act for voting on the bill list including a reimbursement to her and her husband and for voting on a tuition payment to the school where her husband is employed.

Upon issuance of the decision of the Commission, respondent was provided 13 days from the mailing of such decision to file written comments on the recommended penalty for the Commissioner’s consideration. Respondent submitted no comments.

Initially, it must be emphasized that, pursuant to *N.J.S.A.* 18A:12-29(c) and *N.J.A.C.* 6A:3-9.1, the determination of the Commission as to violation of the School Ethics Act is **not reviewable by the Commissioner** herein. Only the 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 based upon a finding of a violation by the Commission. Therefore, this decision is restricted solely to a review of the Commission's recommended penalty.

Upon a thorough review of the record, the Commissioner determines to accept the Commission's recommendation that censure is the appropriate penalty in this matter for the reasons expressed in the Commission's decision. In so ruling, the Commissioner is satisfied that, in recommending a penalty for the violations it found, the Commission fully considered the nature of the offenses and weighed the effects of aggravating and mitigating circumstances. Therefore, the Commission's recommended penalty in this matter will not be disturbed.

Accordingly, IT IS hereby ORDERED that Lorraine Dunckley be censured as a school official found to have violated the School Ethics Act.

IT IS SO ORDERED.*

DEPUTY COMMISSIONER OF EDUCATION

Date of Decision: September 6, 2002

Date of Mailing: September 6, 2002

* This decision 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.