

169-03SEC

IN THE MATTER OF DENISE SCHMIDT, :

BERLIN BOROUGH BOARD OF : COMMISSIONER OF EDUCATION

EDUCATION, CAMDEN COUNTY. : DECISION

_____ :

SYNOPSIS

The School Ethics Commission determined that respondent former Board member violated *N.J.S.A.* 18A:12-24(e) of the School Ethics Act for copying and distributing to certain school staff, using school equipment, a letter that contained false and demeaning information regarding fellow Board members. After considering the nature of the charge, the Commission recommended a penalty of reprimand.

Upon review of the record, the 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 reprimanded as a school official found to have violated the School Ethics Act.

<p>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.</p>

April 14, 2003

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The record of this matter and the decision of the School Ethics Commission (“Commission”), finding that Denise Schmidt, former member of the Berlin Borough Board of Education, violated *N.J.S.A.* 18A:12-24.1(e) of the Code of Ethics for School Board members in the School Ethics Act, and recommending a penalty of reprimand have been reviewed. Upon issuance of the decision of the Commission, respondent was provided 13 days from the mailing date of the decision to file written comments on the recommended penalty for the Commissioner’s consideration.

Respondent did not submit any 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 reprimand is the appropriate penalty in this matter for the

reasons expressed in the Commission's decision. In so ruling, the Commissioner is satisfied from the record before him that, in recommending a penalty for the violation it found, the Commission fully considered the nature of the offense 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 Denise Schmidt be reprimanded as a school official found to have violated the School Ethics Act.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: April 14, 2003

Date of Mailing: April 14, 2003

* 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.*