

497-03 SEC

IN THE MATTER OF RANDIE ZIMMERMAN, :
ROCKY HILL BOARD OF EDUCATION, : COMMISSIONER OF EDUCATION
SOMERSET COUNTY. : DECISION

SYNOPSIS

The School Ethics Commission determined that respondent Board President violated *N.J.S.A.* 18A:12-24.1(e) and (g) by taking private action that compromised the Board, sending letters under her title of Board President and not acting in concert with her fellow Board members. The Commission recommended the 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>

August 21, 2003

IN THE MATTER OF RANDIE ZIMMERMAN, :
ROCKY HILL BOARD OF EDUCATION, : COMMISSIONER OF EDUCATION
SOMERSET COUNTY. : DECISION

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

This matter comes before the Commissioner to impose a sanction upon Respondent Randie Zimmerman, President of the Rocky Hill Board of Education, based on findings of fact and conclusions of law by the Commission that she violated *N.J.S.A.* 18A:12-24(e) of the School Ethics Act by taking private action using her position as Board President to create the impression that she was representing the interests of her Board, and that she violated *N.J.S.A.* 18A:12-24(g) of the School Ethics Act for not providing accurate information and for not acting in concert with her fellow Board members to interpret to the staff the aspirations of the community for its school.

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 Act is **not reviewable by the Commissioner**. 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 review of the recommended penalty and its implementation.

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 that, in recommending a penalty for the violations 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 Randie Zimmerman be reprimanded as a school official found to have violated the School Ethics Act.

IT IS SO ORDERED. *

COMMISSIONER OF EDUCATION

Date of Decision: August 21, 2003

Date of Mailing: August 25, 2003

* This decision, as the Commissioner's final determination regarding penalty in this 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.*