

154-03 SEC

IN THE MATTER OF ABDI GASS, :
CHESILHURST BOARD OF EDUCATION, : COMMISSIONER OF EDUCATION
CAMDEN COUNTY. : DECISION

SYNOPSIS

The School Ethics Commission determined that respondent Board member violated *N.J.S.A.* 18A:12-24(c) and (e) of the School Ethics Act by serving as “borough consultant” to the Borough of Chesilhurst, but functioning as the Borough’s financial officer while he was a member of the Board and by continuing employment with the Borough while remaining on the Board. Moreover, respondent flagrantly ignored the Commission’s prior decision cautioning him that participation in budget matters would violate the Act. After considering the nature of the charges and recognizing that respondent resigned from the Board, the Commission recommended the most severe available penalty, censure.

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 censured 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>

March 31, 2003

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CHESILHURST BOARD OF EDUCATION, : COMMISSIONER OF EDUCATION
CAMDEN COUNTY. : DECISION

The record of this matter and the decision of the School Ethics Commission (“Commission”), finding that Abdi Gass, former member of the Chesilhurst Board of Education, violated *N.J.S.A.* 18A:12-24(c) and (g) of the School Ethics Act, and recommending a penalty of censure 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 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 concurs with the Commission that the appropriate sanction for respondent's flagrant violations would have been removal; however, in light of respondent's abrupt resignation from the Board, the Commissioner agrees that censure is the appropriate penalty for respondent in this matter. In so ruling, the Commissioner is satisfied from the record before him 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 Abdi Gass be censured as a school official found to have violated the School Ethics Act.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: March 31, 2003

Date of Mailing: April 1, 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.*