

243-03SEC

IN THE MATTER OF FAYE BALL, :
EWING TOWNSHIP BOARD OF EDUCATION, : COMMISSIONER OF EDUCATION
MERCER COUNTY. : DECISION
_____ :

SYNOPSIS

The School Ethics Commission determined that respondent Board member violated *N.J.S.A.* 18A:12-24(b) of the School Ethics Act when, using her official title, she requested a delay in the release of a Commission decision. 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.

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.

May 12, 2003

IN THE MATTER OF FAYE BALL, :
EWING TOWNSHIP BOARD OF EDUCATION, : COMMISSIONER OF EDUCATION
MERCER 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.

This matter comes before the Commissioner to impose a sanction upon respondent Dr. Faye Ball, member of the Ewing Township Board of Education, based upon findings of fact and conclusions of law by the Commission that she violated *N.J.S.A.* 18A:12-24(b) of the School Ethics Act when she requested a delay in the release of a Commission decision. The Commission concluded that Dr. Ball’s

use of her official title as a Department of Education employee and a Board member on her letterhead in making that request, is sufficient evidence to show that she attempted to use her official position to influence the Commission to delay the issue of its decision in a matter that would have clearly benefited fellow board member, Dr. Vickner. (Commission Decision at 4)

Upon issuance of the decision of the Commission, respondent was provided 13 days from the mailing of the decision to file written comments on the recommended penalty for the Commissioner’s consideration. However, no comments were submitted by respondent, or on her behalf.

Initially, it must be emphasized that, pursuant to *N.J.S.A.* 18A:12:12-29(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.

Accordingly, IT IS hereby ORDERED that Dr. Faye Ball be reprimanded as a school official found to have violated the School Ethics Act.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: May 12, 2003

Date of Mailing: May 13, 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.*