

IN THE MATTER OF THOMAS KEELLEN, :
KEANSBURG BOARD OF EDUCATION, : COMMISSIONER OF EDUCATION
MONMOUTH COUNTY. : DECISION

SYNOPSIS

A vendor employee alleged respondent former Board member violated *N.J.S.A.* 18A:12-24(b) and (e) of the School Ethics Act for attempting to use his official position to secure an unwarranted advantage for himself and for the solicitation of a political contribution.

The ALJ determined that complainant's allegations were proven by a preponderance of competent and credible evidence. The ALJ transmitted the case back to the School Ethics Commission to determine whether respondent's conduct constituted a violation of the Act and to make a recommendation relative to sanction.

After considering the nature of the charges, the Commission found respondent blatantly disregarded *N.J.S.A.* 18A:12-24(b) and (e) of the Act and his conduct warranted removal from the Board. Since respondent is no longer on the Board, the Commission recommended a penalty of 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.

September 22, 2003

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The record of this matter and the decision of the School Ethics Commission (“Commission”), finding that Thomas Keelen, former member of the Keansburg Board of Education, violated *N.J.S.A.* 18A:12-24(b) and (e) 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 of attempting to use his official position to secure an unwarranted advantage for himself and the solicitation of a

political contribution for the purpose of influencing him directly or indirectly in the discharge of his official duties would have been removal. However, since respondent is no longer a member of 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 Thomas Keelen be censured as a school official found to have violated the School Ethics Act.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: September 22, 2003

Date of Mailing: September 23, 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.*