

#53-04SEC
AGENCY DKT. NO. 16-1/04

IN THE MATTER OF HOWARD SEIGEL, :
GATEWAY CHARTER SCHOOL, HUDSON : COMMISSIONER OF EDUCATION
COUNTY. : DECISION

Whereas, the School Ethics Commission has acted pursuant to the authority granted to it by *N.J.S.A.* 18A:12-21 *et seq.* to recommend sanction of the above-named school official for failure to file a personal/relative disclosure statement, pursuant to *N.J.S.A.* 18A:12-25 and/or an annual financial disclosure statement required by *N.J.S.A.* 18A:12-26;

Whereas, the deadline to file these disclosure statements was April 30, 2003 for school officials in office since January 30, 2003, or 30 days from swearing in or start of service for newly elected or appointed board members and administrators; and

Whereas, the School Ethics Commission was advised by the County Superintendent that this school official did not file a disclosure statement with his school district and the County Superintendent's office, as required by the Act; and

Whereas, the Commission sent a reminder letter to the above-named school official on September 5, 2003, indicating that if the completed statement was not filed by September 15, 2003, the Commission would issue an Order to Show Cause that could result in disciplinary action; and

Whereas, pursuant to *N.J.A.C.* 6A:28-1.5(j), the Commission issued an Order on September 24, 2003 directing this school official to Show Cause why the Commission should not find him in violation of the Act for failing to file the necessary statement(s); and

Whereas, the above-named school official replied to the Order to Show Cause by indicating that he had submitted his disclosure statement to the Board secretary and that he was unaware the form had not been filed; and

Whereas, the County Superintendent's Office advised the Commission that as of October 28, 2003, the form had still not been filed; and

Whereas, the Commission found that failure to file a disclosure statement within the designated timeline constitutes a clear violation of *N.J.S.A. 18A:12-25* and *26*; and

Whereas, the Commission found that the above-named school official was given ample opportunity to provide the completed disclosure statement before the Commission's issuance of the Order to Show Cause; and

Whereas, the Commission voted on October 28, 2003 to recommend reprimand of the above-named school official; and

Whereas, by letter dated January 9, 2004 from the School Ethics Commission, the above-named school official was afforded an opportunity to submit to the Commissioner a response to said resolution recommending reprimand; and

Whereas, no comments were received from the above-named school official; and

Whereas, the Commissioner recognizes that failure to abide by the requirements of the School Ethics Act in a timely fashion causes administrative and adjudicative time to be wasted by local, county and state education officials; now therefore

IT IS ORDERED that, as recommended by the School Ethics Commission, the above-named school official be reprimanded for his violation of the School Ethics Act.*

COMMISSIONER OF EDUCATION

Date of Decision: February 11, 2004

Date of Mailing: February 18, 2004

* This decision, as the Commissioner's final determination regarding penalty in the instant 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.* Pursuant to *N.J.A.C. 6A:4-1.4(a)*, Commissioner decisions are deemed filed three days after the date of mailing to the parties.