

#421-04

AGENCY DKT. NO. 352-10/04

School Ethics Decision: <http://www.nj.gov/njded/legal/ethics/00-03/c12-04v.pdf>

IN THE MATTER OF ANNE PIRILLO, :
WASHINGTON TOWNSHIP BOARD OF : COMMISSIONER OF EDUCATION
EDUCATION, GLOUCESTER COUNTY. : DECISION

_____:

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

This matter comes before the Commissioner to impose a sanction upon Respondent Anne Pirillo, former member of the Washington 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(c) of the School Ethics Act when she was present at, and participated in, discussions during the October 15, 2003 meeting of the Business Affairs Committee. At that meeting, bids for the purchase of new copiers were discussed, and one of the bidders was a company in which respondent’s husband possessed a financial interest. The Commission found that respondent’s statements at the meeting could have had a beneficial impact on the bid offered by her husband’s company, and stressed that respondent had an obligation under *N.J.S.A.* 18A:12-24(c) not to act in her official capacity in any matter involving her husband’s company, including being present during the aforementioned discussions.

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. No comments, however, were submitted by respondent, or on her behalf.

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 determines to accept the Commission's recommendation that censure 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 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 Anne Pirillo be censured as a school official found to have violated the School Ethics Act.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: October 29, 2004

Date of Mailing: October 29, 2004

* 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.*