

26-05 SEC

AGENCY DKT NO. 445-12/04

School Ethics Decision <http://www.state.nj.us/njded/legal/ethics/00-03/c46-04v.pdf>

IN THE MATTER OF :
CHRISTINA WENZEL, SADDLE BROOK: COMMISSIONER OF EDUCATION
BOARD OF EDUCATION, : DECISION
BERGEN COUNTY. :
_____ :

The record of this matter and the decision of the School Ethics Commission (“Commission”), finding Saddle Brook Board of Education member Christina Wenzel violated the School Ethics Act, *N.J.S.A.* 18A:12-24(d), when, on several occasions, she was paid as a substitute school nurse by the District while serving as a member of the Board, and recommending a penalty of reprimand have been reviewed. Upon issuance of the decision of the Commission, Ms. Wenzel 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 were filed by or on behalf of Ms. Wenzel.

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 reprimand 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 it found, the Commission fully considered the nature of the offense 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 Christina Wenzel be reprimanded as a school official found to have violated the School Ethics Act.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: January 14, 2005

Date of Mailing: January 14, 2005

* 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.*