

IN THE MATTER OF WILLIAM LAHN, :
DESEA BOARD OF EDUCATION, : COMMISSIONER OF 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 William Lahn, member of the Delsea Board of Education, based upon findings of fact and conclusions of law by the Commission that he violated *N.J.S.A.* 18A:12-24.1(d) of the School Ethics Act when he went directly to a guidance secretary and requested a copy of the 2004 and 2005 SAT reports, and when he went into the boys’ locker room, inspected the lockers and instructed district employees regarding the supervision of students. The Commission further found that Mr. Lahn violated *N.J.S.A.* 18A:12-24.1(j) when he took a complaint from a parent to the Principal rather than the Superintendent.

Upon issuance of the decision of the Commission, respondent was provided 13 days from the mailing of such decision to file written comments on the recommended penalty for the Commissioner’s consideration. Mr. Lahn’s submitted comments argue that the violations that the Commission found were “clearly unintentional,” will not be repeated in the future, and were “minor” compared to other issues which have come before the Commission. He, therefore, urges that the Commissioner impose no sanction or, if a sanction is absolutely necessary, that the absolute minimum is appropriate.

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 following 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 notes that having found violations of the School Ethics Act, the Commission was statutorily obligated to recommend a sanction for these infractions (See *N.J.S.A.* 18A:12-29c.). As evidenced in its decision, the Commission -- in making its penalty determination -- recommended the more stringent penalty of censure because "Mr. Lahn's conduct violated the Act on more than one occasion and because his conduct put the guidance secretary in a difficult situation that ultimately resulted in her being reprimanded." (Commission Decision at 4). The Commissioner finds no cause to disturb the Commission's recommended penalty in this matter.

Accordingly, IT IS hereby ORDERED that William Lahn be censured as a school official found to have violated the School Ethics Act.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: January 23, 2006

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* 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.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.