

IN THE MATTER OF COLLEEN GARTLAND :
AND CARMINE PICARDO, :
WEST ESSEX BOARD OF EDUCATION, : COMMISSIONER OF EDUCATION
ESSEX COUNTY. : DECISION
_____:

SYNOPSIS

The School Ethics Commission (Commission) determined that West Essex Board of Education members Colleen Gartland and Carmine Picardo violated *N.J.S.A.* 18A:12-24.1(c) and (d) of the Code of Ethics for School Board Members when they met with officers of the West Essex Teachers' Association, without the knowledge of the Board or the Superintendent, to discuss concerns that the Association brought to their attention. After considering the nature of the charge, the Commission recommended that the Commissioner of Education impose a penalty of censure upon Mr. Picardo, and a penalty of suspension from the Board for a period of one month for Ms. Gartland.

Upon a thorough review of the record, the Commissioner, whose decision was restricted solely to a review of the Commission's recommended penalty pursuant to *N.J.S.A.* 18A:12-29(c) and *N.J.A.C.* 6A:3-9.1, concurred with the Commission's recommendation. The Commissioner thus ordered that Carmine Picardo be censured and Colleen Gartland be suspended from the Board for a period of one month as school officials found to have violated the School Ethics Act.

This synopsis is not part of the Commissioner's decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.

June 12, 2006

IN THE MATTER OF COLLEEN GARTLAND :
AND CARMINE PICARDO, :
WEST ESSEX BOARD OF EDUCATION, : COMMISSIONER OF EDUCATION
ESSEX COUNTY. : DECISION
_____ :

The record of this matter and the amended decision¹ of the School Ethics Commission (“Commission”), comes before the Commissioner to impose a sanction upon Colleen Gartland and Carmine Picardo, members of the West Essex Board of Education, based upon findings of fact and conclusions of law by the Commission that they violated *N.J.S.A.* 18A:12-24.1(c) and (d) of the Code of Ethics for School Board Members in the School Ethics Act when they met with officers of the West Essex Teachers’ Association, without the knowledge of the Board or the Superintendent, to discuss concerns that the Association brought to their attention. The Commission recommends that Mr. Picardo be censured and Ms. Gartland be suspended from the Board for a period of one month for these violations.

Upon issuance of the amended decision of the Commission, the parties were provided 13 days from the mailing of such decision to file written comments on their respective recommended penalties for the Commissioner’s consideration. Mr. Picardo did not file any comments. Ms. Gartland’s comments were untimely and, thus, cannot be considered herein.²

¹ It is noted that the Commission’s original decision in this matter, authorized at its February 28, 2006 meeting, was transmitted to the Commissioner and the parties on March 3, 2006. Subsequent to this decision’s issuance and prior to the Commissioner’s review and issuance of her decision with respect to the imposition of penalty, the Commission received additional information which it was felt might conceivably serve to impact and/or alter its determination and, therefore, it requested return of the file for that body’s review and consideration. The decision before the Commissioner here is the Commission’s amended decision in this matter, authorized at its March 28, 2006 meeting, which was transmitted to the Commissioner and the parties on May 4, 2006.

² The amended decision was mailed to the parties on May 4, 2006. Ms. Gartland’s comments, although dated May 16, 2006, were mailed on May 20, 2006 and filed on May 23, 2006, well outside the allotted timeline for their receipt.

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 determines to accept the Commission's recommendation, for the reasons expressed in its decision, that censure of Mr. Picardo and a one month suspension from the Board for Ms. Gartland are the appropriate penalties in this matter. In so determining, the Commissioner is persuaded that, in recommending these penalties for the parties' violations, the Commission fully considered the nature of the offenses and weighed the effects of aggravating and mitigating circumstances. Consequently, the Commissioner finds no cause to disturb the Commission's recommended penalties in this matter.

Accordingly, IT IS hereby ORDERED that Carmine Picardo be censured and Colleen Gartland be suspended from the Board for a period of one month, as school officials found to have violated the School Ethics Act.

IT IS SO ORDERED.³

ACTING COMMISSIONER OF EDUCATION

Date of Decision: June 12, 2006

Date of Mailing: June 13, 2006

³ 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.