

record and submitted it – together with a statement of items comprising the record – to the Commissioner. Respondent, however, has failed to submit the requisite brief in support of his appeal and, therefore, the appeal IS HEREBY DISMISSED for failure to prosecute.

Accordingly, as the determination of the Commission as to violation of the School Ethics Act **is not reviewable by the Commissioner due to respondent's failure to prosecute his appeal**, pursuant to *N.J.S.A.* 18A:12-29(c) and *N.J.A.C.* 6A:3-9.1, the Commissioner's jurisdiction at this time is limited to reviewing the sanction to be imposed following the 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 accepts the Commission's recommendation that reprimand is the appropriate penalty in this matter. As clearly stated in its decision, the Commission finds this penalty congruent with that imposed in similar cases previously decided by the Commission. As such, the Commissioner finds no cause to disturb the Commission's recommended penalty in this matter.

Accordingly, IT IS hereby ORDERED that Charles Carey be reprimanded as a school official found to have violated the School Ethics Act.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: June 3, 2010

Date of Mailing: June 4, 2010

* This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L.* 2008, c. 36 (*N.J.S.A.* 18A:6-9.1)