

#494-10 (SEC Decision: <http://www.nj.gov/education/legal/ethics/2009/C16-08.pdf>)  
(OAL Decision: [http://lawlibrary.rutgers.edu/oal/html/initial/eec6172-09\\_1.html](http://lawlibrary.rutgers.edu/oal/html/initial/eec6172-09_1.html))

IN THE MATTER OF JAN RUBINO :  
BOARD OF EDUCATION OF THE : COMMISSIONER OF EDUCATION  
MATAWAN-ABERDEEN REGIONAL : DECISION  
SCHOOL DISTRICT, MONMOUTH COUNTY. :

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### SYNOPSIS

The School Ethics Commission (Commission) found that respondent, a member of the Board of the Matawan-Aberdeen Regional School District, violated *N.J.S.A.* 18A:12-24(e) of the School Ethics Act, as well as 18A:12-24.1(e) and (f) of the Code of Ethics for School Board Members, when she solicited – via the school e-mail system – and received campaign contributions from three district employees. The Commission recommended the penalty of suspension for six months in this matter. The respondent did not appeal the Commission’s underlying decision, nor did she file any comments with respect to its recommended penalty.

The Commissioner, whose jurisdiction – in the absence of an appeal – is limited to reviewing the Commission’s recommended sanction, adopted the Commission’s recommendation that respondent be suspended for six months. Accordingly, the respondent is suspended for six months as a school official found to have violated the School Ethics Act.

<p>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.</p>
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November 15, 2010

IN THE MATTER OF JAN RUBINO :  
BOARD OF EDUCATION OF THE : COMMISSIONER OF EDUCATION  
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SCHOOL DISTRICT, MONMOUTH COUNTY. :

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The record of this matter and the decision of the School Ethics Commission (“Commission”), including the recommended penalty of a six-month suspension, have been reviewed.

This matter comes before the Commissioner to impose a sanction upon Respondent Jan Rubino, member of the Board of Education of the Matawan-Aberdeen Regional School District, based upon findings of fact and conclusions of law by the Commission that she violated *N.J.S.A.* 18A:12-24(e) of the School Ethics Act, as well as *N.J.S.A.* 18A:12-24.1(e) and (f) of the Code of Ethics for School Board Members, when she solicited – via the school e-mail system – and received campaign contributions from three district employees.

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. No comments were submitted by or on behalf of Ms. Rubino.

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** unless a notice of appeal is filed pursuant to P.L. 2008, c. 36 and *N.J.A.C.* 6A:4, which did not happen here. Therefore, the Commissioner’s jurisdiction at this time

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 accepts the Commission's recommendation that a six-month suspension from the Board is the appropriate penalty in this matter. As clearly stated in its decision, the Commission finds this penalty congruent with that imposed in previously decided similar cases. As such, the Commissioner finds no cause to disturb the Commission's recommended penalty in this matter.

Accordingly, IT IS hereby ORDERED that Jan Rubino be suspended from the Board for a period of six-months as a school official found to have violated the School Ethics Act.

IT IS SO ORDERED.\*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: November 15, 2010

Date of Mailing: November 16, 2010

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\*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*)