

New Jersey Commissioner of Education

Final Decision

In the Matter of Israel Varela and
Kenneth Puccio, Perth Amboy Board of
Education, Middlesex County.

Synopsis

The School Ethics Commission (Commission) found that respondent Israel Varela – a member of the Perth Amboy Board of Education (Board) – violated several provisions of *N.J.S.A.* 18A:12-24.1, the Code of Ethics for School Board Members (Code), when he failed on multiple occasions to comply with the procedures detailed in the school district’s Visitor Policy, thereby persistently ignoring mandated school security practices. Additionally, the Commission found that Mr. Varela also violated several provisions of the Code when – in regard to improper meetings with Hector Muniz, a school secretary – he became involved in the day-to-day functions and responsibilities of school personnel, conducted a private and unauthorized investigation, made promises to employees, and sought to obtain information in a private setting with the purpose of undermining school personnel. As Mr. Varela is no longer a member of the Board, the Commission recommended a penalty of censure in this matter.

Upon review, the Commissioner preliminarily found that the consolidated matter concerning Kenneth Puccio has been appealed, and will therefore be the subject of a separate decision to be issued under Agency Docket No. 4/4-19A at a later date. In regard to the matter concerning Israel Varela, the Commissioner concurred that censure is the appropriate penalty for the violation found. Accordingly, the Commissioner directed that respondent be censured as a school official 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 18, 2019

SEC Dkt Nos. C17-12, C18-12, and C21-12 (Consolidated)
OAL Dkt. Nos. EEC 13642-12, EEC 13643-12, and EEC 13644-12
Agency Dkt. No. 106-5/19

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The Commissioner has reviewed the record of this matter and the May 2, 2019 decision of the School Ethics Commission (Commission). The Commission found that respondent Israel Varela, a member of the Perth Amboy Board of Education, violated the following provisions of the Code of Ethics for School Board Members: *N.J.S.A.* 18A:12-24(b), *N.J.S.A.* 18A:12-24.1(d), and *N.J.S.A.* 18A:12-24.1(i) in connection with violations of the district’s visitor policy; and *N.J.S.A.* 18A:12-24.1(d), *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(i), and *N.J.S.A.* 18A:12-24.1(j) in connection with improper interference relating to meetings with Hector Muniz.¹ The Commission recommended a penalty of censure for the violation. The Commission’s decision was forwarded to the Commissioner for final determination on the recommended penalty pursuant to *N.J.S.A.* 18A:12-29(c). Respondent Israel Varela has neither filed exceptions to the recommended penalty nor instituted an appeal, pursuant to *N.J.A.C.* 6A:4-1 *et seq.*, of the Commission’s underlying finding of violation.

¹ The Commission’s May 2, 2019 decision also contains findings of fact and legal conclusions regarding Respondent Kenneth Puccio, whose matter was consolidated with Mr. Varela’s due to the similarity of the legal issues and evidence. Mr. Puccio has appealed the Commission’s decision pursuant to *N.J.A.C.* 6A:4-1 *et seq.*; therefore, this decision only pertains to respondent Israel Varela (SEC Docket Nos. C17-12 and C18-12; OAL Docket. Nos. EEC 13462-12 and EEC 13463-12). The Commissioner will issue a separate decision regarding Mr. Puccio’s appeal under Agency Docket No. 4/5-19A.

Upon review, the Commissioner concurs with the penalty recommended by the Commission for respondent's failure to comply with the district's visitor policy and for his improper interference in the day to day functions of school personnel.

Accordingly, respondent is hereby censured as a school official found to have violated the School Ethics Act.

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: June 18, 2019
Date of Mailing: June 19, 2019

² This decision may be appealed to the Superior Court, Appellate Division, pursuant to *P.L. 2008, c. 36* (*N.J.S.A. 18A:6-9.1*).