

New Jersey Commissioner of Education
Final Decision

D. Lynn Schwartz,

Complainant,

v.

James Gallagher, Avalon-Stone Harbor Board of
Education,

Respondent.

The record of this matter and the decision of the School Ethics Commission (SEC) have been reviewed. The SEC found that respondent violated *N.J.S.A.* 18A:12-24.1(e) and *N.J.S.A.* 18A:12-24.1(i) when he approached the Chief School Administrator's subordinate employee to inquire whether she would be interested in assuming the position of Chief School Administrator, even though that position was not vacant. The SEC recommended a penalty of reprimand. The SEC's decision was forwarded pursuant to *N.J.S.A.* 18A:12-29(c) for the Commissioner's final determination on the recommended penalty. Respondent did not file exceptions to the recommended penalty, nor was the SEC's underlying finding of a violation appealed to the Commissioner pursuant to *N.J.A.C.* 6A:4.

Upon review, the Commissioner concurs with the penalty recommended by the SEC. Accordingly, the respondent is hereby reprimanded as a school official found to have violated the School Ethics Act.

IT IS SO ORDERED.¹

COMMISSIONER OF EDUCATION

Date of Decision: September 5, 2019

Date of Mailing: September 9, 2019

¹ 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).