

345-23SEC
SEC Dkt. No. D06-23
Agency Dkt. No. 282-10/23

New Jersey Commissioner of Education
Final Decision

In the Matter of Anthony Remy,
Asbury Park Board of Education,
Monmouth County.

The Commissioner has reviewed the record of this matter and the decision of the School Ethics Commission (SEC) finding that respondent violated the School Ethics Act for failure to timely file Personal/Relative and Financial Disclosure Statements (“Disclosure Statements”) in accordance with *N.J.S.A. 18A:12-25*, *N.J.S.A. 18A:12-26*, and *N.J.A.C. 6A:28-3.1*. The SEC’s decision was forwarded to the Commissioner for final determination on the recommended penalty pursuant to *N.J.S.A. 18A:12-29(c)*. The SEC advises that the respondent ultimately completed training after the issuance of the September 26, 2023 Order to Show Cause but prior to the SEC’s October 17, 2023 meeting.¹ The SEC recommended a sanction of a sixty-day suspension, because respondent was previously the subject of an Order to Show Cause regarding his failure to timely complete board member training. Respondent has neither filed exceptions to the recommended penalty, nor instituted an appeal of the SEC’s underlying finding of violation pursuant to *N.J.A.C. 6A:4-1 et seq.*

¹ The Analysis section of the SEC’s decision indicates that respondent failed to file the Disclosure Statements or to otherwise respond to the Order to Show Cause. However, this statement appears to be in error. In the Decision/Penalty Recommendation section, the SEC’s decision indicates that respondent filed his Disclosure Statement on September 27, 2023, and the record reflects same.

Upon review, the Commissioner notes that in other similar matters, when a respondent board member met an obligation after the issuance of an Order to Show Cause but prior to the SEC's meeting date, and previously had been the subject of an Order to Show Cause that resulted in a reprimand, the penalty for the second violation has been a thirty-day suspension. *In the Matter of Annette Beasley, Irvington Board of Education, Essex County, Commissioner Decision No. 279-22SEC, decided October 24, 2022; In the Matter of Kecia Teller, The John P. Holland Charter School, Passaic County, Commissioner Decision No. 1-20SEC, decided January 3, 2023; In the Matter of Craig Woolridge, College Achieve Paterson Charter School, Passaic County, Commissioner Decision No. 5-20SEC, decided January 3, 2020.* As the instant case arises from the same circumstances, the Commissioner finds that a thirty-day suspension is the appropriate penalty for the respondent's failure to timely file the Disclosure Statements. Accordingly, respondent is suspended from the board for thirty days for violating the School Ethics Act.

IT IS SO ORDERED.²


ACTING COMMISSIONER OF EDUCATION

Date of Decision: November 20, 2023

Date of Mailing: November 22, 2023

² This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A. 18A:6-9.1*. Under *N.J.Ct.R. 2:4-1(b)*, a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.

Before the School Ethics Commission
Docket No.: D06-23
Decision for Failure to File Personal/Relative and
Financial Disclosure Statements

I/M/O Anthony Remy,
Asbury Park Board of Education, Monmouth County

I. Procedural History

This matter arises from an Order to Show Cause (OTSC) that was issued by the School Ethics Commission (Commission) at its meeting on September 26, 2023, directing Respondent, a “school official” as defined in *N.J.S.A.* 18A:12-23 of the School Ethics Act (Act), *N.J.S.A.* 18A:12-21 *et seq.*, to show cause as to why the Commission should not find him in violation of the Act for failing to file Personal/Relative and Financial Disclosure Statements (Disclosure Statements) as required by *N.J.S.A.* 18A:12-25, *N.J.S.A.* 18A:12-26, and *N.J.A.C.* 6A:28-3.1.

In the OTSC that was served on September 26, 2023, the Commission notified Respondent that he had twenty (20) days to respond to the OTSC. Respondent was further advised that failure to respond would be deemed an admission of the facts set forth in the OTSC, and the Commission may take action on a summary basis, in accordance with *N.J.A.C.* 6A:28-1.6(c).

II. Analysis

The Act was enacted by the New Jersey State Legislature to ensure and preserve public confidence in members of local boards of education and local school administrators. By virtue of *N.J.S.A.* 18A:12-23.1, the breadth of the Act was expanded to include charter school trustees and administrators.

Pursuant to *N.J.S.A.* 18A:12-25, *N.J.S.A.* 18A:12-26, and *N.J.A.C.* 6A:28-3.1(a), all school officials must file, on forms prescribed by the Commission, Disclosure Statements with their local board secretaries or charter school designees, and must do so on or before April 30th of each year. In addition, all newly elected board members or board members appointed to fill vacancies, newly appointed members of a board of trustees of a charter school, and administrators appointed to fill a vacancy must file their Disclosure Statements within thirty (30) days of appointment or taking office. *N.J.A.C.* 6A:28-3.1(c), *N.J.A.C.* 6A:28-3.1(d), *N.J.A.C.* 6A:28-3.1(e), and *N.J.A.C.* 6A:28-3.1(f).

If a school official fails to file the required Disclosure Statements, the Commission is authorized, pursuant to *N.J.A.C.* 6A:28-3.3(b), to issue an Order to Show Cause. Moreover, failure to timely file the required Disclosure Statements “shall constitute a violation of the Act, and may result in the reprimand, censure, suspension, or removal of a school official.” *N.J.A.C.* 6A:28-3.3(a).

With the above in mind, Respondent is a returning school official and, therefore, was required to file Disclosure Statements by April 30, 2023. Despite this fact, and even though Respondent received reminders as further detailed below, Respondent failed to file Disclosure Statements within the statutorily required timeframe.

More specifically, throughout the months of July through September, the Commission’s staff sent repeated messages to the Board Secretary advising that Respondent had not yet filed Disclosure Statements. The electronic correspondence to the Board Secretary further advised that if Respondent failed to file Disclosure Statements, the Commission had the authority to issue an OTSC, find Respondent in violation of the Act, and recommend a penalty up to and including removal for non-compliance.

In addition, by electronic correspondence dated August 2, 2023, September 5, 2023, September 11, 2023, and September 21, 2023, Respondent was reminded that his Disclosure Statements had not yet been filed. Respondent was further advised that continued failure to file Disclosure Statements would result in the Commission issuing an OTSC, and recommending a penalty, up to and including removal.

When Respondent failed to file Disclosure Statements as required by *N.J.S.A.* 18A:12-25, *N.J.S.A.* 18A:12-26, and *N.J.A.C.* 6A:28-3.1, an OTSC was issued by the Commission at its meeting on September 26, 2023. After having been served with the OTSC, Respondent still failed to file Disclosure Statements, or to otherwise respond to the OTSC.

III. Decision/Penalty Recommendation

Based on the record as set forth above, and at its meeting on October 17, 2023, the Commission found that Respondent violated *N.J.S.A.* 18A:12-25, *N.J.S.A.* 18A:12-26, and *N.J.A.C.* 6A:28-3.1 because he did not timely file Disclosure Statements. Although Respondent ultimately filed his Disclosure Statement on September 27, 2023, the filing was several months late, and submitted only after multiple reminders were sent reiterating his statutory obligation to file Disclosure Statements. Additionally, the Commission notes Respondent was previously issued a reprimand for failing to complete his mandatory training requirement in a timely fashion (T28-21).

Where a violation of the Act is found by the Commission, it may recommend to the Commissioner of Education that a penalty be imposed on the school official. The recommended penalty can include a reprimand, censure, suspension or removal of the school official. *N.J.A.C.* 6A:28-3.3(a); *N.J.A.C.* 6A:28-9.11. Specifically, unless good cause is shown or the school official previously has been the subject of an OTSC, “the Commission shall recommend that a school official who completes and files the disclosure statements after the Commission issues a decision, but before the Commissioner issues a final decision, receives a suspension for 30 days.” *N.J.A.C.* 6A:28-3.3(d). However, “the Commission will only recommend this penalty if the school official notifies the Commission, in writing, that the school official successfully completed and filed the disclosure statements before the Commissioner issues a final decision.” *N.J.A.C.* 6A:28-3.3(d). If the school official has not filed the disclosure statements as of the date the Commissioner issues its final decision, the Commission will recommend removal of the school official from his or her position. *N.J.A.C.* 6A:28-3.3(e).

Given that Respondent was previously the subject of an OTSC, the Commission recommends that the Commissioner of Education impose a penalty of **60-day suspension**, with such suspension to become effective immediately upon adoption by the Commissioner of Education.

Pursuant to *N.J.S.A.* 18A:12-29(c), this decision shall be forwarded to the Commissioner of Education for review of the Commission’s recommended penalty. Respondent may either: 1) file exceptions to the recommended sanction; 2) file an appeal of the Commission’s finding of a violation; or 3) file both exceptions to the recommended sanction together with an appeal of the finding of a violation.

Parties taking exception to the recommended penalty of the Commission but *not disputing* the Commission’s finding of a violation may file, within **thirteen (13) days** from the date the Commission’s decision is forwarded to the Commissioner, written exceptions regarding the recommended penalty to the Commissioner. The forwarding date shall be the mailing date to the parties, as indicated below. Such exceptions must be forwarded to: Commissioner of Education, c/o Bureau of Controversies and Disputes, P.O. Box 500, Trenton, New Jersey 08625, marked “Attention: Comments on Ethics Commission Sanction.” as well as to (ControversiesDisputesFilings@doe.nj.gov). A copy must also be sent to the Commission (school.ethics@doe.nj.gov) and all other parties.

Parties seeking to appeal the Commission’s finding of violation *must* file an appeal pursuant to the standards set forth at *N.J.A.C.* 6A:4-1 *et seq.* within **thirty (30) days** of the filing date of the decision from

which the appeal is taken. The filing date shall be three (3) days after the date of mailing to the parties, as shown below. In such cases, the Commissioner's review of the Commission's recommended sanction will be deferred and incorporated into the Commissioner's review of the finding of violation on appeal. Where a notice of appeal has been filed on or before the due date for exceptions to the Commission's recommended sanction (thirteen (13) days from the date the decision is mailed by the Commission), exceptions need not be filed by that date, but may be incorporated into the appellant's brief on appeal.



Robert W. Bender, Chairperson

Mailing Date: October 17, 2023