

New Jersey Commissioner of Education

Final Decision

In the Matter of Caren Freyer,
Roseville Community Charter School,
Essex County

This matter involves an appeal of the School Ethics Commission's (SEC) October 17, 2023 determination that appellant, Caren Freyer – a member of the Roseville Community Charter School Board of Trustees (Board) – violated the School Ethics Act (Act) by failing to timely file complete 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 Commission recommended a penalty of censure, finding that a school official who completes the disclosure statements after the issuance of an Order to Show Cause, but before the Commission issues its decision, shall receive a censure, pursuant to *N.J.A.C. 6A:28-3.3(c)*. Having carefully reviewed the SEC's decision and the record in its entirety, the Commissioner finds that the SEC's decision that appellant violated the Act is supported by sufficient, credible evidence, and that the appellant failed to establish that the decision is arbitrary, capricious, or contrary to law. *N.J.A.C. 6A:4-4.1(a)*. The Commissioner further finds that the recommended penalty of censure is appropriate.

In her appeal to the Commissioner, appellant argues that despite several attempts, she was unable to complete her Disclosure Statements in the SEC's online system. Appellant stated that her failed attempts to submit the Disclosure Statements were due to issues with the system

starting in February; however, she includes no dates evidencing these failed attempts, nor any additional supporting documentation explaining the lengthy delay. According to her certification, several months later – at the beginning of the summer of 2023 – appellant contacted the SEC to obtain a hard copy of the Disclosure Statement form via express mail. Appellant executed and sent the document back; however, her certification failed to state when this occurred. This attempt to sign and submit a hard copy of the document was rejected on August 17, 2023. The Disclosure Statements were ultimately completed on appellant’s third attempt, on September 27, 2023, one day after the Order to Show Cause was issued by the SEC. Appellant also cited the extensive demands of her employment as a reason for her delay in timely completing the Disclosure Statements.

In opposition, the Commission argues that appellant received multiple reminders from the Commission that her filing was incomplete and required completion or an Order to Show Cause would be issued. The Commission sent reminders on the following dates: July 31, 2023; August 30, 2023; September 6, 2023; and September 11, 2023. An Order to Show Cause was subsequently issued on September 26, 2023. Nonetheless, appellant did not complete the Disclosure Statements until after the issuance of the Order to Show Cause, nearly five months after the Disclosure Statements were originally due.

Upon a comprehensive review of the record, the Commissioner finds that the SEC’s determination that appellant is in violation of the Act is supported by sufficient credible evidence, and the appellant has failed to establish that the SEC’s decision was arbitrary, capricious, or contrary to law. Appellant was required to complete her Disclosure Statements by April 30, 2023. See *N.J.A.C 6A:28-3.1*. Appellant was ultimately able to correctly file her Disclosure Statements

after the issuance of an Order to Show Cause. However, at that point, the Disclosure Statements were significantly out of time. Further, at the time of the filing, appellant provided no reason or explanation as to why the Disclosure Statements were untimely. *N.J.A.C. 6A:28-3.3 (c)* specifically states, “Unless good cause is shown . . ., the Commission shall recommend that a school official who completes the disclosure statements after the issuance of an Order to Show Cause, but before the Commission issues its decision, receives a censure.” Therefore, with respect to the appropriate penalty, the Commissioner concurs with the SEC that a censure in this case is appropriate.

IT IS SO ORDERED.¹



ACTING COMMISSIONER OF EDUCATION

Date of Decision: March 1, 2024

Date of Mailing: March 6, 2024

¹ 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.