



the Commission. This correspondence further advised Respondent that if he failed to file his Disclosure Statements within the next week, the Commission had the authority to issue an OTSC, find him in violation of the Act, and recommend a penalty up to and including removal for his non-compliance.

When the correspondence from the Camden County Office of Education failed to cause Respondent to file his Disclosure Statements, the Commission sent him another letter dated February 14, 2018, and informed Respondent that failure to file his Disclosure Statements by February 21, 2018, would result in the Commission voting to issue an OTSC. The Commission further advised that, if an OTSC issued, Respondent would be assessed a penalty, up to and including removal.

When Respondent failed to file his 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 by February 21, 2018, and despite receiving multiple reminders and opportunities to file his Disclosure Statements, an OTSC was issued by the Commission at its meeting on February 27, 2018. After having been served with the OTSC, Respondent still failed to file his completed Disclosure Statements, or to otherwise respond to the OTSC.

## **DECISION/PENALTY RECOMMENDATION**

Based on the record as set forth above, at its meeting on March 27, 2018, 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. 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:28-10.12. For the reasons set forth above, the Commission recommends that the Commissioner of Education impose a penalty of **removal**, with such removal to become effective immediately upon adoption by the Commissioner of Education. However, if Respondent files his Disclosure Statements before the Commissioner of Education adopts a final decision (which will be forty-five (45) days after the mailing date of the within decision), then the Commission recommends that the Commissioner of Education, in lieu of removal, impose a **thirty (30) 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.” A copy of any comments filed must be sent to the Commission 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.

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Robert W. Bender, Chairperson

Mailing Date: March 28, 2018



**NOW THEREFORE BE IT RESOLVED**, that the Commission hereby adopts the within decision and directs its staff to notify all parties to this action of the decision.

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Robert W. Bender, Chairperson

I hereby certify that the within Resolution was duly adopted by the School Ethics Commission at its public meeting on March 27, 2018.

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Kathryn A. Whalen, Director