
SCHOOL ETHICS COMMISSION

V.

**WELLINGTON DAVENPORT
FREEDOM ACADEMY
BOARD OF TRUSTEES
CAMDEN COUNTY**

**BEFORE THE SCHOOL
ETHICS COMMISSION**

Docket No.: D07-07

**DECISION FOR FAILURE TO
FILE DISCLOSURE STATEMENTS**

PROCEDURAL HISTORY

This matter arises from an Order to Show Cause (OTSC) issued on November 20, 2007, through regular and certified mail return receipt requested, directing Wellington Davenport, a “school official” under N.J.S.A. 18A:12-23 of the School Ethics Act, to show cause as to why the Commission should not find the school official in violation of the School Ethics Act, (Act) N.J.S.A. 18A:12-21 *et seq.*, for failing to file personal/relative and financial disclosure statements pursuant to N.J.S.A. 18A:12-25 and 26. In its letter enclosing the OTSC, the Commission provided notification that this school official had 20 days to respond to the OTSC, that the Commission would discuss this matter at its December 18, 2007 meeting, that the school official had the right to attend the meeting, and that the school official could be found in violation of the Act and receive a penalty up to removal. Through his attorney, Robert J. Hagerty, Esquire, the school official filed a response to the OTSC on December 5, 2007. The school official filed the disclosure statements on December 4, 2007.

The school official did not appear at the Commission’s meeting of December 18, 2007, at which time the Commission found probable cause to credit the allegation that the school official violated N.J.S.A. 18A:12-25 and 26. The Commission also found that the material facts were not in dispute and, therefore the Commission found that the school official’s failure to timely file the disclosure statements was a clear violation of N.J.S.A. 18A:12-25 and 26. The Commission recommended that the Commissioner of Education impose a sanction of reprimand.

ANALYSIS

N.J.S.A. 18A:12-25 of the School Ethics Act requires each school official to file personal/relative and financial disclosure statements and N.J.S.A. 18A:12-26 requires each school official to file the personal/relative and financial disclosure statements with the School Ethics Commission. The deadline to file these disclosure statements was April 30, 2007 for school officials in office since January 30, 2006 and 30 days from swearing-in or start of employment for newly elected or appointed board members and administrators. The School Ethics Commission was advised by the County Superintendent that this school official did not file the disclosure statements as required by the Act. The Commission notes that the school official filed the disclosure statements on December 4, 2007. The Commission finds probable

cause to credit the allegation that the school official violated N.J.S.A. 18A:12-25 and 26. The Commission also finds that the material facts are not in dispute and, therefore the school official's failure to timely file the disclosure statements constitutes a clear violation of N.J.S.A. 18A:12-25 and 26.

DECISION/PENALTY RECOMMENDATION

Based on the foregoing, the Commission finds that Wellington Davenport violated N.J.S.A. 18A:12-25 and 26. The Commission recommends that the Commissioner of Education impose a sanction of reprimand.

This decision has been adopted by a formal resolution of the School Ethics Commission. This matter shall now be transmitted to the Commissioner of Education for action on the Commission's recommendation **for sanction only**, pursuant to N.J.S.A. 18A:12-29. Within 13 days from the date on which the Commission's decision was mailed to the parties, the school official may file written comments on the recommended sanction with the Commissioner of Education, c/o Bureau of Controversies and Disputes, P.O. Box 500, Trenton, NJ 08625, marked "Attention: Comments on Ethics Commission Sanction." A copy of any comments filed must be sent to the School Ethics Commission and all other parties.

Paul C. Garbarini
Chairperson

Resolution Adopting Decision – D07-07

Whereas, the School Ethics Commission has considered its Order to Show Cause in this matter; and

Whereas, at its meeting of December 18, 2007, the Commission found that Wellington Davenport violated N.J.S.A. 18A:12-25 and 26; and

Whereas, at its meeting of December 18, 2007, the Commission recommended that the Commissioner of Education impose a sanction of reprimand; and

Whereas, the Commission reviewed this draft decision as prepared by its staff;

Now Therefore Be It Resolved that the Commission hereby adopts the proposed decision referenced as its decision in this matter and directs its staff to notify all parties to this action of the Commission's decision herein.

Paul C. Garbarini, Chairperson

I hereby certify that the Resolution was duly adopted by the School Ethics Commission at its public meeting on December 18, 2007.

Joanne Boyle
Executive Director