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| <p>SCHOOL ETHICS COMMISSION</p> <p style="text-align: center;">V.</p> <p>MARILYN J. MITCHELL NEWARK BOARD OF EDUCATION ESSEX COUNTY</p> | <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> | <p>BEFORE THE SCHOOL ETHICS COMMISSION</p> <p>Docket No.: D14-05</p> <p>RESOLUTION FOR FAILURE TO FILE A DISCLOSURE STATEMENT</p> |
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WHEREAS, N.J.S.A. 18A:12-25 of the School Ethics Act requires each school official to file a personal/relative disclosure statement and N.J.S.A. 18A:12-26 requires each school official to file a financial disclosure statement with the School Ethics Commission; and

WHEREAS, Marilyn J. Mitchell is a "school official" under N.J.S.A. 18A:12-23 of the Act and N.J.A.C. 6A:28-1.2 of the Code; and

WHEREAS, the deadline to file these disclosure statements was April 29, 2005 for school officials in office since January 30, 2005 and 30 days from swearing-in or start of employment for newly elected or appointed board members and administrators; and

WHEREAS, the School Ethics Commission was advised by the County Superintendent that this school official did not file a disclosure statement with her school district and the County Superintendent's office as required by the Act; and

WHEREAS, the Commission sent a reminder letter to her on October 7, 2005, indicating that if the completed statement was not filed by October 21, 2005, the Commission would issue an Order to Show Cause that could result in disciplinary action; and

WHEREAS, the Commission issued an Order on November 4, 2005, directing this school official to Show Cause why the Commission should not find her in violation of the Act for failing to file the disclosure statements; and

WHEREAS, the school official filed the completed disclosure statement, but not until after the Commission issued the Order to Show Cause; and

WHEREAS, in its letter enclosing the Order, the Commission notified this school official that she had 20 days to respond to the Order, that the Commission would discuss this matter at its December 20, 2005 meeting, that she had the right to attend the meeting, and she could be found in violation of the School Ethics Act and receive a penalty up to removal; and

WHEREAS, the Commission finds that the failure to file a disclosure statement within the designated timeline constitutes a clear violation of N.J.S.A. 18A:12-25 and 26; and

WHEREAS, this school official did not provide an answer to the Commission's Order; and

WHEREAS, the Commission finds that this school official was given ample opportunity to provide the complete disclosure statement; and

WHEREAS, the appropriate penalty for the violation is reprimand especially in light of the failure to respond to either the Commission's reminder letter or its Order.

NOW THEREFORE BE IT RESOLVED that the School Ethics Commission finds that Marilyn J. Mitchell violated N.J.S.A. 18A:12-25 and 26 of the School Ethics Act and recommends that the Commissioner of Education impose a sanction of reprimand.

Paul C. Garbarini, Chairperson
School Ethics Commission

Dated: December 27, 2005

This matter shall be transmitted to the Commissioner of Education for action on the Commission's recommendation for sanction pursuant to N.J.S.A. 18A:12-29. Within thirteen (13) days from the date on which the Commission's decision was mailed to you, you may file written comments on the recommended sanction with the Commissioner of Education, c/o Bureau of Controversies and Disputes, 100 Riverview Plaza, 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.