

SCHOOL ETHICS COMMISSION	:	:	BEFORE THE SCHOOL
V.	:	:	ETHICS COMMISSION
LYNEL DUNKINS	:	:	Docket No.: D26-03
GATEWAY CHARTER SCHOOL	:	:	RESOLUTION FOR FAILING TO
HUDSON COUNTY	:	:	FILE DISCLOSURE STATEMENT

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 for the School Ethics Commission; and

WHEREAS, the above-referenced respondent is a member of the Gateway Charter School Board of Trustees and thus 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 30, 2003 for school officials in office since January 30, 2003 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 the County Superintendent's office as required by the Act; and

WHEREAS, the Commission sent a reminder letter to this school official on September 5, 2003, indicating that if the completed statement was not filed by September 15, 2003, the Commission would issue an Order to Show Cause that could result in disciplinary action; and

WHEREAS, the Commission issued an Order on September 24, 2003, directing this school official to Show Cause why the Commission should not find a violation of the Act for failing to file the disclosure statements; and

WHEREAS, the school official failed to reply to the Order to Show Cause; and

WHEREAS, in its letter enclosing the Order, the Commission notified this school official that the Commission would discuss this matter at its October 28, 2003 meeting, that the school official had the right to attend, and 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, the Commission finds that this school official did not provide any reason why the form was not filed in compliance with the requirement under N.J.S.A. 18A:12-25 and 26; 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 suspension from his Board, until the school official files the required form, but removal if the school official fails to file within 30 days from the date of the Commissioner's decision on penalty, especially in light of the failure to respond to the Commission's reminder letter before the September 15, 2003 deadline.

NOW THEREFORE BE IT RESOLVED that the School Ethics Commission finds that Lynel Dunkins 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 suspension from his Board, but removal if the school official fails to file within 30 days from the date of this resolution.

Paul C. Garbarini, Chairperson
School Ethics Commission

Dated: October 28, 2003

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.