

SEC # C17-99  
C # 184-00 SEC  
SB # 37-00

IN THE MATTER OF FREDERICK :  
CONFESSORE, BOARD OF : STATE BOARD OF EDUCATION  
EDUCATION OF HARRISON, : DECISION  
HUDSON COUNTY. :

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Decided by the School Ethics Commission, April 25, 2000

Decided by the Commissioner of Education, June 16, 2000

Decision on motion by the State Board of Education, February 7, 2001

For the Respondent-Appellant, Michael J. Pecklers, Esq.

For the Petitioner-Respondent, Beth Mitchell, Deputy Attorney General (John J. Farmer, Jr., Attorney General of New Jersey)

For the reasons expressed by the School Ethics Commission in its decision of April 25, 2000, the State Board of Education affirms the Commission's determination that respondent, an Assistant Superintendent in Harrison who was also a one-third owner of a daycare facility located in the district, violated N.J.S.A. 18A:12-24(b) of the School Ethics Act by his conduct: 1) in representing, for the purpose of being permitted to provide daycare services to the Harrison school district, that the district would need to use all three daycare facilities then licensed in the district to fulfill its responsibilities to provide pre-school services for three- and four-year-old children, and in subsequently sending a letter to the New Jersey Department of Human Services to ensure that no

other daycare facilities would be permitted to provide such services; 2) in sending the correspondence of May 18, 2000 from the daycare facility in which he was a part owner to the residents of Harrison soliciting pre-school children for the center and using his title as Assistant Superintendent; and 3) when, in doing so, he contravened the representations he had made in his request to the School Ethics Commission for an advisory opinion and also violated the Commission's caution to him.

We also affirm the decision of the Commissioner of Education that, based on the findings of the School Ethics Commission, the appropriate sanction under the circumstances of this case is respondent's suspension from his position of Assistant Superintendent for a period of one month. We therefore direct that the respondent be suspended from his position for one month.<sup>1</sup>

We deny the respondent's request for oral argument as not necessary for a fair determination of this matter. N.J.A.C. 6A:4-3.2.

Ronald K. Butcher opposed.

October 3, 2001

Date of mailing \_\_\_\_\_

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<sup>1</sup> We note that the Commissioner deferred implementation of this sanction pending the determination of an appeal by the respondent to the State Board.