221-00 SEC AGENCY DKT. NO. 190-6/00

IN THE MATTER OF ALEXANDER SIPOS,

COMMISSIONER OF EDUCATION

GARFIELD BOARD OF EDUCATION,

**DECISION** 

BERGEN COUNTY.

The record of this matter and the decision of the School Ethics Commission have been reviewed. Initially, the Commissioner emphasizes that pursuant to *N.J.S.A.* 18A:12-29(c), the Commission's determination as to violation of the Act is not reviewable by him. Only the School Ethics Commission may determine whether a violation of the School Ethics Act has occurred, and the Commissioner's jurisdiction is limited to reviewing the sanction to be imposed following a finding of such a violation by the School Ethics Commission. Therefore, this decision is restricted solely to a review of the Commission's recommended penalty.

Exceptions with respect to the Commission's recommended penalty were submitted on behalf of Mr. Sipos. N.J.A.C. 1:6C-18.1. Counsel for Mr. Sipos urged the Commissioner's leniency, arguing:

Because this is a case of first impression, and because Mr. Sipos was cognizant of what the existing law states with respect to conduct involving employment of a spouse, it is respectfully requested that you consider applying any sanctions prospectively or, alternatively, levy the most lenient censure. Mr. Sipos had no intent to violate the School Ethics Law and, in fact, he took every step that he thought necessary to not be in violation of the School Ethics Law. (Sipos' Exceptions at 5)

exceptions to the Commission's decision.

<sup>&</sup>lt;sup>1</sup> Complainant Sheila Kelly submitted comments to the Commission's decision by letter dated June 30, 2000. However, even assuming such comments were timely filed, pursuant to *N.J.A.C.* 1:6C-1.1 *et seq.* and *N.J.A.C.* 1:1-18.4, Ms. Kelly is not a party to the within matter so as to provide her with the requisite standing to file written

Upon thorough review of the full record in this matter, the Commissioner

determines to accept the Commission's recommendation that censure is the appropriate penalty

in this matter for the reasons expressed in the Commission's decision.

Accordingly, IT IS HEREBY ORDERED that Alexander Sipos be censured as a

school official found to have violated the School Ethics Act.<sup>2</sup>

COMMISSIONER OF EDUCATION

Date of Decision: July 10, 2000

<sup>2</sup> This decision, as the Commissioner's final determination regarding penalty, may be appealed to the State Board of Education pursuant to N.J.S.A. 18A:6-27 et seq. and N.J.A.C. 6A:4-1.1 et seq., within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.

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