

272-02SEC

IN THE MATTER OF EDWARD VICKNER, :
EWING TOWNSHIP BOARD OF EDUCATION, : COMMISSIONER OF EDUCATION
MERCER COUNTY. : DECISION

SYNOPSIS

The School Ethics Commission determined that respondent Board member violated the School Ethics Act when he commented in a public budget meeting that the stipend paid to team leaders was low when his wife was a team leader at the middle school. The Commission also found that respondent violated N.J.S.A. 18A:12-24.1(e) and (g) of the Act when he sought out and disclosed confidential student information to the Board.

The Commission recommended a penalty of censure to the Commissioner, who may not review the Commission's findings with respect to violation, but makes the final determination on the Commission's recommended penalty.

The Commissioner accepted the Commission's penalty recommendation and ordered that respondent be censured as a school official found to have violated the School Ethics Act.

<p>This synopsis is not part of the Commissioner's decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.</p>

July 16, 2002

AGENCY DKT. NO. 181-6/02

IN THE MATTER OF EDWARD VICKNER, :
EWING TOWNSHIP BOARD OF EDUCATION, : COMMISSIONER OF EDUCATION
MERCER COUNTY. : DECISION

The record of this matter and the decision of the School Ethics Commission (“Commission”), including the recommended penalty of censure, have been reviewed.

This matter comes before the Commissioner to impose a sanction up Respondent Edward Vickner, former member of the Ewing Township Board of Education, based upon findings of fact and conclusions of law by the Commission that he violated *N.J.S.A.* 18A:12-24(c) of the School Ethics Act when he commented in a public budget meeting that the stipend paid to team leaders was low when his wife was a team leader at the Fisher Middle School. The Commission, additionally, found that respondent violated *N.J.S.A.* 18A:12-24.1(e) and (g) of the Act when he sought out and disclosed student information to the Board after being advised by the Superintendent that the information was confidential.

Upon issuance of the decision of the Commission, respondent was provided 13 days from the mailing of such decision to file written comments on the recommended penalty for the Commissioner’s consideration. Respondent’s comments contest the validity of the charges brought against him and request that the Commissioner, based upon information provided in his comment submission, dismiss the charges and, instead, make a finding of “no probable cause.” Respondent further requests that this matter be returned to the School Ethics Commission for correction of what, he claims, were inaccuracies in the record.

Initially, it must be emphasized that, pursuant to *N.J.S.A.* 18A:12-29(c) and *N.J.A.C.* 6A:3-9.1, the determination of the Commission as to violation of the School Ethics Act is **not reviewable by the Commissioner** herein. Only the Commission may determine whether a violation of the School Ethics Act occurred. The Commissioner's jurisdiction is limited to reviewing the sanction to be imposed based upon a finding of a violation by the Commission. Therefore, this decision is restricted solely to a review of the Commission's recommended penalty.

Upon a thorough review of the record, 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. In so ruling, the Commissioner is satisfied that, in recommending a penalty for the violations it found, the Commission fully considered the nature of the offenses and weighed the effects of aggravating and mitigating circumstances. Therefore, the Commission's recommended penalty in this matter will not be disturbed.

Accordingly, IT IS hereby ORDERED that Edward Vickner be censured as a school official found to have violated the School Ethics Act.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: July 16, 2002

Date of Mailing: July 16, 2002

* This decision, as the Commissioner's final determination regarding penalty in the instant matter, 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.