

157-04 SEC (Link to School Ethics Decision: <http://www.state.nj.us/njded/legal/ethics/00-03/c30-03.pdf>)

IN THE MATTER OF :
CHARLES FISCHER, : COMMISSIONER OF EDUCATION
EATONTOWN BOARD OF EDUCATION, : DECISION
MONMOUTH COUNTY. :

SYNOPSIS

The School Ethics Commission determined that respondent Board member violated *N.J.S.A.* 18A:12-24.1(e) and (i) of the School Ethics Act for calling an employee at home and becoming angry when she said she did not send him the reports that he requested.

After considering the nature of the charge and respondent's submission, the Commission recommended a penalty of reprimand.

Upon review of the record, the Commissioner, whose decision was restricted solely to a review of the Commission's recommended penalty, concurred with the Commission's recommendation and, thus, ordered respondent reprimanded 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>

April 12, 2004

IN THE MATTER OF :
CHARLES FISCHER, : COMMISSIONER OF EDUCATION
EATONTOWN BOARD OF EDUCATION, : DECISION
MONMOUTH COUNTY. :

The record of this matter and the decision of the School Ethics Commission (“Commission”) finding Eatontown Board of Education member Charles Fischer violated Code of Ethics section *N.J.S.A.* 18A:12-24.1(e) and (i) of the School Ethics Act, and recommending a penalty of reprimand have been reviewed. Upon issuance of the decision of the Commission, Mr. Fischer was provided 13 days from the mailing date of the decision to file written comments on the recommended penalty for the Commissioner’s consideration.

No comments were filed by Mr. Fischer.

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 reprimand 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 offense 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 Charles Fischer be reprimanded as a school official found to have violated the School Ethics Act.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: April 12, 2004

Date of Mailing: April 13, 2004

* This decision 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.*