

OAL DKT. NO. EEC 2590-10
SEC DKT. NO. C40-09
AGENCY DKT. NO. 47-2/12

IN THE MATTER OF SANFORD STUDENT, :
Evesham Township Board of Education, : COMMISSIONER OF EDUCATION
Burlington County. : DECISION

The record of this matter and the decision of the School Ethics Commission (Commission) – finding that Evesham Township Board of Education member Sanford Student violated *N.J.S.A.* 18A:12-24 (b) and *N.J.S.A.* 18A:12-24 (e) of the Code of Ethics for School Board Members, respectively, when he attempted to use his official position to gain advantages or privileges for TD Bank and, by virtue of this *ultra vires* act, he compromised or potentially compromised the Board – along with the Commission’s recommended penalty of censure, have been reviewed. Upon issuance of the decision of the Commission, Mr. Student was provided thirteen 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 either Mr. Student or counsel on his behalf.

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 to a review of the Commission’s recommended penalty.¹

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

¹ Respondent did not appeal the Commission’s finding of violation to the Commissioner pursuant to *N.J.A.C.* 6A:4.

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 Sanford Student be censured as a school official found to have violated the School Ethics Act.

IT IS SO ORDERED.²

ACTING COMMISSIONER OF EDUCATION

Date of Decision: April 16, 2012

Date of Mailing: April 17, 2012

² This decision may be appealed to the Superior Court, Appellate Division, pursuant to *P.L. 2008, c. 36*. (*N.J.S.A. 18A:6-9.1*)