

IN THE MATTER OF STERLING WATERMAN, :
BOARD OF EDUCATION OF THE CITY OF : COMMISSIONER OF EDUCATION
JERSEY CITY, HUDSON COUNTY. : DECISION
_____ :

SYNOPSIS

The School Ethics Commission (Commission) found probably cause to credit allegations that respondent – a member of the Jersey City Board of Education – violated *N.J.S.A.* 18A:12-24(b) of the School Ethics Act and *N.J.S.A.* 18A:12-24.1(d) of the Code of Ethics for School Board Members through a series of events that occurred between October 2011 and February 2012 wherein respondent, *inter alia*, used his official position to secure unwarranted privileges for himself and his son, a student in one of the Board’s schools. Respondent contended that the charges were frivolous. The matter was scheduled for hearing at the Office of Administrative Law (OAL) on two dates in October 2013. Although his attorney appeared on the hearing dates, the respondent failed to report and offered no explanation for his non-appearance.

The School Ethics Commission subsequently determined that, by virtue of his failure to appear, respondent admitted the factual allegations underlying the claims transmitted to the OAL for hearing. Further, the Commission determined that such admissions supported a finding that the respondent had violated *N.J.S.A.* 18A:12-24(b) of the School Ethics Act and *N.J.S.A.* 18A:12-24.1(d), and recommended a penalty of reprimand.

Upon review, the Commissioner – whose jurisdiction is limited to reviewing the Commission’s recommended sanction – concurred that reprimand is the appropriate penalty for the violations found. Accordingly, the Commissioner directed that respondent be reprimanded as a school officer found to have violated the School Ethics Act.

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.
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March 17, 2014

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The record of this matter and the decision of the School Ethics Commission (Commission) have been reviewed. The matter comes before the Commissioner pursuant to *N.J.S.A. 18A:12-29(c)* and *N.J.A.C. 6A:3-9.1* to impose a sanction upon respondent, Jersey City Board of Education member, Sterling Waterman. In its decision, the Commission noted that Waterman failed to appear for hearing at the Office of Administrative Law. The Commission determined that, by virtue of his failure to appear, Waterman had admitted the factual allegations underlying the claims transmitted to OAL for hearing. The Commission further determined that such admissions supported a finding that Waterman had violated *N.J.S.A. 18A:12-24(b)* of the School Ethics Act and *N.J.S.A. 18A:12-24.1(d)* of the Code of Ethics for School Board Members. The Commission recommended that respondent be reprimanded for the violations.

Respondent was afforded thirteen (13) days from the date of mailing of the Commission’s decision to file written comments for the Commissioner’s consideration respecting the recommended penalty. No comments were filed.

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. Rather, the Commissioner’s jurisdiction is limited to review of the sanction recommended by the Commission upon its determination that a violation has

occurred. Accordingly, 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 a reprimand is the appropriate penalty in this matter for the reasons expressed in the Commission's decision.

Accordingly, IT IS hereby ORDERED that Sterling Waterman be reprimanded as a school official found to have violated the School Ethics Act.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: _____

Date of Mailing: _____

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