

IN THE MATTER OF BARBARA GARRITY, : COMMISSIONER OF EDUCATION  
HOLMDEL BOARD OF EDUCATION, : DECISION  
MONMOUTH COUNTY :

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SYNOPSIS

The School Ethics Commission (Commission) found probable cause to credit allegations that respondent – a member of the Holmdel 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(f) of the Code of Ethics for School Board Members by asking the Board to allow her son – a graduate student – to be privy to labor negotiations between the Board and the Holmdel Education Association. Respondent contended that the charges were frivolous. The matter was heard in the Office of Administrative Law, and the ALJ issued an Initial Decision which ordered that the respondent be reprimanded for violating *N.J.S.A.* 18A:12-24(b) and *N.J.S.A.* 18A:12-24.1(f).

The School Ethics Commission subsequently accepted the findings of fact and the conclusions set forth in the Initial Decision, and further adopted the ALJ’s recommended penalty of reprimand for these violations.

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 reprimanded respondent as a school officer 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>
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October 14, 2014

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MONMOUTH COUNTY : DECISION

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Before the Commissioner is a determination by the New Jersey State School Ethics Commission (the Commission) that respondent Barbara Garrity, a member of the Holmdel Board of Education (Board), violated certain provisions of the School Ethics Act (*N.J.S.A. 18A:12-21 et seq.*) by asking the Board to allow her son, a graduate student, to be privy to labor negotiations between the Board and the Holmdel Education Association (HTEA). In consequence of that determination, the Commission has imposed the sanction of a reprimand. Upon review of the Initial Decision of the Office of Administrative Law (OAL) and the final decision of the School Ethics Commission (Commission), the Commissioner finds no basis to alter the Commission's action.<sup>1</sup>

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 unless a notice of appeal is filed pursuant to P.L. 2008,c. 36 and *N.J.A.C. 6A:4*. Because respondent did not file such an appeal, this decision is restricted solely to a review of the Commission's recommended penalty.

In choosing the penalty of reprimand in the instant case, the Commission adopted the OAL's conclusion that respondent's ethical breach constituted an error in judgment, but did not

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<sup>1</sup> No exceptions to or appeals of the Commission's decision have been filed.

raise “a real concern about [her] integrity.” Initial Decision at 12. Upon review, the Commissioner finds no basis to disturb that determination. Accordingly, respondent is hereby reprimanded as a school official found to have violated *N.J.S.A.* 18A:12-24(b), and *N.J.S.A.* 18A:12-24.1(f) of the Code of Ethics of School Board Members.

IT IS SO ORDERED.<sup>2</sup>

ACTING COMMISSIONER OF EDUCATION

Date of Decision: \_\_\_\_\_

Date of Mailing: \_\_\_\_\_

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2. 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.