

#395-16SEC (SEC Decision: Not available online)

AGENCY DKT. NO. 271-10/16

IN THE MATTER OF NICAURY MILLER, :  
THE GRAY CHARTER SCHOOL, : COMMISSIONER OF EDUCATION  
ESSEX COUNTY. : DECISION  
\_\_\_\_\_ :

The record of this matter and the decision of the School Ethics Commission (Commission), forwarded to the Commissioner pursuant to *N.J.S.A.* 18A:12-29 for final determination on the Commission's recommended penalty, have been reviewed. The Commission determined that the respondent violated the School Ethics Act by filing disclosure statements that were identified as incomplete, and by failing to correct or re-submit those statements in accordance with *N.J.A.C.* 6A:28-3.4. The Commission recommended a sanction of suspension for 30 days or until the respondent corrects and submits her disclosure statements. If the respondent fails to file her disclosure statements at the end of the 30 day period, the Commission recommends that the respondent be removed from her position. Alternatively, if the requisite disclosure statements are filed within the 30 days, the Commission recommends a penalty of reprimand. Respondent did not file exceptions, nor has she submitted proof that she has corrected and re-filed her disclosure statements. Respondent also did not appeal the Commission's underlying finding of violation pursuant to *N.J.A.C.* 6A:4.

Upon review, the Commissioner concurs with the penalty recommended by the Commission and additionally admonishes respondent for failing to honor an obligation placed upon school officials by law, since such failure has resulted in unnecessary expenditure of administrative and adjudicative resources at both State and local levels. Accordingly, the respondent is suspended from her position as a school official and is hereby ordered to correct and

re-file her disclosure statements within 30 days from the date of this decision. If the respondent files the disclosure statements within 30 days she shall be reprimanded as a school official found to have violated the School Ethics Act. Alternatively, if the respondent does not file the disclosure statements within 30 days from the date of this decision, the respondent shall be removed from her position as a school official found to have violated the School Ethics Act.

IT IS SO ORDERED.\*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: November 14, 2016

Date of Mailing: November 14, 2016

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\* 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*)