

SEC # D02-03
C # 670-03SEC
SB # 6-04

IN THE MATTER OF THE REMOVAL :
OF RICHARD ZAPPY PURSUANT TO : STATE BOARD OF EDUCATION
N.J.S.A. 18A:12-25 AND 18A:12-26, : DECISION
GREATER EGG HARBOR REGIONAL :
HIGH SCHOOL DISTRICT BOARD OF :
EDUCATION, ATLANTIC COUNTY. :

Decided by the School Ethics Commission, October 28, 2003

Decided by the Commissioner of Education, December 22, 2003

For the Appellant, O'Brien, Belland & Bushinsky (Mark E. Belland, Esq., of
Counsel)

For the Movant, Jason M. Ross, Deputy Attorney General (Peter C.
Harvey, Attorney General of New Jersey)

On October 28, 2003, the School Ethics Commission determined that the respondent, Richard Zappy, a member of the Greater Egg Harbor Regional High School District Board of Education, had violated N.J.S.A. 18A:12-25 and 18A:12-26 of the School Ethics Act in failing to file a personal/relative disclosure statement and a financial disclosure statement. The Commission recommended that the respondent be suspended from his seat on the Board but then removed if he failed to file such statements within 30 days of the date of the Commissioner of Education's decision with

regard to the appropriate sanction.¹ On December 22, 2003, the Commissioner accepted the Ethics Commission's recommended penalty and directed that the respondent be suspended from the Board. He further directed that the respondent be removed from his seat on the Board if he failed to file the required statements within 30 days.

On January 22, 2004, the respondent filed the instant appeal to the State Board of Education.

Pursuant to N.J.A.C. 6A:4-1.11(a), the respondent's brief in support of his appeal was due on February 11, 2004, 20 days after he filed his notice of appeal. The respondent, however, failed to file a brief by that date. By letter dated February 18, 2004, the Director of the State Board Appeals Office notified the respondent of his failure to file a brief in support of the appeal and informed him that this matter was being referred to the Legal Committee of the State Board for consideration of his failure to perfect the appeal.

The respondent has still failed to file a brief in support of his appeal, nearly two months after the deadline for such filing. Nor has he offered any explanation for his failure to file or requested an extension of time. As a result, we dismiss the appeal in this matter for failure to perfect. N.J.A.C. 6A:4-1.12(a). See Paszamant v. Board of Education of the Borough of Highland Park, decided by the State Board of Education, April 1, 1992, aff'd, Docket #A-4812-91-3 (App. Div. 1993).

¹ If the School Ethics Commission determines that a school official has violated the School Ethics Act, it shall recommend to the Commissioner of Education the reprimand, censure, suspension or removal of the official. N.J.S.A. 18A:12-29(c). The Commissioner is then responsible for acting on the recommendation and imposing a sanction. Id.

In light of our decision to dismiss this matter, we need not determine the motion to participate filed by the School Ethics Commission on February 11, 2004.

April 7, 2004

Date of mailing _____