

SEC #C51-05  
C #220-06SEC  
SB # 29-06

IN THE MATTER OF THE CENSURE OF :  
JAMES CHIEGO PURSUANT TO N.J.S.A. : STATE BOARD OF EDUCATION  
18A:12-29(c), UNION TOWNSHIP BOARD : DECISION ON MOTION  
OF EDUCATION, HUNTERDON COUNTY. :

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Decided by the School Ethics Commission, April 25, 2006

Decided by the Acting Commissioner of Education, June 16, 2006

Decision on motion by the State Board of Education, November 1, 2006

For the Respondent-Appellant, Sills, Cummis, Epstein & Gross (Philip E. Stern, Esq., of Counsel)

For the Participants School Ethics Commission and Commissioner of Education, Sookie Bae, Deputy Attorney General (Stuart Rabner, Attorney General of New Jersey)

This matter arises out of a certification signed by the appellant, James Chiego, a member of the Union Township Board of Education, which was submitted to the School Ethics Commission in the matter of Patricia Lee, et al. v. Barri Beck, Union Township Board of Education, decided by the School Ethics Commission, September 27, 2005, Docket No. C01-05, aff'd, Docket #A-1180-05T1 (App. Div. 2007). In that case, the appellant and seven other members of the Union Township Board alleged that another member of the Board had violated the School Ethics Act. The certification contained information regarding the appellant's interpretation of what had occurred at a meeting of

the Union Township Planning Board. In the final paragraph of his certification, the appellant averred that Frank Goldberg and Amy Bailey Goldberg, the complainants in this matter, appeared to have received preferential treatment from the Planning Board.

The Goldbergs filed a complaint with the School Ethics Commission, alleging that the appellant had violated the School Ethics Act when he submitted the certification at issue. They charged that the appellant had acted on his own accord in filing the certification, claiming, inter alia, that Patricia Lee, who was President of the Union Township Board of Education at the time, had “stated on the record...that she was unaware of his sworn Certification and that she, Patricia Lee, ‘had not seen the Affidavit until he, Mr. Scott [a member of the Planning Board], had shown it to her tonight.” Complaint, at 2.

On April 25, 2006, the School Ethics Commission determined that the appellant had violated N.J.S.A. 18A:12-24.1(e) of the School Ethics Act, which provides: “I will recognize that authority rests with the board of education and will make no personal promises nor take any private action that may compromise the board.” The Commission related that “[t]he Board president, who was unaware that Mr. Chiego had filed the certification, told the Planning Board that Mr. Chiego filed the certification individually.” School Ethics Commission’s Decision, slip op. at 4. Based on the evidence, the Commission found that the appellant took private action that may compromise the Board, in violation of the School Ethics Act, when he submitted the certification at issue. The Ethics Commission recommended that the appellant be

censured, and, on June 16, 2006, the Acting Commissioner of Education,<sup>1</sup> accepted the Commission's recommended sanction and directed that the appellant be censured.

The appellant filed an appeal to the State Board, contending that his action did not violate the School Ethics Act. On November 1, 2006, we granted a motion to participate in this matter filed by the School Ethics Commission and the Commissioner.

On April 3, 2007, the appellant filed the instant motion to supplement the record on appeal with an affidavit prepared by Patricia Lee, President of the Union Township Board of Education at the time the appellant submitted his certification. In her affidavit, Ms. Lee avers that she was fully aware that the appellant had been asked to file the certification, that he had filed it in furtherance of the Union Township Board's interests, and that she did not consider the certification to be a private effort on the appellant's part.

After a review of the papers filed on the motion, we conclude that the proposed exhibit is material to the issue on appeal, N.J.A.C. 6A:4-1.9(b), and we grant the appellant's motion to supplement the record.

June 6, 2007

Date of mailing \_\_\_\_\_

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<sup>1</sup> We note that on October 16, 2006, Acting Commissioner Lucille E. Davy was confirmed as the Commissioner of Education.