

IN THE MATTER OF MICHELLE RUSSO, :
BOARD OF EDUCATION OF THE CITY OF : COMMISSIONER OF EDUCATION
HOBOKEN, HUDSON COUNTY. :

 :

SYNOPSIS

This matter arose from a complaint alleging that respondent, member of the Hoboken Board, violated *N.J.S.A.* 18A:12-24(b) of the School Ethics Act (Act) when, as a member of that Board, she acquired mailing labels containing student information, that were later used for the political campaign of her husband, a former mayor.

The School Ethics Commission (Commission) found the material facts of this case to be undisputed regarding the alleged conduct and concluded that petitioner did violate the Act. The Commission recommended penalty of censure.

Initially, the Commissioner emphasized that the determination of the Commission as to violation of the Act is *not reviewable by the Commissioner*. The Commissioner's jurisdiction is limited to reviewing the sanction to be imposed following a finding of violation by the Commission. Upon independent review of the record, the Commissioner found and determined that the Commission's recommended penalty of censure was appropriate.

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HOBOKEN, HUDSON COUNTY. : DECISION
_____ :

The record of this matter and the decision of the School Ethics Commission (“Commission”), including the recommended penalty of censure, have been reviewed.

This matter comes before the Commissioner to impose a sanction upon Respondent Michelle Russo, member of the Hoboken Board of Education, based upon findings of fact and conclusions of law by the Commission that she violated *N.J.S.A.* 18A:12-24(b) of the School Ethics Act when she used her official position as a board member to acquire mailing labels containing student information, that were later used for the political campaign of her husband, former mayor Anthony Russo.

Upon issuance of the decision of the Commission, respondent was provided 13 days from the mailing of such decision to file written comments on the recommended penalty for the Commissioner’s consideration. 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. Only the Commission may determine whether a violation of the School Ethics Act occurred. The Commissioner’s jurisdiction is limited to reviewing the sanction to be imposed following a finding of a violation by the Commission.

Therefore, 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 censure is the appropriate penalty in this matter for the reasons expressed in the Commission's decision. In so ruling, the Commissioner notes that, in recommending the penalty of censure, the Commission had the opportunity to fully investigate the facts presented and, thus, was in the optimum position to determine whether respondent violated the School Ethics Act, and to weigh the effects of aggravating and mitigating circumstances. Therefore, the Commission's recommended penalty in this matter will not be disturbed.

Accordingly, IT IS hereby ORDERED that Michelle Russo be censured⁺ as a school official found to have violated the School Ethics Act.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: 4/18/02

Date of Mailing: 4/18/02

⁺ Typographical error in issued decision corrected for web publication.

* This decision, as the Commissioner's final determination regarding penalty in the instant matter, may be appealed to the State Board of Education pursuant to *N.J.S.A. 18A:6-27 et seq.* and *N.J.A.C. 6A:4-1.1 et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.