

IN THE MATTER OF VINCE ORDINI, :
EWING TOWNSHIP BOARD OF EDUCATION, : COMMISSIONER OF EDUCATION
MERCER COUNTY. : DECISION
_____ :

SYNOPSIS

The School Ethics Commission determined that respondent Board member violated *N.J.S.A.* 18A:12-31 in conjunction with *N.J.A.C.* 6A:28-1.7(b), as well as *N.J.S.A.* 18A:12-24(b) of the School Ethics Act. Respondent fraudulently obtained an advisory opinion from the Commission misleading the Commission into believing that the situation he posed was his when it was actually the situation of another Board member. The Commission found respondent violated the public trust; the Commission recommended that respondent be removed from the Board.

Upon review of the record, the Commissioner, whose decision was restricted solely to a review of the Commission's recommended penalty, concurred with the Commission's recommendation and, thus, ordered respondent removed as a Board member as of the date of this decision.

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.

December 3, 2002

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_____ :

The record of this matter and the decision of the School Ethics Commission (“Commission”) finding that Mr. Ordini violated *N.J.S.A.* 18A:12-31 in conjunction with *N.J.A.C.* 6A:28-1.7(b), as well as *N.J.S.A.* 18A:12-24(b) of the School Ethics Act, and recommending a penalty of removal have been reviewed. Upon issuance of the decision of the Commission, respondent was provided 13 days from the mailing of the decision to file written comments on the recommended penalty for the Commissioner’s consideration.

In his comments, respondent asserts that the recommended penalty is too harsh, arguing that he has “been dealt the ‘death penalty’ by the Commission apparently solely based upon [his] alleged demeanor before the Commission.” (Respondent’s Comments at 1)

Respondent contends:

A recommendation for penalty is to be based on a finding that a school official was “*found to have violated this act, or in the case of a Board member, this act or code of ethics*”. (emphasis added). As stated at the outset, this decision, as to penalty, is also based on [extraneous] factors (Mr. Ordini’s actions at the hearing). The law does not permit his actions at the hearing to be so considered ...it is limited to violation of “*this act or code of ethics*”. His statements at the hearing violate neither.*** (emphasis in text) (*Id.* at 4)

Initially, it must be emphasized that, pursuant to *N.J.S.A.* 18A:12:12-29(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 based upon 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 and consideration of respondent's comments with respect to the recommended sanction, the Commissioner determines to accept the Commission's recommendation that removal is the appropriate penalty in this matter. In so ruling, and notwithstanding respondent's stated demeanor before the Commission, the Commissioner is most persuaded by the Commission's finding that,

Mr. Ordini's primary intent in seeking the advisory opinion was to obtain the Commission's opinion on whether Dr. Vickner had acted improperly when he commented on the team leader stipend, not to seek guidance on his own future boardmanship. The Commission believes that there is ample information to show that Mr. Ordini phrased Dr. Vickner's circumstances to appear as his own because he knew that he could not request an advisory opinion on the basis of someone else's conduct.***
(Commission's Decision at 3-4)

Moreover, upon receipt of Advisory Opinion A15-01, "Mr. Ordini never indicated to the Commission that it was mistaken in its recitation of facts." (Commission Decision at 3)

The Commissioner is satisfied that, in recommending removal for the violations found, the Commission fully considered the nature of the offenses. In this connection, the Commissioner concurs with the Commission that Mr. Ordini's conduct represents more than merely a "technical violation," (*see* Commission's Decision at 5), that he is not entitled to the

benefit of contrition or remorse as a mitigating factor, and that the Commission is, in this matter, fairly guided by the principle that:

[It] is essential that the conduct of members of local boards of education *** hold the respect and confidence of the people. These board members *** must avoid conduct which is in violation of their public trust or which creates a justifiable impression among [members of] the public that such trust is being violated. *N.J.S.A. 18A:12-22a.*

Therefore, the Commission's recommended penalty in this matter will not be disturbed.¹

Accordingly, IT IS hereby ORDERED that Vince Ordini be removed as a board member of the Ewing Township Board of Education as of the date of this decision.

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: December 3, 2002

Date of Mailing: December 3, 2002

¹ The Commissioner herein recognizes the statutory authority for the Commission to determine violations of the code of ethics *or* the School Ethics Act, *N.J.S.A. 18A:12-21 et seq.*, and to recommend penalties therefor. *N.J.S.A. 18A:12-29c.*

² This decision, as the Commissioner's final determination regarding penalty in this 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.