

486-03SEC

IN THE MATTER OF JUAN SANTIAGO, :  
PATERSON BOARD OF EDUCATION, : COMMISSIONER OF EDUCATION  
PASSAIC COUNTY. : DECISION  
\_\_\_\_\_ :

SYNOPSIS

The School Ethics Commission determined that respondent Board member violated *N.J.S.A.* 18A:12-24.1(j) when dealing with personnel or confidentiality issues (writing a letter to the superintendent requesting the demotion of the assistant superintendent and copying that person's subordinates among other parties). The Commission recommended the penalty of reprimand.

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 reprimanded as a school official found to have violated the School Ethics Act.

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.

August 19, 2003

IN THE MATTER OF JUAN SANTIAGO,                     :  
PATERSON BOARD OF EDUCATION,                     :    COMMISSIONER OF EDUCATION  
PASSAIC COUNTY.   :                     DECISION  
\_\_\_\_\_:

The record of this matter and the decision of the School Ethics Commission (“Commission”), finding that Juan Santiago, member of the Paterson Board of Education, violated *N.J.S.A.* 18A:12-24.1(j), set forth in the Code of Ethics for School Board Members of the School Ethics Act, and recommending a penalty of reprimand have been reviewed. Upon issuance of the decision of the Commission, respondent was provided 13 days from the mailing date of the decision to file written comments on the recommended penalty for the Commissioner’s consideration.

Comments filed by counsel on behalf of respondent state that he does not disagree with the Commission’s decision. He appreciates that, notwithstanding it is common practice for District board members to copy parties on letters sent to the superintendent, particularly with respect to personnel or confidentiality issues, this practice must cease. Respondent understands his action was improper and agrees to accept a letter of reprimand for such action.

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 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 full consideration of respondent's comments, the Commissioner determines to accept the Commission's recommendation that reprimand is the appropriate penalty in this matter for the reasons expressed in the Commission's decision. In so ruling, the Commissioner is satisfied that, in recommending a penalty for the violation found, the Commission fully considered the nature of the offense and weighed 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 Juan Santiago be reprimanded as a school official found to have violated the School Ethics Act.\*

COMMISSIONER OF EDUCATION

Date of Decision: August 19, 2003

Date of Mailing: August 20, 2003

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\* This decision 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.*