

490-04SEC

AGENCY DKT. NO. 379-10/04

(School Ethics Commission Decision: <http://www.state.nj.us/njded/legal/ethics/disclosure/d04-04reprimand.pdf>)

IN THE MATTER OF RALPH BURKE, III :
WOODBINE SCHOOL DISTRICT, : COMMISSIONER OF EDUCATION
CAPE MAY COUNTY. : DECISION
_____:

Whereas, the School Ethics Commission has acted pursuant to the authority granted to it by *N.J.S.A.* 18A:12-21 *et seq.* to recommend a penalty against the above-named school official for failure to file a personal/relative disclosure statement, pursuant to *N.J.S.A.* 18A:12-25 and/or an annual financial disclosure statement required by *N.J.S.A.* 18A:12-26;

Whereas, the deadline to file these disclosure statements was April 30, 2004 for school officials in office since January 30, 2004, or 30 days from swearing-in or start of service for newly elected or appointed board members and administrators; and

Whereas, the School Ethics Commission was advised by the County Superintendent that this school official did not file a disclosure statement with his school district and the County Superintendent's office, as required by the Act; and

Whereas, the Commission sent a reminder letter to the above-named school official on August 20, 2004, indicating that if the completed statement was not filed by September 10, 2004, the Commission would issue an Order to Show Cause that could result in disciplinary action; and

Whereas, pursuant to *N.J.A.C.* 6A:28-1.5(j), the Commission issued an Order on September 17, 2004 directing this school official to Show Cause why the Commission should not find him in violation of the Act for failing to file the necessary statements; and

Whereas, the above-named school official filed the completed disclosure statement thereafter; and

Whereas, the Commission found that failure to file a disclosure statement within the designated timeline constitutes a clear violation of *N.J.S.A.* 18A:12-25 and 26; and

Whereas, the above-referenced school official provided the Commission with an Answer to the Order wherein he stated that he had recently overcome several critical personal and family crises; and

Whereas, the Commission voted on October 26, 2004 to recommend reprimand of the above-named school official in light of his failure to respond to the Commission's reminder letter before the September 10, 2004 deadline, memorializing such decision through a resolution forwarded to the Commissioner, pursuant to *N.J.S.A.* 18A:12-29; and

Whereas, by letter dated October 28, 2004 from the School Ethics Commission, the above-named school official was afforded an opportunity to submit to the Commissioner a response to said resolution recommending reprimand; and

Whereas, no comments were received from the above-named school official; and

Whereas, the Commissioner of Education has carefully considered the record of this matter and the decision of the School Ethics Commission and concurs with and adopts as his own the recommendations of the Commission, and further admonishes the school official for his failure to timely file the requisite statement, in that such delay has caused administrative and adjudicative time to be wasted by local, county and state education officials; now therefore

IT IS ORDERED that the above-named Board member be reprimanded as a school official found to have violated the School Ethics Act.*

COMMISSIONER OF EDUCATION

Date of Decision: December 1, 2004

Date of Mailing: December 3, 2004

* 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.*