#106-05SEC (Ethics Decision: http://www.state.nj.us/njded/legal/ethics/2005/c45-04v.pdf)

IN THE MATTER OF EILEEN QUINN, :

BOARD OF EDUCATION OF THE TOWNSHIP : COMMISSIONER OF EDUCATION

OF WINFIELD, UNION COUNTY. : DECISION

:

SYNOPSIS

The School Ethics Commission determined that Township of Winfield Board of Education member Eileen Quinn violated the School Ethics Act, *N.J.S.A.* 18A:12-24.1(e), when she printed and distributed a flier during her reelection campaign which contained incomplete fiscal information regarding the board's budget, thus compromising the board's ability to pass its budget. After considering the nature of the charge, the Commission recommended that the Commissioner of Education impose a penalty of censure because the public should be aware that Ms. Quinn provided incomplete information regarding the potential tax increase of the board's proposed budget.

Upon review of the record, the Commissioner, whose decision was restricted solely to a review of the Commission's recommended penalty pursuant to *N.J.S.A.* 18A:12-29 (c) and *N.J.A.C.* 6A:3-9.1, concurred with the Commission's recommendation. The Commissioner thus ordered that Eileen Quinn be censured 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.

March 23, 2005

IN THE MATTER OF EILEEN QUINN,

BOARD OF EDUCATION OF THE TOWNSHIP : COMMISSIONER OF EDUCATION

OF WINFIELD, UNION 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 Eileen Quinn, member of the Winfield Board of Education, based upon findings of fact and conclusions of law by the Commission that she violated *N.J.S.A.* 18A:12-24.1(e) of the School Ethics Act when she printed and distributed a flier during her reelection campaign which contained incomplete fiscal information regarding the board's budget, thus compromising the board's ability to pass its budget.

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 Eileen Quinn be censured as a school

official found to have violated the School Ethics Act.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision:

March 23, 2005

Date of Mailing:

March 23, 2005

* 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.

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