

AGENCY DKT NO. 311-11/05

IN THE MATTER OF EDMUND J. ZILINSKI, :
BLOOMFIELD BOARD OF EDUCATION : COMMISSIONER OF EDUCATION
ESSEX COUNTY. : DECISION
_____ :

SYNOPSIS

The School Ethics Commission determined that Bloomfield Board of Education member Edmund J. Zilinski violated *N.J.S.A.* 18A:12-24.1(e) and (g) of the Code of Ethics for School Board Members when he took private action in organizing confidential information containing the names of students suspended from October to November 2004 on an Excel spreadsheet and accidentally transmitted this information as an attachment to an e-mail sent to all Board members on April 4, 2005. After considering the nature of the charge, the Commission recommended that the Commissioner of Education impose a penalty of reprimand.

Upon a thorough 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 Edmund J. Zilinski be reprimanded as a school official found to have violated the School Ethics Act.

<p>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.</p>

IN THE MATTER OF EDMUND J. ZILINSKI, :
BLOOMFIELD BOARD OF EDUCATION : COMMISSIONER OF EDUCATION
ESSEX COUNTY. :
_____:

The record of this matter and the decision of the School Ethics Commission (“Commission”), finding that Bloomfield Board of Education member Edmund J. Zilinski violated *N.J.S.A.* 18A:12-24.1(e) and (g) of the Code of Ethics for School Board Members when he took private action in organizing confidential information containing the names of students suspended from October to November 2004 on an Excel spreadsheet and accidentally transmitted this information as an attachment to an e-mail sent to all Board members on April 4, 2005, along with the Commission’s recommended penalty of reprimand, have been reviewed. Upon issuance of the decision of the Commission, Mr. Zilinski was provided thirteen days from the mailing date of the decision to file written comments on the recommended penalty for the Commissioner’s consideration. No comments were filed either by Mr. Zilinski or counsel on his behalf.

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 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 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 violations it 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 Edmund J. Zilinski be reprimanded as a school official found to have violated the School Ethics Act.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: November 23, 2005

Date of Mailing: November 28, 2005

* 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.*