#169-10SEC (http://www.nj.gov/education/legal/ethics/2009/C27-09.pdf)

IN THE MATTER OF CHARLES CAREY,	:	C	
PENNSAUKEN BOARD OF EDUCATION,	:	C	
CAMDEN COUNTY.	:		

COMMISSIONER OF EDUCATION

DECISION

SYNOPSIS

The School Ethics Commission (Commission) found that respondent – a member of the Pennsauken Board of Education – violated N.J.S.A. 18A:12-24(c) of the School Ethics Act when he voted to: appoint the non-tenured members of the Administrators Association for Pennsauken, including the Principal of the High School, for the 2009-2010 school year, and when he voted to reappoint the members of the Pennsauken Association of Educational Secretaries, which included his wife. The Commission recommended the penalty of reprimand in this matter.

Upon review, the Commissioner – whose jurisdiction is limited to reviewing the Commission's recommended sanction – concurred that reprimand is the appropriate penalty for the violations found. Accordingly, the Commissioner directed that respondent be reprimanded as a school officer 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.

June 4, 2010

AGENCY DKT. NO. 75-4/10

IN THE MATTER OF CHARLES CAREY,	:	
	COMMIS	SSIONER OF EDUCATION
PENNSAUKEN BOARD OF EDUCATION,	:	DEGIGLONI
		DECISION
CAMDEN COUNTY.	•	

The record of this matter and the decision of the School Ethics Commission ("Commission"), including the recommended penalty of reprimand, have been reviewed.

This matter comes before the Commissioner to impose a sanction upon Respondent Charles Carey, member of the Pennsauken Board of Education, based upon findings of fact and conclusions of law by the Commission that he violated *N.J.S.A.* 18A:12-24(c) of the School Ethics Act when, on June 25, 2009, he voted to appoint the non-tenured members of the Administrators Association for Pennsauken for the 2009-10 school year, which included the Principal of the High School; he then voted to reappoint the members of the Pennsauken Association of Educational Secretaries for the 2009-10 school year, which included his wife.

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 submitted by or on behalf of Mr. Carey.

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** unless a notice of appeal is filed pursuant to P.L. 2008, c. 36 and *N.J.A.C.* 6A:4, which did not happen here. Therefore, the Commissioner's jurisdiction

at this time 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 accepts the Commission's recommendation that reprimand is the appropriate penalty in this matter. As clearly stated in its decision, the Commission finds this penalty congruent with that imposed in similar cases previously decided by the Commission. As such, the Commissioner finds no cause to disturb the Commission's recommended penalty in this matter.

Accordingly, IT IS hereby ORDERED that Charles Carey be reprimanded as a school official found to have violated the School Ethics Act.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: June 4, 2010 Date of Mailing: June 4, 2010

^{*} This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L.* 2008, *c.* 36 (N.J.S.A. 18A:6-9.1)