

JOHN CAMPBELL, :
COMPLAINANT, :
V. : COMMISSIONER OF EDUCATION
DAVID STEVENSON, : DECISION
KEARNY BOARD OF EDUCATION, :
HUDSON COUNTY, :
RESPONDENT. :

SYNOPSIS

The School Ethics Commission determined that Kearny Board of Education member David Stevenson violated *N.J.S.A. 18A:12-24.1(g)* of the Code of Ethics for School Board Members when he released confidential information to a newspaper that pertained to a legal bill for complainant's representation in another matter. After considering the nature of the charge, the Commission recommended that the Commissioner of Education impose a penalty of reprimand.

The Commissioner, whose jurisdiction – in the absence of an appeal – is limited to reviewing the Commission's recommended sanction, adopted the Commission's recommendation that respondent be reprimanded. Accordingly, the Commissioner ordered that the above named respondent 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>

December 12, 2011

AGENCY DKT. NO. 318-10/11
SEC DKT. NO. C04-11

JOHN CAMPBELL, :
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COMPLAINANT, :
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V. : COMMISSIONER OF EDUCATION
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KEARNY BOARD OF EDUCATION, :
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RESPONDENT. :

The record of this matter and the decision of the School Ethics Commission (“Commission”) – finding that Kearny Board of Education member David Stevenson violated *N.J.S.A. 18A:12-24.1(g)* of the Code of Ethics for School Board Members when he released confidential information obtained in closed executive session, pertaining to a legal bill for complainant’s representation in another matter, to a newspaper on November 29, 2011 – along with the Commission’s recommended penalty of reprimand, have been reviewed. Upon issuance of the decision of the Commission, Mr. Stevenson 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 by either Mr. Stevenson 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 David Stevenson 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: December 12, 2011

Date of Mailing: December 13, 2011

* 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.*