#141-12SEC (SEC Decision: http://www.state.nj.us/education/legal/ethics/2009/C36-11.pdf)

IN THE MATTER OF JOSEPH RAINES,:ASBURY PARK BOARD OF EDUCATION,:MONMOUTH COUNTY.:

COMMISSIONER OF EDUCATION

DECISION

SYNOPSIS

The School Ethics Commission (Commission) found that respondent – a member of the Asbury Park Board of Education – violated N.J.S.A. 18A:12-24(c) of the School Ethics Act when he voted to reappoint his mother, a teacher in the District, and her supervisor. 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.

April 17, 2012

AGENCY DKT. NO. 46-2/12 SEC DKT. NO. C36-11

IN THE MATTER OF JOSEPH RAINES,	
ASBURY PARK BOARD OF EDUCATION,	
MONMOUTH COUNTY.	

COMMISSIONER OF EDUCATION DECISION

This matter comes before the Commissioner to impose a sanction upon Respondent Joseph Raines, member of the Asbury Park 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 Code of Ethics for School Board Members. The record and the decision of the School Ethics Commission (Commission), including the recommended penalty of reprimand, have been reviewed.

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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. Because respondent did not file such an appeal, this decision is restricted solely to a review of the Commission's recommended penalty.

Second, respondent filed no exceptions to the recommended penalty of reprimand, which is the minimum available sanction. Nor does the Commissioner find any cause to reject the Commission's recommendation.

Accordingly, IT IS HEREBY ORDERED that Joseph Raines be reprimanded as a school official found to have violated the School Ethics Act.¹

ACTING COMMISSIONER OF EDUCATION

Date of Decision: April 17, 2012 Date of Mailing: April 18, 2012

¹ 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).