

283-25  
SEC Dkt. No. C36-19  
OAL Dkt. No. EEC-18003-19  
Agency Dkt. No. 7-3/24A

## **New Jersey Commissioner of Education**

### **Final Decision**

In the Matter of Terry Tucker, East Orange  
Board of Education, Essex County

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This matter involves an appeal of a School Ethics Commission (Commission) decision determining that appellant Terry Tucker (appellant), while President of the East Orange Board of Education, violated *N.J.S.A. 18A:12-24(c)* of the School Ethics Act (Act) and *N.J.S.A. 18A:12-24.1(f)* of the Code of Ethics for School Board Members (Code) by voting to suspend Board Policy 7250 and rename a school building in honor of former Lieutenant Governor Sheila Oliver while serving as Oliver's Chief of Staff. Having carefully reviewed the Commission's decision and the record in its entirety, the Commissioner finds that the Commission's decision is supported by sufficient credible evidence, and that appellant failed to establish that the decision is arbitrary, capricious, or contrary to law. *N.J.A.C. 6A:4-4.1(a)*. The Commissioner further finds that the penalty of censure was appropriate.

In her appeal to the Commissioner, appellant argues that the Commission adopted several findings of fact rendered by the Administrative Law Judge (ALJ) that are not supported by the record. Appellant also argues that the Commission mistakenly relied upon public perception as the determinative factor when finding, as a matter of law, that she violated the Act and the Code.

With respect to the factual findings challenged by appellant, even if the Commissioner rejected all of the factual findings that appellant disputes, the record nonetheless contains sufficient, credible evidence to support the Commission's conclusion that appellant violated the Act and the Code, based on the employment relationship and history between appellant and Oliver. The Commission's reliance upon *In re James Famularo, Asbury Park Board of Education, Monmouth County*, Docket No. C23-96 (February 24, 1998), and its comparison of the nature of the relationship between appellant and Oliver with the one at issue in *Famularo*, was not arbitrary, capricious, or unreasonable. In *Famularo*, the Commission held that the respondent violated N.J.S.A. 18A:12-24(c) of the Act when he voted for Albert Reinoso's appointment as principal when he had previously served as Reinoso's campaign treasurer six months prior to the vote, and the Commission imposed a penalty of censure for the violation. *Id.* at 2-4. The political relationship between the respondent and Reinoso was described as "more than a casual one." *In re Famularo*, OAL Dkt. No. EEC 2723-97, Initial Decision (Dec. 11, 1997) at 5. Similarly, in this case, appellant's relationship with Oliver was more than a casual one.

The Commissioner finds that the Commission did not exclusively rely upon public perception as the determining factor when concluding that she violated the Act and the Code. Appellant voted on the matter at issue despite her relationship with Oliver, and her actions form the basis for the Commission's conclusions. Furthermore, despite appellant's assertions to the contrary, the public perception of appellant's actions is relevant. N.J.S.A. 18A:12-22(a). The Commission reasonably found that the public would perceive that appellant had a conflict of interest.

Because appellant has not established that the Commission acted in a manner that was arbitrary, capricious, or contrary to law, the Commissioner affirms the Commission's conclusion that appellant violated *N.J.S.A. 18A:12-24(c)* and *N.J.S.A. 18A:12-24.1(f)*. The Commissioner also concurs with the Commission regarding the sanction imposed. The penalty of censure in this case is commensurate with those recommended by the Commission in similar matters. *N.J.S.A. 18A:12-22(a)*; *see, e.g., In re Brogan*, Commissioner Decision No. 79-22SEC (April 14, 2022); *In re Famularo*, Docket No. C23-96 (February 24, 1998).

Accordingly, appellant is hereby censured as a school board member found to have violated the Act and Code.

IT IS SO ORDERED.<sup>1</sup>



COMMISSIONER OF EDUCATION

Date of Decision: May 30, 2025  
Date of Mailing: June 2, 2025

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<sup>1</sup> This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A. 18A:6-9.1*. Under *N.J.Ct.R. 2:4-1(b)*, a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.