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SCHOOL ETHICS COMMISSION	:	BEFORE THE SCHOOL
	:	ETHICS COMMISSION
V.	:	
	:	Docket No.: D07-06
ARETHA DOOLEY MALLOY,	:	
STATE OPERATED SCHOOL	:	AMENDED RESOLUTION FOR
DISTRICT, CITY OF NEWARK	:	FAILURE TO FILE DISCLOSURE
ESSEX COUNTY	:	STATEMENT

WHEREAS, <u>N.J.S.A.</u> 18A:12-25 of the School Ethics Act requires each school official to file a personal/relative disclosure statement and <u>N.J.S.A.</u> 18A:12-26 requires each school official to file a financial disclosure statement with the School Ethics Commission; and

<u>N.J.S.A.</u> 18A:12-29(b),

WHEREAS, Aretha Dooley Malloy is a Vice Principal for the Newark City School District and thus a "school official" under <u>N.J.S.A.</u> 18A:12-23 of the Act and <u>N.J.A.C</u>. 6A:28-1.2 of the Code; and

WHEREAS, the School Ethics Commission was advised by the Essex County Superintendent that this school official did not file a disclosure statement with her school district and the County Superintendent's office as required by the Act; and

WHEREAS, the Commission sent a reminder letter to her on August 29, 2006, indicating that if the completed statement was not filed by September 15, 2006, the Commission would issue an Order to Show Cause that could result in disciplinary action; and

WHEREAS, the Commission issued an Order on September 28, 2006, directing Ms. Malloy to Show Cause why the Commission should not find her in violation of the Act for failing to file the disclosure statements; and

WHEREAS, in its letter enclosing the Order, the Commission notified this school official that she had 20 days to respond to the Order, that the Commission would discuss this matter at its October 24, 2006 meeting, that she had the right to attend the meeting, and she could be found in violation of the School Ethics Act and receive a penalty up to removal; and

WHEREAS, this school official did not provide an answer to the Commission's Order; and

WHEREAS, at its meeting of October 24, 2006, the Commission adopted a decision concluding that Ms. Malloy violated <u>N.J.S.A.</u> 18A:12-25 and 26 and recommending that the Commissioner impose a penalty of suspension until Ms. Malloy files disclosure statements, removal if the disclosure statements are not filed within 30 days of the Commissioner's decision on penalty, and censure if the disclosure statements are filed prior to issuance of the Commissioner's decision; and

WHEREAS, by decision of December 12, 2006, the Commissioner concurred with the penalty recommended by the Commission; and

WHEREAS, the School Ethics Commission adopted a resolution of suspension at its meeting of December 19, 2006 stating that Ms. Malloy is suspended as of December 12, 2006 until such disclosure statement is filed; provided, however, that if such statement is not filed by January 11, 2007, Aretha

Dooley-Malloy is removed from office and sent this to the District for reading at a public meeting on December 21, 2006 in accordance with N.J.A.C. 6A:28-6.10(d); and

WHEREAS, the Newark City Board of Education was ordered to read this resolution at its next public meeting following the Commission's adoption on December 19, 2006 and to post it in such places as the board posts its public notices for 30 days; and

WHEREAS, the Newark School District never read or posted the resolution, but notified the Commission on January 3, 2007 that the District had received Ms. Malloy's disclosure statement on October 2, 2006; and

WHEREAS, the Essex County Office of Education did not receive Ms. Malloy's statement until January 26, 2007 making such date the actual date of filing under the Act; and

WHEREAS, the Commission recognizes that using such a filing date would result in Ms. Malloy's removal from her position pursuant to the Commissioner's decision of December 12, 2006, which would be unduly harsh in light of her attempt to file; and

WHEREAS, the Commission voted at its meeting on February 27, 2007 to rescind the resolution of suspension/removal that had been sent to the District and to instead recommend to the Commissioner of Education that Ms. Malloy be censured for violating the School Ethics Act in light of the extraordinary waste of time she has caused by filing late and ignoring all of the decisions and the resolution that had been sent to her; and

WHEREAS, by decision of April 27, 2007, the Commissioner concurred with the penalty recommended by the Commission;

NOW THEREFORE BE IT RESOLVED that the School Ethics Commission hereby adopts this resolution rescinding its prior resolution of suspension/removal sent on December 21, 2006 and adopts this amended resolution, in accordance with the decision of the Commissioner, censuring Ms. Malloy as a school official having violated <u>N.J.S.A.</u> 18A:12-25 and 26 of the School Ethics Act; and

BE IT FURTHER RESOLVED that the State Operated School District of Newark is ordered to read this resolution at its next public meeting following the Commission's adoption and to post it in such places as the board posts its notices for 30 days.

Paul C. Garbarini, Chairperson School Ethics Commission

Dated: 5/22/07

I hereby certify that the above Resolution was duly adopted by the School Ethics Commission at its public meeting on May 22, 2007.

Lisa James-Beavers Executive Director