

#38-97
AGENCY DKT. NO. 574-12/96

IN THE MATTER OF FRANK PANNUCCI, :
BRICK TOWNSHIP BOARD OF : COMMISSIONER OF EDUCATION
EDUCATION, OCEAN COUNTY. : DECISION
_____ :

The record of this matter and the decision of the School Ethics Commission have been reviewed.

The parties submitted timely comments with respect to the Commission's recommended penalty. * Complainant Joseph Sangiovanni's comments regarding the Commission's recommended penalty contend that, under the circumstances of this matter, such recommendation is too lenient. Respondent's comments urge that the Commissioner should reconsider the Commission's decision and find the recommended penalty unwarranted.

After his review of the full record in this matter, and with due consideration to the arguments advanced by the parties with respect to the sanction to be imposed, the Commissioner determines to accept the Commission's recommendation that censure is the appropriate penalty in this matter.

IT IS HEREBY ORDERED that Frank Pannucci be censured as a school official found to have violated the School Ethics Act.

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

January 28, 1997

IN THE MATTER OF FRANK PANNUCCI, :
BRICK TOWNSHIP BOARD OF : **RESOLUTION OF CENSURE**
EDUCATION, OCEAN COUNTY. :
_____ :

WHEREAS, Brick Township Board of Education member Frank Pannucci was found by the School Ethics Commission to have voted on the collective bargaining agreement of the Brick Township Education Association (BTEA), the local bargaining unit of the New Jersey Education Association (NJEA), while he was a member of the NJEA; and

WHEREAS, The School Ethics Commission concluded that such conduct violated *N.J.S.A. 18A:12-24(c)* of the School Ethics Act; and

WHEREAS, considering the facts determined during the course of the investigation, the Commission recommended that the Commissioner of Education impose a penalty of censure for Mr. Pannucci's violation; and

WHEREAS, the complainant submitted timely comments to the Commissioner contending that the sanction was too lenient; and

WHEREAS, Mr. Pannucci's submitted comments urged the Commissioner to reconsider the Commission's decision and find the recommended penalty unwarranted; and

WHEREAS, after a review of the full record in this matter, and with due consideration to the arguments advanced by the parties with respect to the sanction to be imposed, the Commissioner determined to accept the Commission's recommendation that censure is the appropriate penalty in this matter; now therefore

BE IT RESOLVED, that Frank Pannucci is hereby censured as a school official found to have violated the School Ethics Act; and

BE IT FURTHER RESOLVED, that the Brick Township Board of Education is ordered to read this resolution at the next public meeting following its adoption by the School Ethics Commission and to post it in such places as the Board posts its public notices.

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

* It is noted that respondent's counsel requested and was granted an extension of time within which to file comments to the Commission's decision.