27-05 SEC

AGENCY DKT. NO. 446-12/04

School Ethics Decision http://www.state.nj.us/njded/legal/ethics/00-03/c35-04v.pdf

IN THE MATTER OF DAVID HATCHETT,

SCHOMBURG CHARTER SCHOOL : COMMISSIONER OF EDUCATION

BOARD OF TRUSTEES, HUDSON COUNTY. : DECISION

_____:

The record of this matter and the decision of the School Ethics Commission (Commission) finding that Schomburg Charter School Board of Trustees member David Hatchett violated *N.J.S.A.* 18A:12-24(c) of the School Ethics Act (Act), and recommending a penalty of reprimand, have been reviewed. Upon issuance of the Commission's decision, Mr. Hatchett was provided 13 days from the mailing date of the decision to file written comments on the recommended penalty for the Commissioner's consideration; however, no comments were filed.

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 has occurred, with the Commissioner's jurisdiction being limited to review of the recommended sanction to be imposed based upon the Commission's finding. Therefore, this decision is restricted solely to review of the Commission's recommended penalty.

With this standard in mind, the Commissioner accepts the Commission's recommendation that Mr. Hatchett be reprimanded as a member of the Board of Trustees, since the Commissioner is satisfied that, in recommending a penalty for the violation it

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found, the Commission considered the nature of Mr. Hatchett's offense and weighed the mitigating factors it determined to be present in his case. Therefore, the Commission's recommended penalty in this matter will not be disturbed.

Accordingly, IT IS hereby ORDERED that David Hatchett be reprimanded as a member of the Schomburg Charter School Board of Trustees.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: January 14, 2005

Date of Mailing: January 14, 2005

^{*} 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.