

196-18SEC+

AGENCY DKT. NO. 134-5/18

IN THE MATTER OF KIMBERLY SCHIELA, : **AMENDED**
BOARD OF EDUCATION OF THE BOROUGH : COMMISSIONER OF EDUCATION
OF AVALON, CAPE MAY COUNTY. : DECISION
_____:

On June 28, 2018, the Commissioner issued a decision removing the respondent from her position for violating the School Ethics Act by failing to complete school board member training in accordance with *N.J.S.A. 18A:12-33* and *N.J.A.C. 6A:28-4.1*. The School Ethics Commission (Commission) had recommended a sanction of removal effective upon the adoption of the decision by the Commissioner. Alternatively, if the respondent completed the training before the Commissioner issued his final decision, the Commission recommended that the respondent be suspended for 30 days. The respondent did not file exceptions to the recommended penalty nor did she institute an appeal of the Commission's underlying finding of violation pursuant to *N.J.A.C. 6A:4-1 et seq.*

Subsequent to the issuance of the Commissioner's June 28, 2018 decision, the Commission advised the Commissioner that respondent had, in fact, completed the training.¹ In light of the fact that the respondent completed the training prior to the issuance of the Commissioner's June 28, 2018 decision, the Commissioner adopts the Commission's recommended penalty of a 30 day suspension. Additionally, the respondent is admonished for her delay in filing the requisite disclosure statements and causing the unnecessary expenditure of administrative and adjudicative resources at both State and local levels.

¹ The respondent never informed the Commissioner that she completed the training, despite having had the opportunity to do so prior to the June 28, 2018 decision.

Accordingly, the respondent is suspended from her position as a school official for 30 days from the date of this decision

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: July 26, 2017
Date of Mailing: July 27, 2018

² 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*)