

OAL DKT. NO. EEC 2723-97
AGENCY DKT. NO. 49-1/98

IN THE MATTER OF JAMES FAMULARO, :
ASBURY PARK BOARD OF EDUCATION, : COMMISSIONER OF EDUCATION
MONMOUTH COUNTY. : DECISION

The record of this matter and the decision of the School Ethics Commission (“Commission”) have been reviewed. Comments were timely filed by respondent and were duly considered by the Commissioner in rendering the within decision

Upon a thorough review of the record, the Commissioner determines to accept the Commission’s recommendation that censure is the appropriate penalty in this matter for Mr. Famularo for the reasons expressed in its decision.¹ The Commissioner is cognizant that this determination represents a modification of the Administrative Law Judge’s (ALJ) determination with regard to penalty, however, he is satisfied that the Commission considered and addressed all aggravating and mitigating factors raised by the parties in reaching its penalty determination and concurs that the present violation was sufficiently serious to warrant the imposition of censure as it is defined at *N.J.A.C. 6:3-9.19(c)*1.

Accordingly, it is hereby ORDERED that James Famularo be censured as a school official found to have violated the School Ethics Act and issues the attached Resolution of Censure.²

IT IS SO ORDERED.

¹ The determination of the Commission as to violation of the Act is not reviewable by the Commissioner herein, pursuant to *N.J.S.A. 18A:12-29(c)*. Therefore, this decision is limited to a review of the recommended penalty and its implementation.

² This decision, as the Commissioner’s final determination in the instant matter, 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. 6:2-1.1 et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.

COMMISSIONER OF EDUCATION

MARCH 16, 1998

(CORRECTED COPY)

IN THE MATTER OF JAMES FAMULARO, :

ASBURY PARK BOARD OF EDUCATION, : RESOLUTION OF CENSURE

MONMOUTH COUNTY. :

WHEREAS, Asbury Park Board of Education member James Famularo participated in discussions and voted in favor of Mr. Reinoso for the position of principal of Thurgood Marshall Elementary School located within Asbury Park, although Mr. Famularo was formerly the treasurer of Mr. Reinoso's election campaign for Asbury Park City Council; and

WHEREAS, the School Ethics Commission concluded, at its meeting of February 24, 1998, that such conduct violated *N.J.S.A. 18A:12-24(c)* of the School Ethics Act; and

WHEREAS, upon review of the initial decision of the Office of Administrative Law, the exceptions thereto, and relevant aggravating and mitigating factors, the Commission recommended to the Commissioner of Education that he impose upon Mr. Famularo the penalty of censure pursuant to *N.J.S.A. 18A:12-29(c)* and *N.J.A.C. 6:3-9.19 (c)1*; and

WHEREAS, respondent submitted timely comments to the Commissioner objecting to the Commission's recommended sanction, advancing arguments that if any penalty at all is warranted, it should be that of reprimand; and

WHEREAS, the Commissioner has concluded that censure is the appropriate penalty for the aforementioned violation for the reasons set forth in his decision; now therefore

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

BE IT FURTHER RESOLVED that the Asbury Park 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

MARCH 16, 1998