

677-03SEC

AGENCY DKT. NO. 410-11/03

IN THE MATTER OF CHAWN CHARLTON, :  
GATEWAY CHARTER SCHOOL, HUDSON : COMMISSIONER OF EDUCATION  
COUNTY. : DECISION

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Whereas, the School Ethics Commission has acted pursuant to the authority granted to it by *N.J.S.A.* 18A:12-21 *et seq.* to recommend removal of the above-named school official for failure to file a personal/relative disclosure statement, pursuant to *N.J.S.A.* 18A:12-25 and/or an annual financial disclosure statement required by *N.J.S.A.* 18A:12-26;

Whereas, the deadline to file these disclosure statements was April 30, 2003 for school officials in office since January 30, 2003, or 30 days from swearing in or start of service for newly elected or appointed board members and administrators; and

Whereas, the School Ethics Commission was advised by the 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 the above-named school official on September 5, 2003, indicating that if the completed statement was not filed by September 15, 2003, the Commission would issue an Order to Show Cause that could result in disciplinary action; and

Whereas, pursuant to *N.J.A.C. 6A:28-1.5(j)*, the Commission issued an Order on September 24, 2003 directing this school official to Show Cause why the Commission should not find her in violation of the Act for failing to file the necessary statement(s); and

Whereas, the above-named school official filed the completed disclosure statement thereafter; and

Whereas, the Commission found that failure to file a disclosure statement within the designated timeline constitutes a clear violation of *N.J.S.A. 18A:12-25* and 26; and

Whereas, the above-referenced school official did not provide any reason why she failed to comply with the requirement under *N.J.S.A. 18A:12-25* and 26; and

Whereas, the Commission voted on October 28, 2003 to recommend reprimand of the above-named school official in light of her failure to respond to the Commission's reminder letter before the September 15, 2003 deadline, memorializing such decision through a resolution forwarded to the Commissioner, pursuant to *N.J.S.A. 18A:12-29*; and

Whereas, by letter dated November 7, 2003 from the School Ethics Commission, the above-named school official was afforded an opportunity to submit to the Commissioner a response to said resolution recommending reprimand; and

Whereas, no comments were received from the above-named school official; and

Whereas, the Commissioner of Education has carefully considered the record of this matter and the decision of the School Ethics Commission and concurs with and adopts as his own the recommendations of the Commission, and further admonishes the school official for her failure to timely file the requisite statement, in that such delay has caused administrative and adjudicative time to be wasted by local, county and state education officials; now therefore

IT IS ORDERED that the above-named Board member be reprimanded as a school official found to have violated the School Ethics Act.\*

COMMISSIONER OF EDUCATION

Date of Decision: December 22, 2003

Date of Mailing: December 29, 2003

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\* This decision, as the Commissioner's final determination regarding penalty 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. 6A:4-1.1 et seq.* Pursuant to *N.J.A.C. 6A:4-1.4(a)*, Commissioner decisions are deemed filed three days after the date of mailing to the parties.