

91-03SEC

IN THE MATTER OF SARA DAVIS :
AND ROSEMARY JACKSON, : COMMISSIONER OF EDUCATION
CAMDEN CITY BOARD OF : DECISION
EDUCATION, CAMDEN COUNTY. :

SYNOPSIS

The School Ethics Commission determined that respondent Board members violated *N.J.S.A.* 18A:12-24(b) and (c) of the School Ethics Act for the actions they took to bring about the appointment of their attorney, Mr. Johnson, as Board solicitor. After considering the nature of the charge and the fact that respondents received erroneous attorney advice, the Commission recommended that respondents be censured.

Upon review of the record, the Commissioner, whose decision was restricted solely to a review of the Commission's recommended penalty, concurred with the Commission's recommendation that censure was the appropriate penalty for Ms. Davis. The Commissioner, however, found that, in light of Ms. Jackson's prior School Ethics infraction for which she received a reprimand, her recent violation warranted a more severe sanction than that imposed on Ms. Davis. Thus, the Commissioner imposed a penalty of a two-month suspension on Ms. Jackson.

February 27, 2003

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The record of this matter and the decision of the School Ethics Commission (“Commission”), finding that Camden City Board of Education Members Sara Davis and Rosemary Jackson violated *N.J.S.A.* 18A:12-24(b) and (c) of the School Ethics Act, and recommending a penalty of censure have been reviewed. Upon issuance of the decision of the Commission, respondents were provided 13 days from the mailing date of the decision to file written comments on the recommended penalty for the Commissioner’s consideration.

Respondents’ comments disagree with the findings and conclusion of the School Ethics Commission that they violated *N.J.S.A.* 18A:12-24(b) and (c), claiming that the Opinion of the Commission is replete with factual inaccuracies. Respondents, therefore, argue that the imposition of any penalty is inappropriate.

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 occurred. The Commissioner’s jurisdiction is limited to reviewing the sanction to be imposed based upon a finding of a violation by the Commission.

Therefore, this decision is restricted solely to a review of the Commission's recommended penalty.

Upon a thorough review of the record, the Commissioner determines to accept the Commission's recommendation, for the reasons expressed in the Commission's decision, that censure is the appropriate penalty for Ms. Davis in this matter. The Commissioner is not persuaded, however, in light of the particular factual circumstances existing here, that censure is the appropriate penalty for Ms. Jackson. In this regard, the Commissioner notes that in May 2001 the Commission found probable cause to credit the allegation that Ms. Jackson violated *N.J.S.A. 18A:12-24(c)* by voting on a bill list containing the bill of her employer, for which she agreed to accept a settlement penalty of a reprimand. Although, with respect to this particular violation, the parties agreed that Ms. Jackson did not *intentionally* violate the Act, it cannot be overlooked that an admitted violation occurred. It is without question that board members are expected to have knowledge and understanding of their responsibilities under the School Ethics Act. It is, therefore, Ms. Jackson's duty as a board member to familiarize herself with the requirements of the Act and to conform her conduct to its dictates. Given that the instant violation is Ms. Jackson's second infraction of the School Ethics Act in a short period of time, the Commissioner finds that it evidences a serious lack of attention to and concern for adherence to the law which governs her conduct, which cannot be condoned. It is crucial that board members recognize the importance of maintaining public confidence in them. Central to this effort is a clear recognition that they *must* conform their conduct to the standards set forth in the School Ethics Act. Because he finds it imperative to deter behavior that creates an impression of a violation of the public trust, the Commissioner wants it clearly understood by this and all board members that repetitive violations of the Act cannot and will not be tolerated.

Consequently, on this basis, the Commissioner determines that the School Ethics violation of Ms. Jackson here warrants a more severe sanction than that imposed on Ms. Davis. As such, the Commissioner hereby imposes a penalty of a two-month suspension on Ms. Jackson.

Accordingly, IT IS hereby ORDERED that Sara Davis be censured and Rosemary Jackson be suspended from the Board for a period of two-months,¹ as school officials found to have violated the School Ethics Act.

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: February 27, 2003

Date of Mailing: February 27, 2003

¹ Such suspension shall be effective beginning three days after the issuance of this decision.

² 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.*