

AGENCY DKT. NO. 367-12/09

AMENDED DECISION

IN THE MATTER OF DAVID HEPPELLE, :
BOARD OF EDUCATION OF THE TOWN OF : COMMISSIONER OF EDUCATION
GUTTENBERG, HUDSON COUNTY. : DECISION

On January 27, 2010, a Commissioner decision was issued in this matter following review of the record and the decision of the School Ethics Commission, forwarded pursuant to *N.J.S.A. 18A:12-29* solely for review of the Commission’s recommended penalty.¹ Prior to issuance of the Commissioner’s decision, no comments were filed by the respondent, nor had the required disclosure statement(s) been filed; accordingly, the Commissioner adopted the Commission’s recommended penalty of suspension to remain in effect until the completed disclosure statement(s) were filed, subject, however, to the proviso that if such statement(s) were not filed within 30 days of the mailing date of the Commissioner’s decision, the respondent would summarily be removed from office.

On February 2, 2010, subsequent to issuance of the Commissioner’s decision and respondent’s receipt thereof, respondent notified the Department of Education that he had resigned from the Guttenberg Board of Education on December 21, 2009, effective that same day.

Notwithstanding respondent’s resignation, the Commissioner notes that respondent did not file the required disclosure statements at the time they were due (April 30, 2009), nor did he respond to the Commission’s October 30, 2009 Order to Show Cause or its December 16, 2010 decision finding him in violation of the School Ethics Act and recommending censure if the required statements were filed prior to issuance of the Commissioner’s decision, or suspension and potential removal as set forth above if they were not. Nor did he, at any time prior to his receipt of the Commissioner’s decision,

¹ Respondent did not appeal the Commission’s finding of violation to the Commissioner pursuant to *N.J.A.C. 6A:4*.

notify the Department of his impending or actual resignation.² As a consequence, the Commissioner again finds that respondent's actions have resulted in a waste of administrative and adjudicative time by local, county and State education officials, and that such actions, together with respondent's failure to file the disclosure statements required of him during his service as a Board member, warrant an appropriate penalty as recommended by the Commission.

Accordingly, since the cessation of respondent's membership on the Board precludes the penalty of suspension or removal that would otherwise be imposed, respondent is hereby censured as a school official found to have violated the School Ethics Act.

IT IS SO ORDERED.³

ACTING COMMISSIONER OF EDUCATION

Date of Decision: February 8, 2010

Date of Mailing: February 9, 2010

² As of the date of this decision, respondent is still listed as a Board member on the web page of the Guttenberg School District (<http://www.guttenberg.k12.nj.us/page2/page28/page28.html>).

³ Pursuant to *P.L. 2008, c. 36 (N.J.S.A. 18A:6-9.1)*, Commissioner decisions are appealable to the Superior Court, Appellate Division.