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<b>IN THE MATTER OF</b>	:	<b>BEFORE THE SCHOOL</b>
<b>BARBARA VILLARI-PETERS</b>	:	<b>ETHICS COMMISSION</b>
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<i><b>PINE HILL BOARD OF</b></i>	:	<b>DECISION FOR FAILURE TO</b>
<i><b>EDUCATION,</b></i>	:	<b>FILE PERSONAL/RELATIVE</b>
<i><b>CAMDEN COUNTY</b></i>	:	<b>AND FINANCIAL DISCLOSURE</b>
	:	<b>STATEMENTS</b>
	:	
	:	<b>DOCKET NO.: D01-17</b>

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**PROCEDURAL HISTORY**

This matter arises from an Order to Show Cause (OTSC) issued by the School Ethics Commission (Commission) at its meeting on August 22, 2017, and mailed on August 23, 2017, through regular and electronic mail, directing Respondent, a “school official” as defined in N.J.S.A. 18A:12-23 of the School Ethics Act (Act), N.J.S.A. 18A:12-21 *et seq.*, to show cause as to why the Commission should not find her in violation of the Act for failing to file Personal/Relative and Financial Disclosure Statements (Disclosure Statements) as required by N.J.S.A. 18A:12-25, N.J.S.A. 18A:12-26, and N.J.A.C. 6A:28-3.1.

The OTSC issued by the Commission provided notification to Respondent that she had twenty (20) days to respond to the OTSC, and that failure to respond would be deemed an admission of the facts set forth in the OTSC. Respondent was further notified that, upon receipt of the response or upon expiration of the twenty (20) day time period for so filing, the Commission may proceed to a determination of a violation on a summary basis (i.e., without a hearing or further proceedings) in accordance with N.J.A.C. 6A:28-1.6(c), which so permits when material facts are not in dispute.

**ANALYSIS**

The Act was enacted by the New Jersey State Legislature to ensure and preserve public confidence in members of local boards of education and local school administrators. Annually, on or before April 30th of each year, all school officials, as defined in N.J.S.A. 18A:12-23, must file Disclosure Statements with their local board secretaries or charter school designees. N.J.A.C. 6A:28-3.1(a). In addition, after the April 30th filing date, all newly elected board members or board members appointed to fill vacancies, newly appointed members of a board of trustees of a charter school, and administrators appointed to fill a vacancy must file their Disclosure Statements within thirty (30) days of appointment or taking office. N.J.A.C. 6A:28-3.1(c), (d), (e) and (f).

Respondent is a returning school official and, therefore, was required to file her Disclosure Statements by April 30, 2017. Respondent failed to file her Disclosure Statements within the statutorily required timeframe.

Consequently, by letter dated August 8, 2017, the Commission informed Respondent that failure to file her Disclosure Statements by August 18, 2017, would result in the Commission voting to issue an OTSC. The Commission further advised that, if an OTSC issued, Respondent would be assessed a penalty, up to and including removal.

When Respondent failed to file her Disclosure Statements as required by N.J.S.A. 18A:12-25, N.J.S.A. 18A:12-26, and N.J.A.C. 6A:28-3.1 by August 18, 2017, an OTSC was issued by the Commission at its meeting on August 22, 2017. After having been served with the OTSC, Respondent still failed to file her completed Disclosure Statements, or to otherwise respond to the OTSC.

The OTSC directed Respondent to show cause, in writing and under oath, within twenty (20) days, why a penalty up to and including removal should not be imposed. The twenty (20) day deadline for Respondent to submit a written response to the OTSC was September 13, 2017. At its meeting on September 26, 2017, and because Respondent had not yet filed her Disclosure Statements or otherwise responded to the OTSC, the Commission discussed recommending that the Commissioner of Education (Commissioner) impose a penalty of suspension for thirty (30) days, with such suspension to become effective immediately upon adoption of the Commission's recommended penalty by the Commissioner of Education. The Commission further discussed that if Respondent failed to file her Disclosure Statements within the period of her thirty (30) day suspension, Respondent should be removed from office on the thirty-first (31st) day.

A decision memorializing the Commission's discussion from its meeting on September 26, 2017, was adopted by the Commission at its meeting on October 31, 2017, and mailed to Respondent, with a copy to the Pine Hill Board of Education's (Board) Business Administrator, on November 1, 2017. On November 2, 2017, the Board's Business Administrator advised the Commission that Respondent filed her Disclosure Statements on October 20, 2017, which was after the Commission had discussed a recommended penalty on September 26, 2017, but before the Commission adopted its decision on October 31, 2017. At its meeting on January 23, 2018, the Commission voted to rescind the previously issued decision, and to adopt the within decision recommending a penalty of reprimand.

## **DECISION/PENALTY RECOMMENDATION**

Based on the record as set forth above, at its meeting on January 23, 2018, the Commission found that Respondent violated N.J.S.A. 18A:12-25, N.J.S.A. 18A:12-26, and N.J.A.C. 6A:28-3.1. Where a violation of the Act is found by the Commission, it may recommend to the Commissioner of Education that a penalty be imposed on the school official. The recommended penalty can include a reprimand, censure, suspension or removal of the school official. N.J.A.C. 6A:28-10.12. The Commission recommends that the Commissioner of Education impose a penalty of **reprimand**.

Pursuant to N.J.S.A. 18A:12-29(c), this decision shall be forwarded to the Commissioner of Education for review of the Commission's recommended penalty. Respondent may either: 1) file exceptions to the recommended sanction; 2) file an appeal of the Commission's finding of

a violation; or 3) file both exceptions to the recommended sanction together with an appeal of the finding of a violation.

Parties taking exception to the recommended penalty of the Commission but *not disputing* the Commission's finding of a violation may file, within **thirteen (13) days** from the date the Commission's decision is forwarded to the Commissioner, written exceptions regarding the recommended penalty to the Commissioner. The forwarding date shall be the mailing date to the parties, as indicated below. Such exceptions must be forwarded to: Commissioner of Education, c/o Bureau of Controversies and Disputes, P.O. Box 500, Trenton, New Jersey 08625, marked "Attention: Comments on Ethics Commission Sanction." A copy of any comments filed must be sent to the Commission and all other parties.

Parties seeking to appeal the Commission's finding of violation *must* file an appeal pursuant to the standards set forth at N.J.A.C. 6A:4-1 et seq. within **thirty (30) days** of the filing date of the decision from which the appeal is taken. The filing date shall be three (3) days after the date of mailing to the parties, as shown below. In such cases, the Commissioner's review of the Commission's recommended sanction will be deferred and incorporated into the Commissioner's review of the finding of violation on appeal. Where a notice of appeal has been filed on or before the due date for exceptions to the Commission's recommended sanction (thirteen (13) days from the date the decision is mailed by the Commission), exceptions need not be filed by that date, but may be incorporated into the appellant's brief on appeal.

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Robert W. Bender, Chairperson

Mailing Date: January 24, 2018

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**IN THE MATTER OF  
BARBARA VILLARI-PETERS**

*PINE HILL BOARD OF  
EDUCATION,  
CAMDEN COUNTY*

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**BEFORE THE SCHOOL  
ETHICS COMMISSION**

**RESOLUTION ADOPTING  
DECISION FOR FAILURE TO  
FILE PERSONAL/RELATIVE  
AND FINANCIAL DISCLOSURE  
STATEMENTS**

**DOCKET NO.: D01-17**

**WHEREAS**, Respondent is a “school official,” as defined in N.J.S.A. 18A:12-23 of the School Ethics Act (Act), at Pine Hill Board of Education (Board); and

**WHEREAS**, as a returning school official, Respondent was required to file her Personal/Relative and Financial Disclosure Statements (Disclosure Statements) by April 30, 2017; and

**WHEREAS**, Respondent failed to file her Disclosure Statements within the statutorily required timeframe; and

**WHEREAS**, at its meeting on August 22, 2017, the School Ethics Commission (Commission) issued an Order to Show Cause (OTSC) directing Respondent to show cause why she failed to file her Disclosure Statements as required by N.J.S.A. 18A:12-25, N.J.S.A. 18A:12-26, and N.J.A.C. 6A:28-3.1; and

**WHEREAS**, Respondent failed to file her Disclosure Statements following issuance of the OTSC; and

**WHEREAS**, Respondent failed to otherwise file a response to the OTSC; and

**WHEREAS**, at its meeting on September 26, 2017, the Commission found that Respondent violated N.J.S.A. 18A:12-25, N.J.S.A. 18A:12-26, and N.J.A.C. 6A:28-3.1 by failing to file her Disclosure Statements; and

**WHEREAS**, at its meeting on September 26, 2017, the Commission recommended that the Commissioner of Education impose a penalty of suspension for thirty (30) days, with such suspension to become effective immediately upon adoption of the Commission’s recommended penalty by the Commissioner of Education; and

**WHEREAS**, if at the conclusion of the thirty (30) day suspension, Respondent still has not filed her Disclosure Statements, the Commission recommended that she be removed from office on the thirty-first (31st) day; and

**WHEREAS**, at its meeting on October 31, 2017, the Commission voted to approve a decision memorializing its findings and recommendations; and

**WHEREAS**, the Commission's decision was mailed to Respondent, and to the Pine Hill Board of Education's (Board) Business Administrator on November 1, 2017; and

**WHEREAS**, on November 2, 2017, the Commission was advised that Respondent completed her Disclosure Statements on October 20, 2017, which was after the Commission had discussed a recommended penalty on September 26, 2017, but before the Commission adopted its decision on October 31, 2017; and

**WHEREAS**, at its meeting on January 23, 2018, the Commission voted to rescind the previously issued decision, and to adopt the within decision recommending a penalty of reprimand for her violation of N.J.S.A. 18A:12-25, N.J.S.A. 18A:12-26, and N.J.A.C. 6A:28-3.1; and

**NOW THEREFORE BE IT RESOLVED**, that the Commission hereby adopts the within decision and directs its staff to notify all parties to this action of the decision.

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Robert W. Bender, Chairperson

I hereby certify that the within Resolution was duly adopted by the School Ethics Commission at its public meeting on January 23, 2018.

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Kathryn A. Whalen, Director