

*Before the School Ethics Commission*  
*SEC Docket No.: C12-21*  
*OAL Docket No.: EEC-00191-22*  
*Resolution of Censure*

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*In the Matter of Richard Formicola,*  
*Midland Park Board of Education, Bergen County*

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*Whereas*, at its meeting on December 14, 2021, the School Ethics Commission (Commission) adopted a decision finding probable cause for the alleged violations of *N.J.S.A. 18A:12-24(b)* in Count 1, *N.J.S.A. 18A:12-24.1(e)* in Count 3, and *N.J.S.A. 18A:12-24.1(f)* in Count 4 of the Complaint; and

*Whereas*, on December 21, 2021, the Commission transmitted the above-captioned matter to the Office of Administrative Law (OAL) for a hearing; and

*Whereas*, at the OAL, the parties agreed to settle the above-captioned matter and drafted a Consent Order, in which Respondent acknowledged that the conduct described in the Probable Cause Notice constituted a violation of *N.J.S.A. 18A:12-24(b)*, *N.J.S.A. 18A:12-24.1(e)*, and *N.J.S.A. 18A:12-24.1(f)*, and Petitioner recommended that the Commissioner impose a penalty of censure; and

*Whereas*, at its meeting on April 25, 2023, the Commission was briefed on the proposed settlement offer and recommended accepting the settlement and penalty of censure; and

*Whereas*, the parties executed the Consent Order, submitted same to the Acting Commissioner of Education (Commissioner) for a final determination on the penalty of censure, and on May 9, 2023, the Commissioner signed the Consent Order as to the penalty only; and

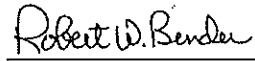
*Whereas*, on June 14, 2023, the Administrative Law Judge entered the Consent Order; and

*Whereas*, *N.J.A.C. 6A:28-9.11(d)* provides that for a penalty of censure, suspension or removal, a Resolution shall be adopted at the Commission's next meeting following the Commissioner's imposition of the sanction, and the Resolution shall be read at the Board's next public meeting following adoption by the Commission, shall be posted in such places as the Board posts its public notices for no less than thirty (30) days, shall be published online on the District's website, if available, for no less than thirty (30) days, and the reading of the resolution shall be memorialized in the Board's meeting minutes, and once approved, a copy of the minutes shall be forwarded to the Commission; and

*Now Therefore Be It Resolved*, that the Commission adopts this Resolution stating that Respondent is hereby **CENSURED** as a penalty for having violated the Act as set forth herein; and

*Be It Further Resolved*, that the Board is ordered to read this Resolution at its next regularly scheduled public meeting, to post it in such places as the Board posts its public notices for a period of no less than thirty (30) days, and to publish it online on the District's website, if available, for no less than thirty (30) days; and

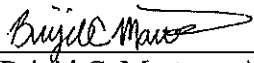
***Be It Further Resolved***, that the Board shall provide the Commission with the minutes, once adopted, from the meeting at which it reads the within Resolution.



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Robert W. Bender, Chairperson  
School Ethics Commission

I hereby certify that the above Resolution was adopted by the School Ethics Commission at a meeting on June 27, 2023.



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Brigid C. Martens, Acting Director  
School Ethics Commission