

226-00 SEC
AGENCY DKT. NO. 189-6/00

IN THE MATTER OF GREG R. NOTHOLT, :
BOARD OF EDUCATION OF THE : COMMISSIONER OF EDUCATION
BOROUGH OF BRADLEY BEACH, :
MONMOUTH COUNTY. :
_____:

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 Board member from office for failure to attend the Board member training sessions required by *N.J.S.A.* 18A:12-33 and *N.J.A.C.* 6A:28-1.6; and

Whereas, the School Ethics Commission sent ample notice to the above-named Board member of his failure to attend such training sessions; and

Whereas, pursuant to *N.J.A.C.* 6A:28-1.5(j), on April 14, 2000 the Commission issued an Order to Show Cause why a penalty should not be imposed for such failure; and

Whereas, the above-named Board member failed to provide a timely response to the Order of the Commission; and

Whereas, the Commission voted on May 23, 2000, to recommend removal of the above-named Board member for failure to timely attend training sessions in violation of State statute, memorializing such decision through a resolution forwarded to the Commissioner, pursuant to *N.J.S.A.* 18A:12-29; and

Whereas, on May 23, 2000, subsequent to the Commission's meeting, correspondence from the above-named Board member was received in response to the Show

Cause Order explaining that, although he had all good intentions of honoring his commitment to the Board, his efforts to date had been directed at the survival of his new business, and further reporting that he has booked attendance at the October training session and has scheduled all of his other commitments around this date; and

Whereas, on May 24, 2000, the above-named Board member was afforded an opportunity to submit to the Commissioner a response to the Commission's resolution recommending removal; and

Whereas, no response was forthcoming; and

Whereas, the Commissioner of Education has carefully considered the record of this matter and the decision of the School Ethics Commission and, having done so, declines to order removal of the above-named Board member in light of his stated intent to attend a training session scheduled for October, which information was not before the Commission when it passed its removal resolution; now therefore

IT IS ORDERED that the above-named Board member is suspended from office as of the date of this decision, pending his attendance at the October training session, but is hereby removed from said office, without further proceedings, should he fail to attend the October training session as scheduled.*

COMMISSIONER OF EDUCATION

Date of Decision: July 10, 2000

*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.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.

