

448-01 SEC
AGENCY DKT. NO. 433-10/01

NOTE: THIS DECISION WAS VACATED BASED ON NEW INFORMATION RECEIVED (SEE #482-01 APPENDED BELOW)

IN THE MATTER OF ANDREW :
MURRAY, WEST MILFORD BOARD : COMMISSIONER OF EDUCATION
OF EDUCATION, PASSAIC : DECISION
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 school official for failure to file a personal/relative disclosure statement, pursuant to *N.J.S.A.* 18A:12-25 and/or an annual financial disclosure statement required by *N.J.S.A.* 18A:12-26;

Whereas, the deadline to file these disclosure statements was April 30, 2001 for school officials in office since January 30, 2001, or 30 days from swearing in or start of service for newly elected or appointed board members and administrators; and

Whereas, the School Ethics Commission, upon being advised by the County Superintendent that this school official did not file a disclosure statement with his school district, as required by the Act; and

Whereas, pursuant to *N.J.A.C.* 6A:28-1.5(j), in June 2001, the Commission issued an Order to Show Cause directing this school official to demonstrate why he should not be found in violation of the Act for failing to file the necessary statement(s); and

Whereas, the above-named school official failed to reply to the Order to Show Cause; and

Whereas, the Commission voted on September 25, 2001 to suspend the above-named school official for 30 days, and to automatically remove him from the Board if he fails to file the necessary disclosure by the end of the 30 days, memorializing such decision through a resolution forwarded to the Commissioner, pursuant to *N.J.S.A.* 18A:12-29; and

Whereas, by letter dated October 5, 2001 from the School Ethics Commission, the above-named school official was afforded an opportunity to submit to the Commissioner a response to said resolution recommending removal; and

Whereas, no comment was filed by the above-named school official; and

Whereas, the Assistant Commissioner of Education, to whom this matter has been delegated pursuant to *N.J.S.A.* 18A:4-34, has carefully considered the record of this matter and the decision of the School Ethics Commission and concurs with and adopts as his own the recommendations of the Commission, and further admonishes the school official for his failure to file the requisite statement(s), in that such inactivity has caused an inordinate amount of administrative and adjudicative time to be wasted by local, county and state education officials; now therefore

IT IS ORDERED that the above-named Board member is on this date suspended from office for a period of 30 days from the filing date of this decision and shall be automatically removed from the Board if, within the 30 days, he fails to file the necessary disclosure form(s).*

ASSISTANT COMMISSIONER OF EDUCATION

Date of Decision: November 15, 2001

Date of Mailing: November 16, 2001

* This decision, as the final determination 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.* 6:2-1.1 *et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.

482-01 SEC (448-01 SEC)

NOTE: THIS DECISION VACATES #448-01 ABOVE

December 11, 2001

Jacqueline Richmond, Acting Executive Director
Office of School Ethics Commission
New Jersey State Department of Education
P.O. Box 500
Trenton, New Jersey 08625

Andrew Murray
West Milford Township Board of Education
46 Highlander Drive
West Milford, New Jersey 07480-1511

Dear Parties:

Please be advised that my decision issued on November 15, 2001, Commissioner No. 448-01SEC, in the matter entitled *In the Matter of Andrew Murray, West Milford Board of Education, Passaic County*, Agency Dkt. No. 433-10/01, School Ethics Commission Dkt. No. D73-01, is hereby vacated, based upon notice from the School Ethics Commission that Mr. Murray, in fact, timely filed his disclosure statement with the Passaic County Office and, consequently, on November 27, 2001, the Commission vacated its findings of violation against him.

Sincerely,

Vito A. Gagliardi, Sr.
Commissioner

c: Board Secretary
County Superintendent