

296-01 SEC
AGENCY DKT. NO. 246-7/01

IN THE MATTER OF EDWARD DOWLING, :
BOARD OF EDUCATION OF THE BOROUGH : COMMISSIONER OF EDUCATION
OF ALLENHURST, MONMOUTH COUNTY. : DECISION
_____:

Whereas, the School Ethics Commission (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 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:28-1.6(e)*, on April 6, 2001, 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 informed the Commission by letter dated June 21, 2001, that he had not attended training due to his work travel schedule and his family obligations, but that he planned to attend the October 2001 session; and

Whereas, the Commission voted on June 26, 2001 to recommend that the above-named Board member be suspended until he takes the required training program; and

Whereas, the Commission further voted on June 26, 2001 that the above-named Board member be removed from office if he fails to so attend a required training program by the

end of October 2001 and memorialized such decision through a resolution forwarded to the Commissioner of Education, pursuant to *N.J.S.A.* 18A:12-29; and

Whereas, on July 12, 2001, the above-named Board member was afforded an opportunity to submit to the Commissioner a response to said resolution recommending removal; and

Whereas, the above-named Board member did not submit a response to the resolution; and

Whereas, the Commissioner of Education has carefully considered the record of this matter and the decision of the Commission recommending suspension and removal of the above-named Board member if the Board member fails to attend the required training by October 2001; now therefore

IT IS ORDERED that the above-named Board member is suspended from office as of the filing date of this decision, and shall remain suspended pending completion of the requisite training, and, in the event the Board member fails to complete the required training by October 23, 2001, the above-named Board member is hereby summarily removed from office effective October 24, 2001.*

COMMISSIONER OF EDUCATION

Date of Decision: September 6, 2001

Date of Mailing: September 11, 2001

*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.