252-00 SEC AGENCY DKT. NO. 229-6/00

IN THE MATTER OF ROBERT FISHER, :

BOARD OF EDUCATION OF THE : COMMISSIONER OF EDUCATION

TOWNSHIP OF UPPER PITTSGROVE, : DECISION

SALEM 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 submitted a response to the Commission indicating that his demanding work schedule which requires him to work seven days a week precluded his prior attendance, but that he planned to attend the October 24, 2000 session; and

Whereas, the Commission voted on May 23, 2000 to recommend that the abovenamed Board member be allowed to attend a June 2000 training session, if possible, and, if he failed to do so, that he be suspended until he attends a required training program; and Whereas, the Commission further voted on May 23, 2000, 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 2000, and memorialized such decision through a resolution forwarded to the

Commissioner, pursuant to N.J.S.A. 18A:12-29; and

Whereas, on June 26, 2000, the above-named Board member was afforded an

opportunity to submit to the Commissioner of Education a response to said resolution; and

Whereas, no response was forthcoming; and

Whereas, the Commissioner of Education has confirmed that the above-named

Board member did not attend a June training session; and

Whereas, the Commissioner of Education has carefully considered the record of

the matter and the decision of the Commission and concurs with and adopts as his own the

recommendations of the Commission; now therefore

IT IS ORDERED that the above-named Board member, having failed to attend a

June training session, 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: August 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.

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