

298-01 SEC
AGENCY DKT. NO. 255-7/01

*****SEE DECISION #298-01+, APPENDED BELOW, VACATING THE FOLLOWING
DECISION*****

IN THE MATTER OF STEVEN YOUNG, :
BOARD OF EDUCATION OF THE TOWN :
OF MONTCLAIR, ESSEX COUNTY. :
_____:

COMMISSIONER OF EDUCATION
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:28-6; 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 9, 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 did not reply in writing, but informed the Commission that he planned to attend the September 2001 training session; and

Whereas, the Commission voted on July 11, 2001 to recommend suspension of the above-named Board member, and that he 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, by letter dated July 12, 2001, the above-named Board member was afforded an opportunity to submit to the Commissioner a response to said resolution recommending removal if he does not attend a training session by October 2001; 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 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 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 18, 2001

*****THIS DECISION WAS VACATED ON SEPTEMBER 21, 2001 BY DECISION #298-01+, APPENDED BELOW *****

*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.

IN THE MATTER OF STEVEN YOUNG, :
BOARD OF EDUCATION OF THE TOWN : COMMISSIONER OF EDUCATION
OF MONTCLAIR, ESSEX COUNTY. : DECISION
_____:

On September 6, 2001, the Commissioner of Education (Commissioner) rendered a decision concurring with the recommendation of the School Ethics Commission (Commission) that the above-named Board member be suspended from office, effective upon filing of the Commissioner's decision, for failure to attend the Board member training sessions required by *N.J.S.A.* 18A:12-33 and *N.J.A.C.* 6A:28-6. Such suspension was to have remained in effect until training was completed, with summary removal to result, effective October 24, 2001, in the event the Board member failed to complete the required training by October 23, 2001.

However, by way of letter dated September 21, 2001, the above-named Board member informed the Commissioner that, in response to the Commission's recommendation, and without knowledge of the Commissioner's decision of September 6, 2001, which he had not yet received, he had arranged for, and fully intended to complete, the training session to be held on September 13-14, so as to eliminate any need for suspension. The Board member further advised the Commissioner that the offices of his employer, JP Morgan Chase, are located within 100 yards of the World Trade Center, and that, on September 11, 2001, as a senior executive of the firm, he was called upon in the wake of the tragedy that occurred that day to assist in both evacuation and subsequent disaster recovery efforts. In choosing to meet that obligation, and

unaware of the Commissioner's September 6, 2001 decision, the Board member did not attend the September 13-14 training as planned, opting instead to re-register for the next offered session in October. Upon his subsequent receipt of the Commissioner's decision suspending him from office pending completion of training, the Board member immediately contacted the Department to explain what had transpired, and it was confirmed that neither he nor his Board of Education could have received the Commissioner's decision prior to the occurrence of these events.

Accordingly, in light of the information today provided to the Commissioner, the Assistant Commissioner, to whom this matter has been delegated for determination in the absence of the Commissioner pursuant to N.J.S.A. 18A:4-34, hereby VACATES the Commissioner's decision of September 6, 2001 to the extent that it imposed a suspension of the above-named Board member pending completion of his requisite training, or through October 23, 2001, whichever came first. Instead, the Assistant Commissioner ORDERS that NO SUSPENSION OF THE BOARD MEMBER IS WARRANTED OR IMPOSED pending completion of the stated training, provided that this occurs on or before October 23, 2001. However, as before, 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.

IT IS SO ORDERED.

ASSISTANT COMMISSIONER OF EDUCATION

Date of Decision: September 21, 2001

Date of Mailing: September 21, 2001 (via fax)