

AGENCY DKT. NO. 321-10/07

IN THE MATTER OF LAWRENCE CUBAS, :
CENTRAL JERSEY ARTS CHARTER : COMMISSIONER OF EDUCATION
SCHOOL, UNION COUNTY. : DECISION
_____ :

The record of this matter and the decision of the School Ethics Commission, forwarded to the Commissioner pursuant to *N.J.S.A.* 18A:12-29 solely for review of the Commission's recommended penalty, have been reviewed. No comments were filed by the respondent, and the Commissioner has been notified that the respondent did not attend training on October 23, 2007 as directed by the Commission.

Upon review, the Commissioner notes that the penalty recommended by the Commission in its decision dated October 11, 2007 – suspension until attendance at the next scheduled training, and removal if the respondent did not so attend – is consistent with penalties historically imposed for violations of this type. However, in the present instance, no suspension could be effectuated because the training in question occurred prior to expiration of the period within which the respondent was entitled to submit exceptions to the Commissioner before her final ruling on the Commission's recommendation. *N.J.A.C.* 1:6C-18.3(b). Thus, notwithstanding her concurrence with the Commission's action in principle, the Commissioner was unable to order the respondent's suspension while the question of his attendance at training was pending.

That question having now been resolved, the Commissioner concurs with the penalty of removal recommended by the Commission and additionally admonishes the respondent for failing to attend the required training, in that such disregard of the law has resulted in a waste of administrative and adjudicative time at both State and local levels.

Accordingly, as of the filing date of this decision, the above-named respondent is hereby removed from office as a school official found to have violated the School Ethics Act.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: November 14, 2007

Date of Mailing: November 14, 2007

* 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.* Commissioner decisions are deemed filed three days after the date of mailing to the parties.