

IN THE MATTER OF TERESA NIEVES, :
OCEAN GATE BOARD OF EDUCATION, :
OCEAN COUNTY. :

COMMISSIONER OF EDUCATION
DECISION

_____ :

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 her school district, as required by the Act; and

Whereas, pursuant to *N.J.A.C.* 6A:28-1.5(j), on August 17, 2001, the Commission issued an Order to Show Cause directing this school official to demonstrate why she 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 her from the Board if she 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, in lieu of comments, the above-named school official submitted a scantily completed disclosure form which the Commissioner has forwarded to the School Ethics Commission so that the Commission may ascertain its acceptability; and

Whereas, the Commissioner of Education 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 her failure to file the requisite statement, 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, or such later date as may be established by the Commission, she fails to file an acceptable disclosure form.*

COMMISSIONER OF EDUCATION

Date of Decision: November 15, 2001

Date of Mailing: November 15, 2001

* This decision, as the Commissioner's 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.