

IN THE MATTER OF FRANK KELLY, :
MULLICA TOWNSHIP BOARD OF : COMMISSIONER OF EDUCATION
EDUCATION, ATLANTIC COUNTY. : 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 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.* 6:3-9.4; 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.* 6:3-9.3(i), on March 26, 1997 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 provided to the Commission an answer noting that he was unable to attend the seven training sessions scheduled between April 1996 and April 1997 due to family commitments but that he planned to attend the next training program offered, and;

Whereas, the Commission voted on May 27, 1997, to recommend reprimand of the above-named Board member for failure to timely attend training sessions in violation of State

statute if he attends the June 6-8 training session, with removal from the Board if he fails to attend the June 6-8, 1997 training session, memorializing such decision through a resolution forwarded to the Commissioner, pursuant to *N.J.S.A.* 18A:12-29; and

Whereas, on May 28, 1997, the above-named Board member was afforded an opportunity to submit to the Commissioner a response to said resolution recommending either reprimand or removal; and

Whereas, no response was forthcoming; and

Whereas, the Commissioner of Education has confirmed that the above-named Board member has, in fact, attended the June 6-8, 1997 training session; and

Whereas, the Commissioner of Education has carefully considered the record of this matter and the decision of the School Ethics Commission, but declines to issue a reprimand to the above-named Board member finding suspension to be the appropriate penalty in this instance; now therefore

IT IS ORDERED that a one-meeting suspension is imposed on the above-named Board member, to be effective for the next regularly scheduled meeting of the Board.

COMMISSIONER OF EDUCATION

JULY 3, 1997