

390-98 SEC

AGENCY DKT. NO. 176-5/98

IN THE MATTER OF JOHN McMAHON, :  
BOARD OF EDUCATION OF RED BANK, : COMMISSIONER OF EDUCATION  
MONMOUTH 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 April 15, 1998, 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 replied that scheduling conflicts precluded his attendance at previous trainings but that he had arranged to attend the June 1998 training session; and

Whereas, the Commission voted on May 26, 1998, to recommend a one-meeting suspension of the above-named Board member if he attends the June training session, but removal from the Board for failure to attend training sessions in violation of State statute if he

fails to attend the June session, memorializing such decision through a resolution forwarded to the Commissioner, pursuant to *N.J.S.A.* 18A:12-29; and

Whereas, on May 27, 1998, the above-named Board member was afforded an opportunity to submit to the Commissioner a response to said resolution; and

Whereas, no response was forthcoming; and

Whereas, the above-named Board member did attend the June 5, 1998 training session; 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; now therefore

IT IS ORDERED that the above-named Board member is suspended from office for the next regularly scheduled meeting of the Board as of the date of this decision.

COMMISSIONER OF EDUCATION

SEPTEMBER 30, 1998