

399-98 SEC

AGENCY DKT. NO. 176-5/98

IN THE MATTER OF MICHAEL WINKA, :

BOARD OF EDUCATION OF THE : COMMISSIONER OF EDUCATION,

TOWNSHIP OF LAWRENCE, MERCER : DECISION

COUNTY. :

_____:

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 he had failed to attend a training session as required because he had too many constraints on his time; and

Whereas, the Commission voted on May 26, 1998, to recommend removal of the above-mentioned Board member for failure to attend training sessions in violation of State statute,

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, the above-named Board member responded with an acknowledgement that he had been derelict in meeting his ethical responsibilities without offering good and sufficient reasons for his failure to attend a previous training; 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, while concurring with the Commission's finding that the failure of the above-mentioned Board member to attend a training session from April 1997 to April 1998 constitutes a violation of *N.J.S.A.* 18A:12-33, the Commissioner of Education revises the Commission's recommendation in light of the above-mentioned Board member's attendance at the June 5, 1998 training session; 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 9, 1998