

AGENCY DKT. NO. 177-5/98

IN THE MATTER OF PAUL S. WERTHER, :

BOARD OF EDUCATION OF THE : COMMISSIONER OF EDUCATION

BOROUGH OF MENDHAM, MORRIS : 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 the training session for which he was registered due to an error in recording the date, but that he planned to attend the October 27, 1998 training session; and

Whereas, the Commission ruled that the above-named Board member had not presented an adequate reason why he could not have attended one of the sessions offered within the year; and

Whereas, the Commission voted on May 26, 1998, to recommend a one-meeting suspension of the above-mentioned Board member if he attended a **June** training session, but removal from the Board for failure to attend training sessions in violation of State statute if he did not attend a 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, the above-named Board member responded that at the time of his receipt of the Commission's resolution he had already planned to attend the October 1998 session and that the resolution provided him only six and 20 days notice of the respective June training sessions, neither of which he would be able to attend due to business obligations; 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 warranted a penalty for 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 explanation for his failure to attend a June training session and in light of his registration for the October 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, and removed from office if he fails to attend the October training session.

COMMISSIONER OF EDUCATION

SEPTEMBER 21, 1998