

462-98 SEC

AGENCY DKT. NO. 439-9/98

IN THE MATTER OF GREGORY DUNHAM, :
CAMDEN CITY BOARD OF EDUCATION, : COMMISSIONER OF EDUCATION
CAMDEN 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 school official for failure to file an annual financial disclosure statement required by *N.J.S.A. 18A:12-26* on or before April 30 of each year, or within 30 days of election or appointment; and

Whereas, the School Ethics Commission sent ample notice to the above-named school official of his failure to file an annual financial disclosure statement; and

Whereas, pursuant to *N.J.A.C. 6:3-9.3(i)*, on July 31, 1998, the Commission issued an Order to Show Cause why the school official should not be removed for such failure, which was sent via regular and certified mail, the latter being returned unclaimed, and the former, not having been returned following mailing on September 2, 1998, being deemed to have been received by Mr. Dunham on September 5, 1998; and

Whereas, the above-named school official failed to respond to such Order, notwithstanding its receipt and the Commission's advisement that the matter would be discussed at its meeting of September 22, 1998; and

Whereas, the Commission voted on September 22, 1998, to recommend removal of the above-named school official for failure to file an annual financial disclosure statement 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 September 23, 1998, the above-named school official was afforded an opportunity to submit to the Commissioner a response to said resolution recommending removal; and

Whereas, on September 26, 1998 the above-named school official filed his disclosure statement with the Commissioner, giving no explanation for its lateness or his failure to respond to the order of the Commission, but apologizing for any inconvenience caused by his inaction; and

Whereas, on September 29, 1998, the Camden County Superintendent of Schools advised that the above-named school official had on that date filed his financial disclosure form with the county office; and

Whereas, the Commissioner of Education has carefully considered the record of this matter and the decision of the School Ethics Commission and, having done so, declines to adopt the Commission's recommendation that removal is warranted, in light of the school official's subsequent filing of the requisite form. Nevertheless, the Commissioner must admonish this school official for his failure to timely file the requisite financial disclosure form, in that such delay resulted in the within proceeding, which entailed needless expenditure of time and administrative and adjudicative resources by local, county, and state education officials; now therefore

IT IS ORDERED that the above-named school official is suspended from office for a period of three days, without pay, as of the date of the Board's receipt of this decision.

COMMISSIONER OF EDUCATION

OCTOBER 15, 1998