

465-98 SEC

AGENCY DKT. NO. 442-9/98

IN THE MATTER OF RENARD NEAL, :
ASBURY PARK BOARD OF EDUCATION, : 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 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 certified mail, signed for as received as evidenced by card returned to the School Ethics Commission on August 6, 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 that same date, but subsequent to the conclusion of the meeting, the school official's disclosure form was received in the School Ethics Commission Office, together with an explanation from the Board Secretary as to why it was not mailed until September 21, 1998, notwithstanding that it had been given to her on September 17, 1998, and was concurrently received by the County Superintendent; 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, the above-named school official, through his attorney, on October 7, 1998 submitted timely comments explaining the circumstances of his failure to previously file the required disclosure form and noting its undisputed receipt by the office of the Commission on September 22, 1998; and

Whereas, on October 8, 1998, the Commissioner was advised of the decision of the Law Division of the Superior Court of New Jersey, Monmouth County, removing the above-named school official from membership on the Board of Education pursuant to *N.J.S.A.* 2A:81-17.2a3; now therefore

IT IS ORDERED that the within matter is declared moot due to the October 5, 1998 removal of the subject school official from his position as board member by the New Jersey Superior Court.

COMMISSIONER OF EDUCATION

OCTOBER 15, 1998