

281-99SEC

AGENCY DKT. NO. 231-8/99

IN THE MATTER OF KEN FAIGENBAUM, :
BOARD OF EDUCATION OF SPRINGFIELD : COMMISSIONER OF EDUCATION
TOWNSHIP, UNION 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 a personal/relative disclosure statement, pursuant to *N.J.S.A. 18A:12-25* and/or an annual financial disclosure statement required by *N.J.S.A. 18A:12-26*; and

Whereas, the deadline to file these disclosure statements was April 30, 1999 for school officials in office since January 30, 1999, or 30 days from swearing in or start of service for newly elected or appointed board members and administrators; and

Whereas, the School Ethics Commission, upon being advised by the County Superintendent that this school official did not file a disclosure statement with his school district, as required by the Act; and

Whereas, pursuant to *N.J.A.C. 6:3-9.3(i)*, on June 21, 1999, the Commission issued an Order to Show Cause directing this school official to demonstrate why he should not be found in violation of the Act for failing to file the necessary statement(s); and

Whereas, the above-named school official apparently failed to reply to the Order to Show Cause; and

Whereas, the Commission voted on July 27, 1999, to recommend removal of the above-named school official for failure to file a 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, by letter dated August 5, 1999 from the School Ethics Commission, the above-named school official was afforded an opportunity to submit to the Commissioner a response to said resolution recommending removal; and

Whereas, the within record shows that, after the commencement of the meeting conducted by the Commission on July 27, 1999, the County Office, having at an earlier date received from the above-named official the required disclosure statement, transmitted said statement to the Commission office via facsimile on that date, but the Commission did not receive the statement in time to consider it before rendering its decision; 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, recognizes that the Commission's recommendation for removal of Mr. Faigenbaum from office was based solely on its finding that he was in violation of the requirement for filing a disclosure statement, which requirement was, in fact, met without the Commission's knowledge; now therefore

IT IS ORDERED that the Commission's recommendation for removal of Mr. Faigenbaum is accordingly declined.*

COMMISSIONER OF EDUCATION

AUGUST 27, 1999

* This decision, as the Commissioner's final determination in the instant matter, may be appealed to the State Board of Education pursuant to *N.J.S.A. 18A:6-27 et seq.* and *N.J.A.C. 6:2-1.1 et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.

