

256-00 SEC
AGENCY DKT. NO. 232-6/00

IN THE MATTER OF JOSEPH DE VIERNO, :
BOARD OF EDUCATION OF THE : COMMISSIONER OF EDUCATION
TOWNSHIP OF LONG HILL, : DECISION
MORRIS 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.* 6A:28-1.6; 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.* 6A:28-1.5(j), on April 14, 2000 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 not attended training due to personal obligations, but plans to attend the September 2000 session; and

Whereas, the Commission voted on May 23, 2000, to recommend that the above-named Board member be suspended until he attends training, and removed from office if he fails to attend by the end of October 2000, memorializing such decision through a resolution forwarded to the Commissioner pursuant to *N.J.S.A.* 18A:12-29; and

Whereas, on June 26, 2000, the above-named Board member was afforded an opportunity to submit to the Commissioner a response to the Commission's resolution; and

Whereas, no response was forthcoming; and

Whereas, the Commissioner of Education has carefully considered the record of this matter and the decision of the School Ethics Commission and concurs with and adopts as his own the recommendations of the Commission; now therefore

IT IS ORDERED that the above-named Board member is suspended from office as of the date of this decision, pending his attendance at the September training session, but is hereby removed from said office, without further proceedings, should he fail to attend training by the end of October 2000.*

COMMISSIONER OF EDUCATION

Date of Decision: August 14, 2000

*This decision, as the Commissioner's final determination regarding penalty 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. 6A:4-1.1 et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.