

483-01 SEC (307-01 SEC)

NOTE: THIS DECISION VACATES #307-01 BASED ON NEW INFORMATION RECEIVED

December 12, 2001

Michael D. Bross, Esq.
Bross Cummings & Pereira, L.L.C.
17 Academy Street
Suite 1200
Newark, New Jersey 07102

Dear Mr. Bross:

I have reviewed the papers submitted in conjunction with your request that I reconsider my September 6, 2001 decision in the matter entitled *In the Matter of Evelyn Williams, State-Operated School District of the City of Newark, Essex County*, Agency Docket No. 254-7/01, based on subsequent events that prevented Ms. Williams from completing required board member training by October 23, 2001 as directed by that decision, thus triggering her immediate removal from the Board of Education. The School Ethics Commission had, as communicated to Ms. Williams and the Bureau of Controversies and Disputes by letter dated November 29, 2001, determined at its meeting on November 27, 2001 not to alter the penalty previously imposed, finding such action unwarranted under the circumstances.

Ms. Williams explains, without apparent challenge or contradiction, that arrangements had been made through the district for her to attend all-day training on October 23 in Atlantic City and that she arrived at her hotel the night before in order to do so as planned; however, she was summoned by hotel staff on the morning of October 23 as she was leaving for training in order to resolve the hotel's allegation that her bill was unpaid due to a problem with the district purchase order. The resulting delay, of which she notified the training center when it became apparent that she would be late, caused her to miss most of the morning training session, so that the New Jersey School Boards Association was unable to issue its customary verification that she had *completed* the required training. Thus, Ms. Williams contends that, although she did not, in fact, complete the full day of training, she was prevented from doing so through no fault of her own, and in spite of every effort on her part to comply with my September 6 order.

I have considered the School Ethics Commission's recommendation that the penalty of removal as of October 24, 2001 should stand against Ms. Williams notwithstanding the events reported in her application for reconsideration. However, under the very specific and

highly unusual circumstances herein, I cannot agree that removal of Ms. Williams is warranted for failure to complete training within the time frame established by my earlier decision, and I, therefore, vacate the order removing Ms. Williams from the Board as of October 24, 2001. Instead, I direct that Ms. Williams' suspension be continued from that date until she attends the January 12, 2002 training session, provided, however, that she shall be summarily removed from the Board should she fail to complete her training at that time.

Sincerely,

Vito A. Gagliardi, Sr.
Commissioner

c: Board Secretary
County Superintendent
School Ethics Commission