

435-02SEC

IN THE MATTER OF PABLO FONESCA, :
MARIA L. VARISCO-ROGERS CHARTER : COMMISSIONER OF EDUCATION
SCHOOL, ESSEX COUNTY. : DECISION
_____ :

SYNOPSIS

The School Ethics Commission determined that respondent Board member, who failed to attend Board member training as required by *N.J.S.A.* 18A:12-33 after being notified that failure to attend would result in removal, be removed from the Board.

Following review of the record and the Commission's decision, the Commissioner concurred with the recommendations of the Commission and ordered respondent removed from the Board as of the filing of this decision.

This synopsis is not part of the Commissioner's decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.

December 18, 2002

IN THE MATTER OF PABLO FONESCA, :
MARIA L. VARISCO-ROGERS CHARTER : COMMISSIONER OF EDUCATION
SCHOOL, ESSEX COUNTY. : DECISION
_____ :

Whereas, the School Ethics Commission (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 above-named Board member was newly-appointed in February 2001 and, thereafter, duly advised of the requirement that he attend such training sessions; and

Whereas, on April 23, 2002, the Commission issued an Order to Show Cause why a penalty should not be imposed for the above-named Board member's failure to attend one of the seven training sessions conducted between April 2001 and March 2002; and

Whereas, the Commission notified the above-named Board member on July 30, 2002 that it had voted to allow Charter School Trustees to attend the October 22, 2002 training session without penalty, but that if the above-named Board member failed to attend, it would recommend that he be removed from the Board;

Whereas, the above-named Board member did not reply to the Commission's notice and did not attend the October 22, 2002 training session; and

Whereas, the Commission resolved on October 29, 2002 to recommend that the above-named Board member be removed from the Board and memorialized such decision

through a resolution forwarded to the Commissioner of Education, pursuant to *N.J.S.A.* 18A:12-29; and

Whereas, on November 1, 2002, the above-named Board member was afforded an opportunity to submit to the Commissioner a response to said resolution; and

Whereas, no comments were received from, or on behalf of, the above-named Board member; and

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

IT IS ORDERED that Pablo Fonesca is removed from office as of the filing of this decision.*

COMMISSIONER OF EDUCATION

Date of Decision: December 18, 2002

Date of Mailing: December 18, 2002

* 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.