

IN THE MATTER OF DAVID :  
TAWIL, DEAL BOARD OF : COMMISSIONER OF EDUCATION  
EDUCATION, MONMOUTH 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 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:28-1.6(e), on May 21, 2003, the Commission issued an Order to Show Cause why he had not attended a training up until that time; and

Whereas, the Commission granted an extension for similarly situated board members to attend one of the June training sessions; and

Whereas, the above-named Board member responded and advised that he would attend the October 2003 training session; and

Whereas, the Commission voted on July 22, 2003 to recommend that the above-named Board member be suspended from the Board until he attends the October 2003 session and removed if he fails to attend the October 2003 session, 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 July 29, 2003, the above-named Board member was afforded an opportunity to submit to the Commissioner a response to said resolution; and

Whereas, counsel, on behalf of the above-named Board member, states that there were seven training sessions conducted between April 2002 and April 2003, all, except one offered in October, were on Saturdays. Counsel reports that the above-named Board member is unable to attend weekend sessions for religious reasons, which require observance from sunset Friday through sunset Saturday, and he was in Hong Kong on a business trip at the time of the one weekday session offered in October. Counsel further reports that respondent plans to attend the October 2003 weekday training session;

Whereas, under these particular circumstances, the Commissioner finds the Commission's recommended suspension of the above-named Board member at this time an unduly harsh sanction but he agrees with the Commission that if the above-named Board member fails to attend the weekday training session in October, 2003, which provides him ample time to arrange his business and personal affairs, he should be removed from the Board; now therefore

IT IS ORDERED that the above-named Board member shall satisfy his training obligation by attending the weekday training session in October 2003, and, in the event he fails

to complete this training session, the above-named Board member shall be summarily removed from office as of that date.\*

COMMISSIONER OF EDUCATION

Date of Decision: August 21, 2003

Date of Mailing: August 27, 2003

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\* 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.* Pursuant to *N.J.A.C. 6A:4-1.4(a)*, Commissioner decisions are deemed filed three days after the date of mailing to the parties.