

287-99SEC

AGENCY DKT. NO. 221-8/99

IN THE MATTER OF BRUCE SMITH, :
HACKETTSTOWN BOARD OF : COMMISSIONER OF EDUCATION
EDUCATION, WARREN 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 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, no response was submitted by the above-named school official; 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, and further admonishes the school official for his failure to file the requisite statement, in that such inactivity has caused an inordinate amount of administrative and adjudicative time to be wasted by local, county and state education officials; now therefore

IT IS ORDERED that the above-named school official is removed from office as of the date of this decision.*

COMMISSIONER OF EDUCATION

* 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.

AUGUST 27, 1999