

284-00

IN THE MATTER OF THE TENURE :
HEARING OF ELAUGH BUTLER, : COMMISSIONER OF EDUCATION
STATE-OPERATED SCHOOL : DECISION
DISTRICT OF THE CITY OF NEWARK, :
ESSEX COUNTY. :

SYNOPSIS

Petitioning District filed tenure charges against respondent teaching staff member alleging conduct unbecoming a teaching staff member, and sought termination of her employment. The charges were based on respondent's participation in a scheme to defraud the State Health Benefits Program. Prior to the hearing of this matter, respondent was convicted of crimes of the second and third degree which involved dishonesty. As part of her sentence, respondent's public employment with the State-operated School District of the City of Newark was forfeited.

Based on the forfeiture of respondent's public employment, the ALJ concluded that this matter was moot and entered an Initial Decision dismissing the case as moot.

The Commissioner concurred with the ALJ's determination that this matter was rendered moot when respondent's public employment was forfeited. Petition was dismissed.

September 1, 2000

OAL DKT. NO. EDU 7959-97
AGENCY DKT. NO. 224-6/97

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The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. The parties filed no exceptions to the Initial Decision.

Upon his independent review, the Commissioner affirms the conclusion of the Administrative Law Judge that, because respondent forfeited her public employment pursuant to *N.J.S.A. 2C:51-2a(1) and (2)*, as a consequence of an Order entered by the Honorable Donald R. Venezia, J.S.C. on June 23, 2000, the tenure charges instituted against her by the State-operated School District of the City of Newark have been rendered moot.

Accordingly, the within Petition of Appeal is hereby dismissed as moot.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: September 1, 2000

Date of Mailing: September 1, 2000

* This decision, as the Commissioner's final determination, 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.