

IN THE MATTER OF THE TENURE :
HEARING OF GREGORY GOMES, :
SCHOOL DISTRICT OF THE TOWNSHIP OF : COMMISSIONER OF EDUCATION
EGG HARBOR, ATLANTIC COUNTY. : DECISION

SYNOPSIS

The Board certified tenure charges of unbecoming conduct against respondent social studies teacher for allegedly using the District's computers to access and view pornographic materials on the internet while on school property and during school hours. The Board further alleged he was using the computers to write a romance novel for his own personal financial gain.

The ALJ found that the actions and conduct of respondent were sufficiently flagrant to justify his dismissal. The ALJ noted that he repeatedly viewed internet pornographic materials, including teenage pornographic material, over several months, while on school property, in unoccupied classrooms and in the school library. Moreover, the ALJ found that he left the pornographic internet addresses within the computers' various directories and drives such that they were accessible to students and that he used the computers for his own personal and financial gain. The ALJ concluded that the Board met its burden of proof by a preponderance of credible evidence regarding all the tenure charges against respondent and respondent's conduct was, in fact, undisputed and admitted and warranted his dismissal.

The Commissioner adopted the findings and conclusions of the ALJ and ordered respondent dismissed from his tenured position as of the date of this decision. The Commissioner referred the matter to the State Board of Examiners for action against respondent's certificate as that body deemed appropriate.

<p>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.</p>

December 23, 2002

IN THE MATTER OF THE TENURE :
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SCHOOL DISTRICT OF THE TOWNSHIP OF : COMMISSIONER OF EDUCATION
EGG HARBOR, ATLANTIC COUNTY. :
DECISION

The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. Respondent's exceptions were untimely filed pursuant to *N.J.A.C.* 1:1-18.4(a), in that the Initial Decision was mailed to the parties on November 7, 2002 and the exceptions were filed on November 26, 2002, outside the 13-day period prescribed by regulation. Accordingly, neither the exceptions nor the reply thereto is considered in the Commissioner's determination of this matter.

Upon careful and independent review of the record in this matter, the Commissioner finds no cause to disturb the findings and conclusions of the Administrative Law Judge. Accordingly, the Initial Decision is adopted for the reasons expressed therein. Respondent is dismissed from his tenured position as of the date of this decision. This matter is hereby referred to the State Board of Examiners for action against respondent's certificate as it deems appropriate.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: December 23, 2002
Date of Mailing: December 26, 2002

* 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.