

#83-4/05 (No OAL Decision)

IN THE MATTER OF THE SUSPENSION :
OF THE TEACHING CERTIFICATE OF :
PAUL ULLRICH, BOARD OF EDUCATION : COMMISSIONER OF EDUCATION
OF THE TOWNSHIP OF PEQUANNOCK, : DECISION
MORRIS COUNTY. :
_____:

SYNOPSIS

The Board filed a Motion for an Order to Show Cause, seeking suspension of respondent’s instructional certificate for unprofessional conduct stemming from his failure to provide adequate notice of resignation pursuant to *N.J.S.A. 18A:26-10* and *N.J.A.C. 6A:9-17.9*.

The Commissioner issued an Order directing respondent to show cause why further order should not be entered suspending his certificate for unprofessional conduct. The respondent filed an answer to the show cause, explaining that personal reasons necessitated his relocation to California during the school year, and that he did not feel that any hardship had resulted from his resignation because a replacement was found “immediately after” respondent’s departure. Respondent, however, failed to provide information necessary to transmit the matter to the OAL for adjudication and the Board’s allegations against respondent were thus deemed to be admitted.

Therefore, the Commissioner orders that respondent’s instructional certificate be suspended for a period of one year commencing as of the date of this decision, and forwards the matter to the State Board of Examiners for the purpose of effectuating this order and taking such further action, if any, as it may deem appropriate.

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.

August 3, 2005

AGENCY DKT. NO. 83-4/05

IN THE MATTER OF THE SUSPENSION :
OF THE TEACHING CERTIFICATE OF :
PAUL ULLRICH, BOARD OF EDUCATION : COMMISSIONER OF EDUCATION
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MORRIS COUNTY. :

For the Petitioning Board, Anthony P. Sciarrillo, Esq. (Lindabury, McCormick
& Estabrook)

This matter having been opened by way of Motion for an Order to Show Cause before the Commissioner of Education by the Board of Education of the Township of Pequannock, seeking suspension of the instructional certificate of Paul Ullrich for resigning from employment on inadequate notice; and

The Commissioner having issued, on March 30, 2005, an Order directing Mr. Ullrich to show cause why further order should not be entered suspending his teaching certificate for unprofessional conduct pursuant to *N.J.S.A. 18A:26-10* and *N.J.A.C. 6A:9-17.9*; and

The Order and accompanying petition/Affidavit of Dr. Jacqueline Cusack, Superintendent of Schools of the Pequannock Township Board of Education, having been sent by the Board via certified and regular mail to Paul Ullrich; and

The Commissioner having directed respondent, by notice dated April 7, 2005, to submit an answer within 20 days of receipt of the Order; and

There being no Answer filed in that time, the Commissioner provided respondent, by notice dated May 2, 2005, sent via certified and regular mail,¹ an additional 10 days to file an Answer,

¹ The green card indicating receipt of the certified letter by "P. Ullrich" was received by the Bureau of Controversies and Disputes on May 16, 2005.

pursuant to *N.J.A.C. 6A:3-1.3(e)*, or else allegations raised by the Board would be deemed true and this matter would be resolved in summary fashion by the Commissioner of Education; and

By letter dated May 11, 2005, filed with the Bureau of Controversies and Disputes on May 18, 2005, respondent provided the following response to the Show Cause Order:

For personal reasons, it was necessary for me to relocate to California during the school year. I do not feel this created a particular hardship for the Pequannock Township BOE, as they were able to find a replacement immediately after my departure. Therefore I am troubled as to their motivations for taking this action. I spent a great deal of time and effort in getting certified just to have it stripped away like this. In addition, given the state of the education system, there should be more effort in trying to retain teachers instead of losing them.

Although I am not planning to return to New Jersey in the near future, I may decide to become certified here, and would rather not have to explain having a suspended license. I hope you will take these matters into account when making your final decision. If you need any other details, I will be happy to provide them.

The Director of the Bureau of Controversies and Disputes, by letter dated May 23, 2005, mailed by certified mail, return receipt requested, and regular mail, advised respondent that the next step in the processing of this matter was transmission to the Office of Administrative Law for adjudication and respondent was directed to submit his current telephone number, a necessary requisite for transmission, within 10 days of his receipt of the letter.² Respondent was further advised that failure to submit this essential information would be deemed a determination that respondent did not wish to proceed in his defense of the board's charge against him; and

As of this date, respondent has not provided the information which would allow this matter to proceed and, therefore, the board's allegations against respondent are deemed to be admitted; and

Respondent having ceased to perform his duties as a high school mathematics teacher in the Pequannock Township School District before the expiration of the term of his employment, without the Board's consent, and under the circumstances set forth in the petition/Affidavit of

² Although the green card has not yet been returned, neither has the regular mail envelope and it is, therefore, presumed delivered.

Dr. Jacqueline Cusack, Superintendent of Schools of the Pequannock Township Board of Education and, thereby Paul Ullrich being deemed to have engaged in unprofessional conduct, pursuant to *N.J.S.A.* 18A:26-10 and *N.J.A.C.* 6A:9-17.9; now therefore

IT IS ORDERED on this _____ day of July 2005, that Paul Ullrich's instructional certificate shall be suspended for a period of one year, to commence upon the date of this decision. A copy of this decision is hereby forwarded to the State Board of Examiners for the purpose of effectuating this order and taking such further action, if any, as it deems appropriate.³

COMMISSIONER OF EDUCATION

Date of Decision: August 3, 2005

Date of Mailing: August 3, 2005

³ This decision 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.*