

#12-08

IN THE MATTER OF THE SUSPENSION :
OF THE TEACHING CERTIFICATION
OF TARA HEMERICK, GRAY CHARTER:
SCHOOL, ESSEX COUNTY.

COMMISSIONER OF EDUCATION

DECISION

_____:

SYNOPSIS

In October 2007, the petitioning charter school served an Order to Show Cause upon respondent, requiring her to show cause why an order should not be entered suspending her certificate – pursuant to *N.J.S.A.* 18A:26-10 and 18A:28-8 – for resigning her position as Kindergarten teacher without providing the notice required by her contract, and the 60-day notice required by law. The respondent failed to answer the order. Respondent was duly advised that, pursuant to *N.J.A.C.* 6A:3-1.5(e), failure to respond would cause each allegation in petitioner’s papers to be deemed admitted, and might result in summary decision by the Commissioner.

There being no response to the order to show cause, the Commissioner concluded that the allegations – which respondent has chosen not to deny – may be deemed admitted, and are sufficient to justify suspension of respondent’s certification. Accordingly, summary decision is granted to petitioner, and respondent’s certificate is suspended for a period of one year from the date of the filing of this decision – a copy of which has been forwarded to the State Board of Examiners for the purpose of effectuating this order.

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.
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January 9, 2008

IN THE MATTER OF THE SUSPENSION :
OF THE TEACHING CERTIFICATION : COMMISSIONER OF EDUCATION
OF TARA HEMERICK, GRAY CHARTER :
SCHOOL, CITY OF NEWARK, ESSEX : DECISION
COUNTY. :

For Petitioner, Sills Cummis Epstein & Gross

Respondent: No appearance by or on behalf of Tara Hemerick

This matter was opened before the Commissioner of Education on October 9, 2007, by way of an Order to Show Cause served by petitioner, Gray Charter School, upon respondent, Tara Hemerick, requiring respondent to show cause why an order should not be entered suspending her teaching certificate, “pursuant to *N.J.S.A.* 18A:26-10 and 18A:28-8,” for resigning without providing the amount of notice required by her contract with respondent, and for failing to provide the 60 days notice required by law. By notice dated October 9, 2007, the Bureau of Controversies and Disputes (the Bureau) acknowledged receipt of proof of service upon respondent of the order to show cause.

On November 21, 2007, the Bureau sent respondent a final notice, via regular and certified mail, directing respondent to file an answer within ten days. The final notice advised that, pursuant to *N.J.A.C.* 6A:3-1.5(e), failure to respond would cause each allegation in petitioner’s papers to be deemed admitted, and might result in summary decision by the Commissioner. Neither the notice sent by certified mail nor the notice sent by regular mail was returned by the postal service, and no answer to the order to show cause has been filed as of this date.

As stated above, the final notice to respondent clearly advised that if an answer was not filed within ten days of receipt of same, each allegation in the papers supporting the order to show cause would be deemed to have been admitted and the Commissioner might decide the matter

on a summary basis. The Commissioner now concludes that the allegations, which respondent has chosen not to deny, may be deemed admitted pursuant to *N.J.A.C. 6A:3-1.5(e)*, and are sufficient to justify an order suspending respondent's teaching certification.

Accordingly, IT IS ORDERED that summary decision is granted to petitioner, and respondent's teaching certification is suspended for a period of one year pursuant to *N.J.S.A. 18A:26-10* and *18A:28-8*.^{1 2}

COMMISSIONER OF EDUCATION

Date of Decision: January 9, 2008

Date of Mailing: January 10, 2008

¹ The record is not dispositive on whether the respondent is a non-tenured teacher covered by *N.J.S.A. 18A:26-10* or a tenured teacher covered by *N.J.S.A. 18A:28-8*. In either eventuality, however, the result is the same.

² 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.*