

#28-08

IN THE MATTER OF THE TENURE :
HEARING OF PATRICK BUONGIORNO : COMMISSIONER OF EDUCATION
NORTHERN VALLEY REGIONAL HIGH : DECISION
SCHOOL DISTRICT, BERGEN COUNTY :
_____ :

SYNOPSIS

Petitioning Board filed tenure charges of unbecoming conduct and insubordination against respondent, a tenured custodian, and sought his removal from employment in the Northern Regional High School District. Respondent failed to file an answer to the petition following notice pursuant to *N.J.A.C.* 6A:3-5.3 and 6A:3-5.4.

The Commissioner concluded that the allegations – which respondent has chosen not to deny – may be deemed admitted and are sufficient to warrant removal of the respondent from his tenured position. Accordingly, the Commissioner granted summary decision to the Board and ordered respondent dismissed from his tenured position.

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 24, 2008

AGENCY DKT NO. 372-12/07

IN THE MATTER OF THE TENURE :
HEARING OF PATRICK BUONGIORNO : COMMISSIONER OF EDUCATION
NORTHERN VALLEY REGIONAL HIGH : DECISION
SCHOOL DISTRICT, BERGEN COUNTY :
_____ :

For the Board, James Plosia, Jr., Esq., Apruzzese, McDermott, Mastro & Murphy

Patrick Buongiorno, *Pro Se*

This matter was opened before the Commissioner of Education on December 5, 2007, through the certification of tenure charges by the Northern Valley Regional High School District against Patrick Buongiorno, a tenured custodian, alleging unbecoming conduct and insubordination.

By notice dated December 5, 2007, the Commissioner directed respondent, via both certified and regular mail, the certified copy having been signed for on December 8, 2007, to file an Answer to the tenure charges against him. This communication from the Bureau of Controversies and Disputes clearly provided respondent notice that, pursuant to *N.J.A.C.* 6A:3-5.3 and 6A:3-5.4, an individual against whom tenure charges are certified shall have 15 days from the date such charges are filed with the Commissioner to file a written response to the charges, and that failure to answer within the prescribed period – where no extension has been applied for and granted – will result in the charges being

deemed admitted by the charged employee. Because no reply has been received from respondent, or any attorney on his behalf, in response to the District's charges, each count of the charges against respondent is deemed to be admitted. *N.J.A.C. 6A:5-3(c)*.

The Commissioner's review of the tenure charges certified against respondent by the Board and the statement of evidence in support of those charges indicates that respondent has a history of conflict with the administration, inappropriate interaction/confrontations with students, poor interpersonal relations and unmanageable anger issues.

Deeming the within charges to be admitted, and noting that respondent has chosen not to deny the allegations against him, the Commissioner concludes that the Board has demonstrated that respondent is guilty of unbecoming conduct and insubordination warranting his dismissal from his tenured position with the District.¹

IT IS THEREFORE ORDERED that summary decision shall be granted to the District, and Patrick Buongiorno shall be dismissed from his tenured position as a custodian in the District's employ as of the date of this decision.²

COMMISSIONER OF EDUCATION

Date of Decision: January 24, 2008

Date of Mailing: January 24, 2008

¹ Pursuant to *N.J.S.A. 18A:17-3*, public school janitors, or custodians, shall, unless appointed for a fixed term, hold office or employment under tenure of good behavior and efficiency and shall not be dismissed or suspended or reduced in compensation, ***except for neglect, misbehavior or other offense.

² This decision may be appealed to the State Board of Education pursuant to *N.J.S.A. 6-27 et seq.* and *N.J.A.C. 6A:4-1.1 et seq.*