

#50-09 (OAL Decision: Not available online)

OAL DKT. NO. EDU 7530-08
AGENCY DKT. NO. 129-5/08

DELIA HUNTER,	:	
	:	
PETITIONER,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
BOARD OF EDUCATION OF THE TOWN OF PHILLIPSBURG, WARREN COUNTY,	:	DECISION
	:	
RESPONDENT.	:	
_____	:	

The record, Settlement Agreement, and Initial Decision issued by the Office of Administrative Law (OAL), pursuant to *N.J.A.C. 1:1-19.1*, have been reviewed.

Upon such review, the Commissioner observes that the President of the Board of Education of the Town of Phillipsburg signed the Settlement Agreement on behalf of the Board. In that neither the file nor the settlement agreement contains a copy of the Board’s resolution approving the settlement and designating this individual to sign the agreement on its behalf, nor, in the alternative, is the agreement signed by the Board attorney,¹ who is the Board’s duly authorized representative in litigation, the Commissioner cannot approve the within settlement agreement.

Accordingly, the Commissioner hereby remands this matter to the OAL for revision of the Stipulation of Settlement consistent with the concerns set forth above. If the parties are unwilling or unable to reach accord on a modified agreement for submission to the Commissioner, the matter shall proceed to hearing.

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: January 28, 2009

Date of Mailing: January 29, 2009

¹ It is noted that the Board Attorney signed the agreement only in the capacity of attester to the Board President’s signature.

² This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36*