

#104-16

OAL DKT. NO. EDU 6027-15  
AGENCY DKT. NO. 74-4/15

ROSEANNE PANICO, :  
 :  
 PETITIONER, :  
 :  
 V. : COMMISSIONER OF EDUCATION  
 :  
 BOARD OF EDUCATION OF THE : DECISION  
 TOWNSHIP OF READINGTON, :  
 HUNTERDON COUNTY, :  
 :  
 RESPONDENT. :

---

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed, as have the exceptions filed pursuant to *N.J.A.C. 1:1-18.4* by the petitioner, Roseanne Panico, and the Board of Education’s (Board) reply thereto.

Upon the review of the record, the Commissioner is in accord with the ALJ’s conclusion – for the reasons set forth in the Initial Decision – that the issues raised by the petitioner are moot. This entire case involves a challenge to the Board’s decision to require the petitioner to submit to an Independent Psychiatric Evaluation (IPE). After the petition of appeal was filed, the petitioner did indeed submit to an IPE. The IPE was performed by Dr. Robinson, a psychiatrist approved by the Board, and Dr. Robinson concluded that the petitioner was able to return to work. Notably, the Board accepted the IPE report and offered the petitioner the opportunity to return to work.

With respect to the petitioner’s challenge to the ALJ’s decision denying the petitioner’s motion to quash the subpoenas issued by the Board to Dr. Renna and Dr. Tobias,

the Commissioner agrees with the Board that the subpoena issue is also now moot.<sup>1</sup> No documentation or information was ever obtained by the Board as a result of the subpoenas, and the Board abandoned any effort to enforce the subpoenas after the petitioner complied with the Board's request to submit to an IPE.

Accordingly, the Initial Decision is adopted as the final decision in this matter and the petition of appeal is hereby dismissed as moot.

IT IS SO ORDERED.<sup>2</sup>

COMMISSIONER OF EDUCATION

Date of Decision: March 11, 2016

Date of Mailing: March 14, 2016

---

<sup>1</sup> In her exceptions, the petitioner contends that the ALJ erroneously denied her motion to quash the subpoenas without providing any substantive reasons for the denial.

<sup>2</sup> This decision may be appealed to the Superior Court, Appellate Division, pursuant to *P.L. 2008, c. 36* (*N.J.S.A. 18A:6-9.1*).