

SB #12-99

IN THE MATTER OF THE ISSUANCE :
OF A TEACHING CERTIFICATE TO : STATE BOARD OF EDUCATION
ANTHONY J. POLIZZI, JR. : DECISION

Decided by the State Board of Examiners, January 25, 1999

For the Petitioner-Appellant, Budd, Lerner, Gross, Rosenbaum, Greenberg &
Sade (Terri J. Harrison, Esq., of Counsel)

For the Respondent-Respondent, Howard McCoach, Deputy Attorney General
(John J. Farmer, Jr., Attorney General of New Jersey)

On January 25, 1999, the State Board of Examiners voted to deny the issuance of a Substance Awareness Coordinator certification to Anthony J. Polizzi, Jr. (hereinafter "appellant"), finding that, pursuant to the terms of N.J.S.A. 18A:6-7.1, the appellant's conviction for a drug offense permanently disqualified him from school employment. The Board of Examiners added, however, that "[i]f you are able to have this conviction expunged, you may then reapply for certification." On February 16, 1999, the appellant filed a notice of appeal from that decision to the State Board of Education.

On March 2, 1999, the counsel for the appellant requested that the briefing schedule be placed in abeyance pending proceedings to expunge the appellant's criminal record. By letter dated March 11, 1999, the Director of the State Board

Appeals Office (hereinafter "Director") advised counsel for the appellant that such request had been granted.

By letter dated October 2, 2000, the Director requested that the counsel for the appellant advise the State Board of Education of the status of the expungement proceedings. On November 2, 2000, having received no response from counsel for the appellant, the Director advised her that this matter was being referred to the Legal Committee of the State Board for consideration of the appellant's failure to perfect the appeal.

By letter dated November 8, 2000, counsel for the appellant advised that an order expunging the appellant's record had been entered on August 6, 1999. In light of this letter, the Director notified counsel for the appellant that the briefing schedule was being reestablished and that a brief in support of the appeal was due by December 6, 2000.

By letter dated December 6, 2000, counsel for the appellant indicated that based upon the expungement of the appellant's record, "it would appear that the State Board of Examiners reversed their position and the appeal is moot. No brief would therefore be required." By letter dated December 8, 2000, the Director requested that counsel for the appellant "confirm by letter if your intent is to withdraw your appeal. Otherwise, it may be dismissed by the State Board of Education for failure to perfect."

The counsel for the appellant has failed to respond to the Director's letter of December 8 or to file a brief in support of the appeal. Given these circumstances, we dismiss the appeal in this matter for failure to perfect. N.J.A.C. 6A:4-1.12(a). See

Paszamant v. Board of Education of the Borough of Highland Park, decided by the State Board, April 1, 1992, aff'd, Docket #A-4812-91-3 (App. Div. 1993).

February 7, 2001

Date of mailing _____