

IN THE MATTER OF THE TENURE :
HEARING OF ANTHONY PUCA, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF THE TOWN- : DECISION
SHIP OF WINSLOW, CAMDEN :
COUNTY. :
_____:

SYNOPSIS

Board certified tenure charges of unbecoming conduct and other just cause against respondent fifth grade teacher. Matter was on the inactive list pending criminal charges. Following Judgment of Conviction, the matter was reinstated.

Respondent having been convicted of a crime of the second degree, Endangering the Welfare of a Child, *N.J.S.A. 2C:24-2a*, and thereby automatically forfeiting his position as a teacher in accordance with *N.J.S.A. 2C:51-1(a)*, and for good cause shown, the ALJ ordered the matter be removed from the inactive list and be dismissed as moot. ALJ ordered the matter referred to the State Board of Examiners.

Commissioner adopted findings and determination in initial decision and ordered matter referred to State Board of Examiners for further appropriate action.

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The record of this matter and the initial decision of the Office of Administrative Law have been reviewed. Respondent's exceptions are duly noted as submitted in accordance with *N.J.A.C.* 1:1-18.4.*

Upon careful and independent review of the record in this matter, the Commissioner concurs with the ALJ that the within tenure matter is properly dismissed as moot, in that respondent has forfeited his position pursuant to *N.J.S.A.* 2C:51-2.

Accordingly, the initial decision of the ALJ is adopted for the reasons expressed therein. This matter shall be referred to the State Board of Examiners pursuant to *N.J.A.C.* 6:11-3.6 for action against respondent's certificate, as it deems appropriate.

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

Date: December 4, 1997

* Respondent's submission does not take exception to the initial decision, but asks the Commissioner to acknowledge that respondent's conviction for Endangering the Welfare of a Child is on appeal before the Appellate Division of the New Jersey Superior Court, and that said conviction may be reversed by the Superior Court, thereby compelling the restoration of his employment. However, the Commissioner would appear to be without jurisdiction to determine respondent's rights under *N.J.S.A.* 2C:51-2 and, therefore, offers no comment on respondent's contention in the present context.