

442-98

AGENCY DKT. NO. 405-9/98

IN THE MATTER OF THE TENURE :
HEARING OF RICHARD LAMPERTY, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF MOUNTAIN : DECISION
LAKES, MORRIS COUNTY. :
_____:

For the Board, David B. Rand, Esq. (Rand, Algeier, Tosti & Woodruff)

For the Respondent, James M. Weinberg, Esq. (Weinberg and Weinberg)

This matter having been opened before the Commissioner of Education on September 4, 1998, through certification of tenure charges of unbecoming conduct against a tenured teacher by the Board of Education of Mountain Lakes School District; and

Said tenure charges having included proof that both respondent and his counsel were, on September 3, 1998, served, via certified mail, a copy of the within charges, evidence and Board resolution dated September 2, 1998 authorizing certification of the charges; and

The Commissioner having directed respondent and his counsel, via both certified

15 days to submit a written response to the charges to the commissioner,” and that failure to answer within the prescribed period will, absent granting of an extension for good cause shown, result in the charges being deemed admitted and the Commissioner deciding the matter on a summary basis pursuant to *N.J.A.C. 6:24-1.4(e)*; and

There being no request for an extension of time to file an Answer; and

An Answer to the tenure charges having been filed on September 28, 1998 by cover letter dated the same day, via facsimile, followed by a hard copy received on September 29, 1998; and

Said Answer having been determined untimely filed, pursuant to *P.L. 1998, c. 42*;

and

Each count, therefore, of the charges against respondent is deemed to be admitted;

and

The Commissioner’s review of the tenure charges certified against respondent by the Board and the statement of evidence in support of those charges indicating that respondent is guilty of unbecoming conduct by virtue of his having chaperoned a trip to Canada which included minor students, a trip which was privately arranged and not sponsored by the Board, wherein Mr. Lamperty engaged in illegal, inappropriate and unprofessional conduct which jeopardized the health, safety and well being of the minors under his care by (a) showing several students a pornographic movie; (b) providing alcoholic beverages to several students; (c)

respondent's actions constituted unbecoming conduct sufficient to warrant his dismissal from his tenured position; now therefore

IT IS SO ORDERED this _____ day of October 1998 that summary judgment shall be granted to the Board, and Richard Lamperty shall be dismissed from his tenured position as a teacher in the Board's employ as of the date of this order. This matter shall be referred to the State Board of Examiners for action against respondent's certificate, pursuant to *N.J.A.C. 6:11-3.6*, as it deems appropriate.*

COMMISSIONER OF EDUCATION

OCTOBER 6, 1998