

IN THE MATTER OF RICHARD :  
TULLO, BOARD OF EDUCATION :  
OF THE PINELANDS REGIONAL : COMMISSSIONER OF EDUCATION  
SCHOOL DISTRICT, OCEAN : DECISION  
COUNTY. :  
\_\_\_\_\_ :

SYNOPSIS

Petitioning Board claimed Board member had an inconsistent interest, pursuant to *N.J.S.A. 18A:12-2*, necessitating his removal as a Board member, as a result of pending claims in a workers' compensation matter.

ALJ determined after reviewing applicable workers compensation statutes, that as the Board member made a claim against the Board which will accrue to the Board member's personal benefit as opposed to vindicating the public's interest, such a claim disqualified the individual from membership on the Board. Thus, the ALJ found that based on the pendency of workers' compensation claims made by Mr. Tullo, he was disqualified from membership on the Board. ALJ ordered his immediate removal.

Commissioner adopted findings and determination in initial decision as his own and ordered Mr. Tullo disqualified from continued membership on the Board as of the date of this decision.

OAL DKT. NO. EDU 6526-98  
AGENCY DKT. NO. 197-6/98

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The record of this matter and the initial decision of the Office of Administrative Law have been reviewed. Petitioner's exceptions were untimely filed pursuant to *N.J.A.C.* 1:1-18.4(a), in that the initial decision was mailed to the parties on March 19, 1999 and the exceptions were filed on April 6, 1999. Accordingly, neither the exceptions nor the reply thereto is considered in the Commissioner's determination of this matter.

Upon careful and independent review of the record in this matter, the Commissioner determines to affirm the initial decision of the Administrative Law Judge, for the reasons set forth therein. Accordingly, Mr. Tullo is deemed disqualified from continued membership on the Board as of the date of this decision.\*

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

April 26, 1999

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\* This decision, as the Commissioner's final determination in the instant matter, may be appealed to the State Board of Education pursuant to *N.J.S.A.* 18A:6-27 *et seq.* and *N.J.A.C.* 6:2-1.1 *et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.