

IN THE MATTER OF THE TENURE :  
HEARING OF RICHARD H. DAVIS, :  
SCHOOL DISTRICT OF THE : COMMISSIONER OF EDUCATION  
TOWNSHIP OF WYCKOFF, BERGEN : DECISION  
COUNTY. :

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SYNOPSIS

The Board certified tenure charges of unbecoming conduct against respondent Board Secretary/Business Administrator for embezzlement of funds and numerous other irregularities in the performance of his duties. On May 2, 2001, respondent entered a guilty plea, admitting, among other things, that he and a co-conspirator commenced an embezzlement scheme in July 1993 to embezzle funds from the Board by submitting for payment numerous fraudulent invoices for either maintenance supplies never delivered or for landscaping services never rendered.

The ALJ found that the undisputed evidence proved the charges in question. In light of respondent's admissions at his guilty plea to embezzling \$1.7 million from the Board, the ALJ found the evidence overwhelming that petitioner engaged in conduct unbecoming a public official. The ALJ concluded that the Board demonstrated respondent's unbecoming conduct by a preponderance of credible evidence and concluded that dismissal of respondent from his tenured position was the appropriate penalty given the enormity of respondent's crime. The ALJ ordered the tenure charges upheld and respondent dismissed from his tenured position.

The Commissioner adopted the findings and determination in the Initial Decision as his own and referred the matter to the State Board of Examiners for action against respondent's certificate as it deems appropriate.

October 12, 2001

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The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. The parties did not file exceptions.

Upon careful and independent review of the record in this matter, the Commissioner determines to affirm the Initial Decision for the reasons expressed therein. Accordingly, respondent is dismissed from his tenured position as a teacher in the Board's district.<sup>1</sup> This matter is hereby referred to the State Board of Examiners for action against respondent's certificate as it deems appropriate.

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

COMMISSIONER OF EDUCATION

Date of Decision: October 12, 2001

Date of Mailing: October 12, 2001

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<sup>1</sup> The record shows that, by letter dated June 13, 2001, respondent submitted to the Board his "irrevocable resignation from the position of School Business Administrator/Board Secretary to the Township of Wyckoff Board of Education." (Letter of Richard H. Davis) However, there is no indication in the record that this resignation has been acted upon by the Board. Therefore, even if the Board has, in fact, acted, prior to the date of this decision, to accept respondent's resignation, it is reminded of the chief school administrator's responsibility to cooperate with the State Board of Examiners in accordance with the provisions of *N.J.A.C.* 6:11-3.5.

<sup>2</sup> This decision, as the Commissioner's final determination, 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.