

BOARD OF EDUCATION OF THE BOROUGH :  
OF EAST RUTHERFORD, BERGEN COUNTY, :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
JAMES JANAKAT, : DECISION  
RESPONDENT. :  
\_\_\_\_\_ :

SYNOPSIS

The Board of Education of the Borough of East Rutherford filed a Petition of Appeal contending that James Janakat – a member of the Board of Education – had violated two sections of the New Jersey Administrative Code when he removed a student folder from one of the District’s schools in May 2000 without permission. The Board sought a determination from the Commissioner as to whether Janakat’s actions constituted a violation of *N.J.A.C.* 6:3-6:5 and 6:3-6.6, and as to appropriate sanctions.

The ALJ found that: credibility is not an issue as the facts in the matter were stipulated; respondent entered the school building to attend an auction and found school files left in the hallway unsecured and unattended; and the Board offered nothing to refute the respondent’s contention that he removed one file for the purpose of showing it to the business administrator because he felt it was his responsibility as a Board member to ascertain why the files were left unattended and unsecured. The ALJ concluded that the respondent did not knowingly violate any code provisions, and dismissed the petition.

The Commissioner adopted the Initial Decision of the OAL as the final decision in this matter.

This synopsis is not part of the Commissioner’s decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.

April 15, 2009

OAL DKT. NO. EDU 9203-00  
AGENCY DKT. NO. 206-6/00

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties filed no exceptions to the Initial Decision.

Upon full consideration, the Commissioner concurs with the Administrative Law Judge that summary decision is appropriately granted to respondent.

Accordingly, the recommended decision of the OAL is adopted – for the reasons stated therein – and the instant petition of appeal is hereby dismissed.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: April 15, 2009

Date of Mailing: April 15, 2009

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\* This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36*.