

#291-09

OAL DKT. NO. EDU 13902-08  
AGENCY DKT. NO. 340-11/08

IN THE MATTER OF THE SUSPENSION OF THE :  
TEACHING CERTIFICATE OF W. ALAN BROWN, : COMMISSIONER OF EDUCATION  
BOARD OF EDUCATION OF THE TOWNSHIP : DECISION  
OF EAST BRUNSWICK, MIDDLESEX COUNTY :  
\_\_\_\_\_ :

The record of this matter, the parties' proposed Settlement Agreement and Release, and the Initial Decision issued by the Office of Administrative Law (OAL) – recommending approval of the proposed agreement – have been reviewed pursuant to *N.J.A.C. 1:1-19.1*.

Upon such review, the Commissioner observes that an unidentified person has signed the Settlement Agreement on behalf of the Board, and that neither the file nor the agreement includes a copy of the Board resolution approving the settlement and designating such individual to sign the agreement on its behalf; nor, in the alternative, is the agreement signed by the Board attorney, who is the Board's duly authorized representative in litigation. Consequently, the Commissioner cannot approve the settlement agreement as recommended.

Accordingly, the Commissioner hereby remands this matter to the OAL for revision of the Settlement Agreement or expansion of the record consistent with the concerns set forth above. If the parties are unwilling or unable to reach accord on a modified agreement or expanded record for submission to the Commissioner, the matter shall proceed to hearing.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: September 15, 2009

Date of Mailing: September 15, 2009

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\* This decision may be appealed to the Superior Court, Appellate Division, pursuant to *P.L. 2008, c. 36*. (*N.J.S.A. 18A:6-9.1*)