

#134-10

OAL DKT. NO EDU 11393-08  
AGENCY DKT. NO. 265-9/08

IN THE MATTER OF THE TENURE :  
HEARING OF ANTHONY BARTOLOMEO, :  
SCHOOL DISTRICT OF THE BOROUGH : COMMISSIONER OF EDUCATION  
OF WHARTON, MORRIS COUNTY. : DECISION  
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The record of this matter, Voluntary Settlement Agreement, Waiver and Release, and Initial Decision issued by the Office of Administrative Law (OAL), pursuant to *N.J.A.C. 1:1-19.1*, have been reviewed.

Upon such review, the Commissioner observes that the President of the Board of Education of the Borough of Wharton signed the settlement agreement on behalf of the Board. In that neither the file nor the settlement agreement contains a copy of the Board's resolution approving the settlement and designating this 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, the Commissioner cannot approve the within settlement agreement.

Accordingly, the Commissioner hereby remands this matter to the OAL for revision of the settlement agreement consistent with the concerns set forth above.

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

Date of Decision: May 4, 2010

Date of Mailing: May 4, 2010