

#148-10

IN THE MATTER OF THE TENURE :
HEARING OF EDWARD FLYNN, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF THE CITY OF : DECISION
ASBURY PARK, MONMOUTH COUNTY. :

SYNOPSIS

The petitioning Board certified tenure charges of conduct unbecoming and insubordination against respondent, a Learning Disabilities Teacher-Consultant, for physical altercations with students. The State of New Jersey also filed criminal charges against respondent arising out of the same facts which led to the tenure charges. Subsequently, respondent pled guilty to the third degree crime of endangering the welfare of a child, and consented to the forfeiture of his position as a teacher and the relinquishment of the two instructional certificates he held. Based on the foregoing, the Board filed a motion to withdraw the tenure charges in accordance with the requirements of *N.J.A.C. 6A:3-5.6*.

The ALJ found and concluded that the withdrawal meets the standards of *N.J.A.C. 6A:3-5.6*, and that – as a result of the Order of Forfeiture of Public Office pursuant to *N.J.S.A. 2C:51-2a(2)*, respondent’s affidavit consenting to relinquishing his certificates, and the State Board of Examiners Order of Revocation – the tenure matter is now moot. Accordingly, the ALJ granted the Board’s motion to dismiss the tenure charges.

Upon independent review of the record, the Commissioner concurred with the ALJ’s findings and adopted the Initial Decision of the OAL as the final decision in this matter.

| |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>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.</p> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

May 21, 2010

OAL DKT. NO. EDU 10691-09
AGENCY DKT. NO. 295-10/09

IN THE MATTER OF THE TENURE :
HEARING OF EDWARD FLYNN, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF THE CITY OF : DECISION
ASBURY PARK, MONMOUTH COUNTY. :

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

Upon such review, the Commissioner concurs with the Administrative Law Judge that the tenure charges filed by the Asbury Park Board of Education have been mooted by respondent's forfeiture of public employment and relinquishment of his teaching certificates, so that no purpose would be served by further proceedings in this matter.

Accordingly, the Initial Decision of the OAL – granting the Board's motion to dismiss the tenure charges – is adopted as the final decision in this matter.

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

Date of Decision: May 21, 2010

Date of Mailing: May 21, 2010