

#546-11

OAL DKT. NO. EDU 10006-10  
AGENCY DKT. NO. 467-8/10

FRANCESCO D'AMELIO, :  
 :  
 PETITIONER, :  
 :  
 V. : COMMISSIONER OF EDUCATION  
 :  
 BOARD OF EDUCATION OF : DECISION  
 THE CITY OF HOBOKEN, :  
 HUDSON COUNTY, :  
 :  
 RESPONDENT. :

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Upon review of the record of this matter, the “Settlement Agreement and General Release” (Agreement) and the Initial Decision issued by the Office of Administrative Law (OAL) pursuant to *N.J.A.C. 1:1-19.1*, the Commissioner observes that neither the file nor the Agreement contains a copy of the Board of Education’s resolution approving the settlement. Nor is the Agreement signed by the Board attorney, who is the Board’s duly authorized representative in litigation. The Commissioner consequently cannot approve the within settlement.

In light of the foregoing, the Commissioner hereby remands this matter to the OAL for revision of the Agreement to include either the Board attorney’s signature or a Board resolution approving the settlement. If the parties are unwilling or unable to reach accord on a modified agreement for submission to the Commissioner, the matter shall proceed to hearing.

IT IS SO ORDERED.<sup>1</sup>

ACTING COMMISSIONER OF EDUCATION

Date of Decision: December 12, 2011  
Date of Mailing: December 12, 2011

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<sup>1</sup> This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36*. (*N.J.S.A. 18A:6-9.1*)