

#206-13 (OAL Decision: Not yet available online)

REMOND PALMER, :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 NEW JERSEY DEPARTMENT OF : DECISION
 EDUCATION, OFFICE OF CRIMINAL, :
 HISTORY REVIEW UNIT, :
 :
 RESPONDENT. :
 _____ :

SYNOPSIS

Petitioner challenged respondent’s determination, pursuant to *N.J.S.A.* 18A:12-1.2, that he is permanently disqualified from holding the office of member of a school board as a result of his criminal conviction in South Carolina on charges of possession of cocaine. Petitioner contended that because he was pardoned by the South Carolina Department of Probation, Parole and Pardon Services in 2002, he is qualified to serve on a New Jersey school board. Respondent filed a motion to dismiss the petition, asserting that *N.J.S.A.* 18A:12-1.2 mandates permanent disqualification from service on a school board for any conviction of an offense involving the possession of a controlled dangerous substance, and that a pardon does not remove the record of the conviction.

The ALJ found, *inter alia*, that: there are no material facts at issue in this case, and the matter is ripe for summary decision; *N.J.S.A.* 18A:12-1.2 is clear in its requirement that current and future members of boards of education must undergo criminal history background investigations to determine if they have been convicted of certain criminal acts that would disqualify them from serving as a member of a school board; among the disqualifying offenses enumerated in the statute is “any offense involving the manufacture, transportation, sale, possession, distribution or habitual use of a controlled substance”; petitioner was convicted of possession of cocaine; petitioner was pardoned by South Carolina, but his conviction was not expunged and it remains on his record; and the plain language of *N.J.S.A.* 18A:12-1.2 warrants petitioner’s disqualification from service on a school board. Accordingly, the ALJ concluded that the respondent met its burden of proof and is entitled to prevail as a matter of law.

The Commissioner concurred with the findings and conclusions of the ALJ and adopted the Initial Decision of the OAL as the final decision in this matter. Accordingly, the Commissioner dismissed the petition.

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.
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June 5, 2013

OAL DKT. NO. EDU 11330-11
AGENCY DKT. NO. 275-9/11

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NEW JERSEY DEPARTMENT OF	:	DECISION
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	:	
RESPONDENT.	:	
_____	:	

The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. The parties did not file exceptions to the Initial Decision.

Upon such review, the Commissioner adopts the Initial Decision as the final decision for the reasons set forth therein. The petitioner is hereby disqualified from membership on a local board of education.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: June 5, 2013

Date of Mailing: June 5, 2013

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