

#161-15R (OAL Decision: Not available online)

RON RODA, :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
NEW JERSEY STATE BOARD : DECISION  
OF EXAMINERS, :  
RESPONDENT. :  
:

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SYNOPSIS

This matter was remanded to the OAL for consideration of petitioner’s explanation for his non-appearance at a scheduled prehearing telephone conference in February 2015. Petitioner had filed a *pro se* challenge of respondent’s determination to deny his application for teacher certification after petitioner’s certifications in both Pennsylvania and Maryland were revoked in the wake of his plea to several counts of identity theft and forgery in Lancaster County, PA, Court of Common Pleas.

On remand, the ALJ found that: petitioner failed to participate in the February 3, 2015 prehearing conference; his sole excuse was that he was working on the day of the prehearing conference; petitioner failed to provide an argument as to why the actions of the Board of Examiners were incorrect; and accordingly the excuse for his failure to appear was not accepted. The ALJ concluded that petitioner’s reason for his failure to appear was not good cause for same, and accordingly, the failure to appear was not excused. Further, the ALJ determined that the respondent acted within its discretion in denying petitioner’s application for a teaching certification. The petition was denied.

Upon review, the Commissioner concurred with the ALJ that the petitioner’s explanation did not show good cause for his failure to appear at the OAL hearing. Accordingly, the Initial Decision of the OAL was adopted for the reasons expressed therein, and the petition was dismissed.

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.

May 20, 2015

OAL DKT. NO. EDU 3575-15  
(EDU 9228-14 ON REMAND)  
AGENCY DKT. NO. 102-4/14

RON RODA, :  
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 PETITIONER, :  
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 V. : COMMISSIONER OF EDUCATION  
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 NEW JERSEY STATE BOARD : DECISION  
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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties did not file exceptions to the Initial Decision.

Upon such review, the Commissioner concurs with the Administrative Law Judge (ALJ) that the explanation provided by petitioner, Ron Roda, did not show good cause for his failure to appear at the hearing at OAL. Accordingly, the recommended decision of the ALJ is adopted for the reasons expressed therein and the petition is hereby dismissed.<sup>1</sup>

IT IS SO ORDERED.<sup>2</sup>

COMMISSIONER OF EDUCATION

Date of Decision: May 20, 2015

Date of Mailing: May 20, 2015

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<sup>1</sup> In the Initial Decision, the ALJ states that the file is to be forwarded to the New Jersey State Board of Examiners. In light of the fact that this matter is being dismissed for failure to prosecute, there is no provision that would require the file to be forwarded to the Board of Examiners.

<sup>2</sup> 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).