

BILLY CHESTER, :
 :
 PETITIONER, :
 : COMMISSIONER OF EDUCATION
 V. :
 :
 : DECISION
 MARGARET SNYDER AND THE BOARD :
 OF EDUCATION OF THE TOWNSHIP OF :
 PENNSAUKEN, CAMDEN COUNTY, :
 :
 RESPONDENTS. :

SYNOPSIS

On April 11, 2014, petitioner filed an appeal, together with a request for emergent relief, alleging that respondent – a member of the Pennsauken Board of Education (Board) – had a disqualifying conflict of interest when she was sworn in to serve as a member of the Board in January 2014. Emergent relief was denied on April 28, 2014. Respondent filed a motion for summary decision, and a hearing was held in the matter on September 18, 2014.

The ALJ found, *inter alia*, that: there are no genuine issues of material fact herein, and the matter is ripe for summary decision; respondent retired from employment in Pennsauken schools effective July 1, 2013, and claimed entitlement to payment from the Board for unused sick time; respondent was elected to the Board in November 2013; shortly thereafter, petitioner requested that the Board issue payment for her sick leave prior to December 20, 2013 in order to avoid a perceived conflict of interest under *N.J.S.A. 18A:12-2*; this request was denied at the Board’s December meeting; on January 7, 2014, respondent executed a document which purported to transfer the sick leave claim against the Board to respondent’s daughter, who was not a member of her household; later the same day, respondent took the oath as a Board member, certifying that she was qualified to take office; on January 23, 2014, the Board approved the payment of respondent’s accumulated sick leave to her daughter; and – pursuant to a 2014 case entitled *Board of Education of the Westwood Regional School District, Bergen County v. Russell Miller*, OAL Dkt. No. EDU6392-13, Agency Dkt. No. 57-3/13 – a board member only has a duty to cure a conflict of interest so long as a current conflict of interest exists, and once the conflict is mooted, any duty to cure is likewise mooted. Accordingly, the ALJ concluded that the respondent is not required to forfeit her seat on the Board, and granted summary decision in favor of respondent.

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. 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.

OAL DKT. NO. EDU 4514-14
AGENCY DKT. NO. 89-4/14

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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 concurs with the Administrative Law Judge (ALJ) that the respondent, Margaret Snyder, may have had a disqualifying conflict of interest pursuant to *N.J.S.A. 18A:12-2* when she was sworn in as a member of the Pennsauken Board of Education (Board) on January 7, 2014. The Commissioner, however, is also in accord with the ALJ's determination that the issue became moot once the Board approved the payment of Ms. Snyder's sick leave on January 23, 2014. Accordingly, the recommended decision of the ALJ is adopted for the reasons expressed therein.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: May 6, 2016

Date of Mailing: May 9, 2016

* 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*).