

IN THE MATTER OF THE SUSPENSION :
OF THE TEACHING CERTIFICATE : COMMISSIONER OF EDUCATION
OF FUNDA KAYNAK, CENTRAL :
JERSEY PREP CHARTER SCHOOL, : DECISION
SOMERSET COUNTY. :

SYNOPSIS

This matter was opened before the Commissioner of Education in July 2018, by way of an Order to Show Cause served by the petitioner, Central Jersey Prep Charter School (Board) upon the respondent, Funda Kaynak, requiring respondent to show cause why an order should not be entered suspending her teaching certificate for unprofessional conduct pursuant to *N.J.S.A.* 18A:26-10 for resigning her position without giving the notice required by her contract with the petitioner. The respondent failed to answer the order. Respondent was duly advised that – pursuant to *N.J.A.C.* 6A:3-1.5(e) – failure to respond would cause each allegation raised by the Board to be deemed admitted, and might result in summary decision by the Commissioner.

There being no response to the order to show cause, the Commissioner concluded that the allegations, which respondent has chosen not to deny, may be deemed admitted and justify suspension of respondent’s certification. Accordingly, summary decision was granted to petitioner, and respondent’s certificate was suspended for a period of one year from the date of the filing of this decision – a copy of which was forwarded to the State Board of Examiners for the purpose of effectuating this order.

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.

November 21, 2018

IN THE MATTER OF THE SUSPENSION :
OF THE TEACHING CERTIFICATE : COMMISSIONER OF EDUCATION
OF FUNDA KAYNAK, CENTRAL :
JERSEY PREP CHARTER SCHOOL, : DECISION
SOMERSET COUNTY. :

For Petitioner, Ashley Higginson, Esq.

No appearance by or on behalf of respondent.

This matter was opened before the Commissioner of Education on July 27, 2018, by way of an Order to Show Cause served by petitioner, the Central Jersey Prep Charter School (Board), upon the respondent, Funda Kaynak, requiring respondent to show cause why an order should not be entered suspending her teaching certificate pursuant to *N.J.S.A.* 18A:26-10 for resigning without giving the notice required by her contract with petitioner. By notice dated August 31, 2018, the Office of Controversies and Disputes (Office) acknowledged receipt of proof that the Order to Show Cause had been served upon respondent, and directed respondent to answer within 20 days. The notice was sent to the respondent's last known address in Lodi, New Jersey.

The respondent did not file a response, therefore on October 2, 2018, the Office sent respondent a second notice, via regular and certified mail, directing that she file an answer within ten days. The notice advised that, pursuant to *N.J.A.C.* 6A:3-1.5(e), failure to answer would cause each allegation in petitioner's papers to be deemed admitted, and might result in summary decision by the Commissioner. The second notice was sent to the respondent's last known address in Lodi, New Jersey. Both the certified and regular mailings were returned as undeliverable. The Board has

confirmed that the address used for mailing was the respondent's last known address. No answer to the Order to Show Cause has been filed as of this date.

The affidavit submitted by the petitioner in this matter states that the respondent entered into a contract with the petitioner for the 2017-2018 school year. On April 27, 2018, the respondent informed the district that she was resigning from her position effective immediately. The respondent did not fulfill the terms of her employment and she failed to give 60 days notice prior to her resignation on April 27, 2018. The respondent has not denied the allegations; therefore, the Commissioner deems such allegations to be admitted pursuant to *N.J.A.C. 6A:3-1.5(e)* and further deems them sufficient to justify suspension of respondent's teaching certificate pursuant to *N.J.S.A. 18A:26-10*.

Accordingly, summary decision is hereby granted to petitioner. The respondent's teaching certificate is suspended for a period of one year from the filing date of this decision, a copy of which shall be forwarded to the State Board of Examiners for implementation of the suspension.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: November 21, 2018

Date of Mailing: November 21, 2018

* Pursuant to *P.L. 2008, c. 36 (N.J.S.A. 18A:6-9.1)*, Commissioner decisions are appealable to the Superior Court, Appellate Division.