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OAL Dkt. No. EDU 04830-21, 10023-21 (on remand)
Agency Dkt. No. 43-3/21
Appellate Division Dkt. No. A-2764-21

New Jersey Commissioner of Education

Final Decision

Board of Education of the Borough of
Kinnelon, Morris County,

Petitioner,

v.

Karen D'Amico,

Respondent.

In this matter, the Kinnelon Board of Education (Board) contended that respondent Karen D'Amico had a direct or indirect interest in a substantial financial claim against the Board in violation of *N.J.S.A. 18A:12-2* and was therefore disqualified from serving as a Board member. The Commissioner previously found that respondent had a claim for monetary relief against the Board that precluded her continued service as a board member. *Bd. of Educ. of the Borough of Kinnelon, Morris Co. v. Karen D'Amico*, Commissioner Decision No. 58-22 (April 1, 2022). Respondent appealed, and the Appellate Division of the Superior Court found that because respondent had not filed a due process request for tuition reimbursement, the line that would require disqualification from the Board had not been crossed. Accordingly, the Appellate Division reversed and remanded the matter to the Commissioner.

Following the remand, respondent notified the Commissioner that her term on the Board was expiring in December 2023 and that this matter was therefore moot.

Upon review, the Commissioner concludes that this matter is moot due to the expiration of respondent's term on the Board. Accordingly, no further proceedings are necessary, and the petition of appeal is hereby dismissed.

IT IS SO ORDERED.¹


ACTING COMMISSIONER OF EDUCATION

Date of Decision: January 8, 2024
Date of Mailing: January 10, 2024

¹ This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A. 18A:6-9.1*. Under *N.J.Ct.R. 2:4-1(b)*, a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.