

**New Jersey Commissioner of Education**  
**Final Decision**

Thomas Baldosaro,

Petitioner,

v.

Board of Education of the Township of  
Washington, Gloucester County,

Respondent.

The record of this matter and the Order on Motion for Emergent Relief of the Office of Administrative Law (OAL) have been reviewed and considered.<sup>1</sup>

Upon review, the Commissioner concurs with the ALJ that petitioner has failed to demonstrate entitlement to emergent relief pursuant to the standards enunciated in *Crowe v. DeGioia*, 90 N.J. 126, 132-34 (1982) and codified at N.J.A.C. 6A:3-1.6. Accordingly, the recommended Order denying petitioner's application for emergent relief is adopted for the reasons stated therein.

Additionally, the Commissioner agrees with the ALJ that dismissal of this matter is appropriate, as petitioner lacks standing to pursue the claims raised in his petition.

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<sup>1</sup> Upon review of the Order entered in this matter, the Commissioner determined that it was fully dispositive of all issues in the case, and should therefore be treated as an Initial Decision, pursuant to N.J.A.C. 1:1-18.1(b). The Office of Controversies and Disputes notified the parties of this determination, advised the parties that they would be permitted to file exceptions, and provided instructions for same. The parties did not file any exceptions.

Accordingly, the petition of appeal is hereby dismissed.

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



COMMISSIONER OF EDUCATION

Date of Decision: June 23, 2025

Date of Mailing: June 23, 2025

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<sup>2</sup> 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.



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**ORDER ON MOTION FOR**  
**EMERGENT RELIEF**

OAL DKT. NO. EDU 08516-20

AGENCY DKT. NO. 13-5/25

**THOMAS BALDOSARO,**

Petitioner,

v.

**BOARD OF EDUCATION OF THE TOWNSHIP  
OF WASHINGTON, GLOUCESTER COUNTY,**

Respondent.

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**Thomas Baldosaro**, pro se

**Jodi S. Howlett, Esq.**, for respondent (Machado Law Group, attorneys)

BEFORE **CARL V. BUCK, III**, ALJ:

This matter having come before the Office of Administrative Law by Jodi S. Howlett, Esq., attorney for the Board of Education of the Township of Washington, Gloucester County (Respondent or Board) on a Motion to Dismiss. A petition of appeal and request for emergent relief was filed by petitioner with the Office of Administrative Law on May 6, 2025. On or about May 19, 2025, respondent filed its opposition to the petition and request for emergent relief and included a Motion to Dismiss in lieu of answer. Petitioner filed an opposition to the motion on May 20, 2025. Respondent replied with a

supplemental brief in support of the motion to dismiss on May 20, 2025. A Zoom conference was held with the parties on Monday, May 19, 2025. The hearing was held at the Atlantic City Office of Administrative Law on Tuesday, May 20, 2025, and a decision on the Motion to Dismiss and Emergent Relief request was given by me from the bench. This document memorializes the salient terms and conditions of that decision. Supplemental information is contained in the decision from the bench which is incorporated herein by reference.

### **STATEMENT OF THE CASE**

Petitioner's request for Emergent Relief challenged the Board's action at its meeting on March 18, 2025, wherein the Board voted to place the superintendent of schools, Dr. Eric Hibbs, on administrative leave. Petitioner avers, among other things, that the Board improperly invoked the Doctrine of Necessity in order to accumulate enough affirmative votes to support suspension of Dr. Hibbs.

Respondent filed a Motion to Dismiss the petition and request for emergent relief and, for the reasons discussed below, that motion is **GRANTED**.

Respondent argues that petitioner lacks standing to bring the current action against the Board. Petitioner alleges that, as a resident and taxpayer, he is entitled to challenge the determinations of the local school district.

N.J.A.C. 6A:3-1.2 defines an interested person as "a person(s) who will be substantially, specifically, and directly affected by the outcome of a controversy before the Commissioner." There must be more than just a speculative impact on the complainant:

Consequently, petitioners must show that they will "be affected by the outcome in a direct and meaningful way" before they may proceed in a contested case. U.K. & G.K. ex rel D.K. v. Clifton Bd. of Educ., 93 N.J.A.R.2d (EDU) 71; Kenwood v. Montclair Bd. of Educ., EDU 8858-81, Initial Decision, (Apr. 23, 1982), adopted, Comm'r (June 14, 1982)).

Thus, to have standing, a complaining party must demonstrate “some measurable amount of detrimental impact on the complaining party’s personal rights.” S.J. v. Mountain Lakes Bd. of Educ., EDU 7081-03, Initial Decision, (Oct. 7, 2003) (citing, Salorio v. Glaser, 82 N.J. 482, 491 (1998)).

A deficiency in standing is fatal to a petition such as the one at issue here. “The dismissal of cases brought by litigants who will not be effected by the outcome in a direct and meaningful way is required by this regulation.” See S.J. v. Mountain Lakes Bd. of Educ., EDU 7081-03, Initial Decision, (Oct. 7, 2003) (citing S.R. and E.D.R. o/b/o E.D.R., Jr. v. Montague Bd. of Educ., EDU 5300-03, 201 AGEN LEXIS 583 (Oct. 3, 2001)).

See Cantatore v. Carlstadt-East Rutherford Reg’l High Sch. Dist. Bd. of Educ., 2023 N.J. AGEN LEXIS 221, \*9, Initial Decision (Apr. 26, 2023), adopted, Comm’r (May 25, 2023), <https://www.nj.gov/education/legal/commissioner/2023/153-23.pdf>.

Additionally, Green, et al. v. Bd. Of Educ. of the Twp. of Ocean, Monmouth Cty., 2016 N.J. AGEN LEXIS 774, \*12, Initial Decision (Sept. 8, 2016), provides that standing is “a threshold justiciability determination whether the litigant is entitled to initiate and maintain an action before a court or other tribunal.” In re Six-Month Extension of N.J.A.C. 5:91-1 et seq., 372 N.J. Super. 61, 85 (App. Div. 2004), certif. denied, 182 N.J. 630 (2005). In New Jersey, there exists a rather liberal approach to questions of standing. Crescent Park Tenants Ass’n v. Realty Equity Corp. of N.Y., 58 N.J. 98, 101, 107-11 (1971). Standing is nonetheless limited to “situations where the litigant’s concern with the subject matter evidence[s] a sufficient stake and real adverseness.” *Id.* at 107. These requirements are designed to prevent litigation by those who are “merely interlopers or strangers to the dispute.” *Ibid.*

I **CONCLUDE** that petitioner has filed to demonstrate that he has more than a slight interest that is required to establish standing as required by N.J.A.C. 6A:3-1.2.

Respondent further argues that Petitioner's claim that the Board improperly utilized the Doctrine of Necessity is not subject to the jurisdiction of the Commissioner of Education and should be brought before the School Ethics Commission. Petitioner argues that the petition presents a matter of "governance" and not an ethical complaint. I **CONCLUDE** that claims related to the invocation of the Doctrine of Necessity rest with the School Ethics Commission and that the Commissioner lacks subject matter jurisdiction over the petition and request for emergent relief.

Pursuant to N.J.A.C. 6A:3-1.6(b), a motion for emergent relief must be accompanied by a letter brief addressing the standard under Crowe v. DeGioia, 90 N.J. 126 (1982):

1. The petition will suffer irreparable harm if the requested relief is not granted;
2. The legal right underlying the petitioner's claim is settled;
3. The petitioner has a likelihood of success on the merits of the underlying claim;  
and
4. When the equities and interests of the parties are balanced, the petitioner will suffer greater harm than the respondent will suffer if the requested relief is not granted.

The burden is on the petitioner, the party seeking temporary injunctive relief, to demonstrate each of the above factors clearly and convincingly. See Guaman v. Velez, 421 N.J. Super. 239 (App.Div. 2011). I **CONCLUDE** that, irrespective of petitioner's failure to demonstrate standing and this Court's lack of jurisdiction, petitioner has not met his burden to satisfy the criteria under Crowe.

As no notice of a companion Due Process hearing request was indicated on the transmittal of this Emergent Action, there are no more issues to decide as to this application for emergency relief.

### **ORDER**

Based upon the foregoing, respondent's motion to dismiss the action filed by petitioner is **GRANTED**. It is **ORDERED** that petitioner's request for Emergent Relief is **DENIED** and his appeal is **DISMISSED**.

This order on application for emergency relief may be adopted, modified or rejected by **COMMISSIONER OF THE DEPARTMENT OF EDUCATION**, who/which by law is authorized to make a final decision in this matter. The final decision shall be issued without undue delay, but no later than forty-five days following the entry of this order. If Commissioner of the Department of Education does not adopt, modify or reject this order within forty-five days, this recommended order shall become a final decision on the issue of emergent relief in accordance with N.J.S.A. 52:14B-10.



May 21, 2025

DATE

CARL V. BUCK III, ALJ

Date Received at Agency:

Date Mailed to Parties:

CSV/tat

**APPENDIX**

**EXHIBITS**

**For Petitioner**

- P-A March 18, 2025 Doctrine of Necessity
- P-B March 18, 2025 Board meeting minutes
- P-C Board meeting clip – 5/13/25
- P-D Carol Chila Advisory Opinion
- P-E Elayne Clancy Advisory Opinion
- P-F Rob Scardino, union leader, video clip
- P-G Policy 0163 Quorum
- P-H Board waiving policy 0176

**For Respondent**

- R-1 May 19, 2025 Submission
- R-2 May 20, 2025 Submission