

C #442-98
SB # 93-98

IN THE MATTER OF THE TENURE :
HEARING OF RICHARD LAMPERTY, :
SCHOOL DISTRICT OF MOUNTAIN : STATE BOARD OF EDUCATION
LAKES, MORRIS COUNTY. : DECISION

Decided by the Commissioner of Education, October 6, 1998

For the Petitioner-Respondent, Rand, Algeier, Tosti & Woodruff (David B. Rand, Esq., of Counsel)

For the Respondent-Appellant, Weinberg & Weinberg (James M. Weinberg, Esq., of Counsel)

On October 6, 1998, the Commissioner of Education issued a decision in which he granted the Mountain Lake Board's motion for summary decision, finding that Richard Lamperty (hereinafter "appellant") had filed his answer to tenure charges certified by the Board in an untimely manner, and directed that appellant be dismissed from his tenured employment for unbecoming conduct.

On November 4, 1998, appellant filed a notice of appeal with the State Board of Education.

Pursuant to N.J.A.C. 6:2-1.11(a), appellant's brief in support of his appeal was due on November 24, 1998, 20 days after he filed his notice of appeal. Appellant, however, failed to file a brief by that date. By letter dated December 1, 1998, the Director of the State Board Appeals Office notified appellant of his failure to file a brief

and informed him that this matter was being referred to the Legal Committee of the State Board for consideration of his failure to perfect the appeal.

Appellant has still failed to file a brief in support of his appeal, more than six weeks after the deadline for such filing. Nor has he offered any explanation for his failure to file a brief or requested an extension of time for such filing. As a result, we dismiss the appeal in this matter for failure to perfect. N.J.A.C. 6:2-1.12(a). See Paszamant v. Board of Education of the Borough of Highland Park, decided by the State Board, April 1, 1992, aff'd, Docket #A-4812-91-3 (App. Div. 1993).

January 6, 1999

Date of mailing _____