



**State of New Jersey
Department of Human Services
Office of Program Integrity and Accountability
P.O. Box 700
Trenton, NJ 08625-0700**

PHILIP D. MURPHY
Governor

SARAH ADELMAN
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

DEBORAH ROBINSON
Director

FINAL AGENCY DECISION
OAL DKT. NO. HSL 15142-19
AGENCY DKT. NO. DHU 19-002

SHARON HULL,

Petitioner,

v.

**NEW JERSEY DEPARTMENT OF HUMAN
SERVICES, OFFICE OF LICENSING,**

Respondent.

Sharon Hull, petitioner, pro se

Mark D. McNally, Deputy Attorney General, for respondent New Jersey Department of Human Services, Office of Licensing (Matthew J. Platkin, Acting Attorney General of New Jersey, attorney)

STATEMENT OF THE CASE

Petitioner Sharon Hull (Hull) appeals the determination of respondent, the New Jersey Department of Human Services, Office of Licensing (Department), to suspend Hull's license to operate a Community Care Residence due to allegations of neglect of an individual entrusted to her care.

PROCEDURAL HISTORY

By letter dated October 10, 2019, respondent notified petitioner that her license to operate a Community Care Residence was suspended. On October 16, 2019, petitioner appealed the suspension. On October 25, 2019, Hull's appeal was transmitted by the Department of Human Services to the Office of Administrative Law (OAL) for hearing as a contested case, and assigned

to the Honorable John S. Kennedy, ALJ. Hull was initially represented in her appeal by Jason L. Jones, Esq. (Jones).

By letter dated August 25, 2020, respondent notified petitioner that her license to operate a Community Care Residence for the developmentally disabled was revoked. Hull did not appeal respondent's decision to revoke her license to operate a Community Care Residence for the developmentally disabled. On April 23, 2021, respondent, through counsel, notified Hull of the August 25, 2020 revocation notice and of Hull's subsequent failure to appeal respondent's decision to revoke her license to operate a Community Care Residence for the developmentally disabled. By letter dated June 3, 2021, Jones notified petitioner of his intention to file a motion to withdraw as counsel. Petitioner did not respond to Jones' letter of June 3, 2021.

On August 11, 2021, notice was sent to the parties of the reassignment of this matter from Judge Kennedy to Tricia M. Caliguire, ALJ. On September 15, 2021, Jones submitted a motion seeking to withdraw as counsel. Following a telephone status conference on September 21, 2021, Jones submitted a revised motion to withdraw and by order dated November 17, 2021, Jones was relieved as counsel for Hull.

After November 17, 2021, no written communication from petitioner was ever sent directly to the OAL or to counsel for respondent. A final telephone status conference was scheduled for March 1, 2022. Notice of this conference was sent to petitioner on February 17, 2022, by electronic mail. The emailed notice was not returned to the OAL as undeliverable. The Notice for the March 1, 2022, telephone status conference included the following sentence printed in bold font: *Failure to dial in for the telephone conference will result in the file being returned to the transmitting agency for appropriate action which may include imposition of the proposed penalty or granting the relief requested by the other party.* On March 1, 2022, counsel for respondent was present for the telephone status conference, but petitioner did not appear. The following day, petitioner did not contact the OAL by any means to explain her failure to appear.

EXCEPTIONS TO INITIAL DECISION

Within thirteen days from March 4, 2022, the date that the initial decision was mailed to the parties, any party might have filed written exceptions with the Office of Program Integrity and Accountability, copying the ALJ and the other parties. No exceptions were received.

INITIAL DECISION

N.J.A.C. 1:1-14.4(a) provides that, if after appropriate notice, a party does not appear in a proceeding scheduled by the Clerk of OAL, the judge may direct the Clerk to return the matter to the transmitting agency if the judge does not receive an explanation for the nonappearance within one day. Petitioner Sharon Hull was noticed on February 17, 2022, of the telephone status conference date and time for March 1, 2022, at 3:30 p.m. The OAL provided petitioner a call-in number for her convenience and to avoid long-distance charges, if any. Despite these efforts, petitioner failed to appear for the telephone status conference, and failed to give any explanation for her nonappearance. The ALJ **CONCLUDED** that petitioner has made no effort to participate

in her appeal of respondent's decision to suspend her license to operate a Community Care Residence.

For the above reasons, the ALJ **CONCLUDED** that this matter is no longer a contested case before the Office of Administrative Law. It was therefore **ORDERED** that this matter be and was thereby **DISMISSED**.

FINAL AGENCY DECISION

Pursuant to N.J.A.C. 1:1-18.1(f) and based upon a review of the ALJ's Initial Decision and the entirety of the OAL file, I concur with the Administrative Law Judge's findings and conclusions. The ALJ had the opportunity to organize, attend, and document the many nonappearances of the petitioner. **I CONCLUDE and AFFIRM** that the petitioner made no effort to participate in the appeal of the suspension of her license. As the Initial Decision notes, the petitioner also failed to appeal the revocation of the same license. **I CONCLUDE and AFFIRM** that the suspension appeal was correctly dismissed.

Pursuant to N.J.A.C 1:1-18.6(d), it is the Final Decision of the Department of Human Services that **I ORDER** that the appeal of suspension of Sharon Hull's license to operate a Community Care Residence is dismissed with prejudice. The Office of Licensing's decisions to suspend and to revoke Hull's license to operate a Community Care Residence are **ORDERED** to be the Final Decision of the Department of Human Services, due to the petitioner's failure to participate in their appeals.

Date: March 22, 2022

Deborah Robinson

Deborah Robinson, Director
Office of Program Integrity and Accountability