

#77-05 (No OAL Decision)

IN THE MATTER OF THE SUSPENSION :

OF THE TEACHING CERTIFICATE OF : COMMISSIONER OF EDUCATION

LEE ANNE INCALCATERRA, : DECISION

SCHOOL DISTRICT OF HARMONY :

TOWNSHIP, WARREN COUNTY. :

\_\_\_\_\_ :

SYNOPSIS

The Board filed a Motion for an Order to Show Cause, seeking suspension of respondent's instructional certificate for failure to provide adequate notice of resignation pursuant to *N.J.S.A.* 18A:26-10.

The Commissioner issued an Order directing respondent to show cause why further order should not be entered suspending her certificate for unprofessional conduct. After initially filing an Answer to the Order to Show Cause, respondent later withdrew her opposition to the Order after the matter was transmitted to the Office of Administrative Law for hearing. Based on respondent's failure to defend herself against the Show Cause Order allegations, each allegation against the respondent was deemed to be admitted.

Therefore, the Commissioner ordered that respondent's instructional certificate be suspended for a period of one year commencing as of the date of the decision, and forwarded the matter to the State Board of Examiners for the purpose of effectuating this order.

<p>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.</p>
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March 2, 2005

OAL DKT. NO. EDU 7631-04  
AGENCY DKT NO. 163-5/04

IN THE MATTER OF THE SUSPENSION :  
OF THE TEACHING CERTIFICATE OF : COMMISSIONER OF EDUCATION  
LEE ANNE INCALCATERRA, : DECISION  
SCHOOL DISTRICT OF HARMONY :  
TOWNSHIP, WARREN COUNTY. :  
\_\_\_\_\_ :

For the Petitioning Board: Robert J. Merryman, Jr. Esq. (Appuzzese, McDermott,  
Mastro & Murphy)

This matter was opened by way of Motion for an Order to Show Cause before the Commissioner of Education by the Board of Education of Harmony Township, seeking suspension of the instructional certificate of Lee Anne Incalcaterra (“respondent”) for resigning from employment with the Harmony Township School District on inadequate notice; and

The Commissioner issued, on May 11, 2004, an Order directing respondent to show cause why further order should not be entered suspending her teaching certificate for unprofessional conduct pursuant to *N.J.S.A.* 18A:26-10; and

The Order and accompanying Certification of Vicki J. Pede, Chief School Administrator, Harmony Township School District, was sent by the Board, via certified mail, to respondent; and

On July 6, 2004, respondent filed an Answer to the Order to Show Cause, so that on July 14, 2004 the matter was transmitted to the Office of Administrative Law (OAL) for hearing; and

On October 28, 2004, the Office of Administrative Law received a letter from Ms. Incalcaterra which states:

I would like to withdraw my appeal for the suspension of my teaching license. If you have any questions please do not hesitate to contact me (610-419-XXXX). Thank you for your time.

This matter was then returned to the agency due to respondent's withdrawal of her opposition to the Order to Show Cause; and

Respondent having chosen not to defend herself against the Board's Show Cause Order allegations, each allegation against respondent is, therefore, deemed to be admitted; and

Respondent having ceased to perform her duties as a teacher in the Harmony Township School District before the expiration of the term of her employment, without the Board's consent, and under the circumstances set forth in the Certification of Vicki J. Pede, Chief School Administrator, Harmony Township School District, and, thereby engaging in unprofessional conduct, pursuant to *N.J.S.A.* 18A:26-10; now therefore

IT IS ORDERED on this 2nd day of March 2005, that Lee Anne Incalcaterra's instructional certificate shall be suspended for a period of one year, to commence upon the date of this decision. A copy of this decision is hereby forwarded to the State Board of Examiners for the purpose of effectuating this order.\*

COMMISSIONER OF EDUCATION

Date of Decision: March 2, 2005

Date of Mailing: March 2, 2005

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\* This decision, as the Commissioner's final determination, may be appealed to the State Board of Education pursuant to *N.J.S.A.* 18A:6-27 *et seq.* and *N.J.A.C.* 6A:4-1.1 *et seq.*