

IN THE MATTER OF THE TENURE :  
HEARING OF NINO IGLESIAS, : COMMISSIONER OF EDUCATION  
BOARD OF EDUCATION OF THE :  
TOWN OF WEST NEW YORK, : DECISION  
HUDSON COUNTY. :

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### SYNOPSIS

In September 2006, the West New York Board of Education certified tenure charges of unbecoming conduct against respondent, a tenured school custodian, as a result of allegations that he stole petitioner's property. Criminal charges were later filed, and the tenure matter was rendered inactive during the criminal proceedings. Respondent subsequently pled guilty to the criminal charges, and a judgment was issued that included forfeiture of his public employment.

The ALJ found that by virtue of respondent being required to forfeit public employment as a part of his sentence, the issue of tenure charges is now moot. Consequently, the ALJ concluded that the matter should be dismissed.

Upon a full and independent review of the record, the Commissioner concurs with the ALJ that the judgment renders the tenure charges moot; accordingly, the petition is hereby dismissed.

<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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October 2, 2007

OAL DKT. NO. EDU 10934-06  
AGENCY DKT. NO. 341-9/06

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The record and Initial Decision have been reviewed. No exceptions have been filed.

Petitioner brought tenure charges against respondent, a tenured custodian, as a result of allegations that respondent stole petitioner's property. Respondent was indicted for same. In consequence of a guilty plea to the criminal charges, a judgment was issued against respondent that included the forfeiture of public employment.

The Commissioner agrees with the Administrative Law Judge (ALJ) that the judgment renders the tenure charges moot, and accordingly dismisses the petition.

IT IS SO ORDERED.<sup>1</sup>

COMMISSIONER OF EDUCATION

Date of Decision: October 2, 2007

Date of Mailing: October 2, 2007

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<sup>1</sup> This decision 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.*