

#145-10

IN THE MATTER OF THE SUSPENSION :  
OF THE TEACHING CERTIFICATE : COMMISSIONER OF EDUCATION  
OF SANTO DAVID LINTON, CENTRAL :  
JERSEY COLLEGE PREP CHARTER SCHOOL, : DECISION  
SOMERSET COUNTY. :

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SYNOPSIS

In March 2010, the petitioning charter school served an Order to Show Cause upon respondent, requiring him to show cause why an order should not be entered suspending his certificate – pursuant to *N.J.S.A. 18A:26-10* – for resigning his position as a full-time social studies teacher without providing the notice required by his contract. The respondent failed to answer the order. Respondent was duly advised that, pursuant to *N.J.A.C. 6A:3-1.5(e)*, failure to respond would cause each allegation in petitioner’s papers to be deemed admitted, and might result in summary decision by the Commissioner.

There being no response to the order to show cause, the Commissioner concluded that the allegations – which respondent has chosen not to deny – may be deemed admitted, and are sufficient to justify suspension of respondent’s certification. Accordingly, summary decision is granted to petitioner, and respondent’s certificate is suspended for a period of one year from the date of the filing of this decision – a copy of which has been forwarded to the State Board of Examiners for the purpose of effectuating this order.

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.
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May 20, 2010

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For Petitioner, Brenda C. Liss (Riker, Danzig, Scherer, Hyland and Perritti, LLP)

No appearance by or on behalf of respondent

This matter was opened before the Commissioner of Education on March 17, 2010, by way of an Order to Show Cause served by petitioner (Central Jersey College Prep Charter School) upon respondent (Santo David Linton), requiring respondent to show cause why an order should not be entered suspending his teaching certificate pursuant to *N.J.S.A.* 18A:26-10 for resigning without giving the notice required by his contract with petitioner. By notice dated March 18, 2010, the Bureau of Controversies and Disputes (Bureau) acknowledged receipt of proof that the Order to Show Cause had been served upon respondent, and directed respondent to answer within 20 days.

No answer having yet been received, the Bureau sent respondent a final notice on April 13, 2010 – via regular and certified mail – directing that he file an answer within ten days. The notice advised that, pursuant to *N.J.A.C.* 6A:3-1.5(e), failure to answer would cause each allegation in petitioner’s papers to be deemed admitted, and might result in summary decision by the Commissioner. The notice sent by certified mail was returned by the postal service as unclaimed; however, the notice sent by regular mail was not returned, and no answer to the Order to Show Cause has been filed as of this date.

Having reviewed the affidavit submitted by the petitioner in this matter – which states that respondent resigned mid-year on one day’s notice, with no prior indication that such action was contemplated and no provision for continuation of student instruction until a replacement was found – and noting that respondent has not denied the allegations therein, the Commissioner deems such allegations deemed admitted pursuant to *N.J.A.C. 6A:3-1.5(e)* and further deems them sufficient to justify suspension of respondent’s teaching certification pursuant to *N.J.S.A. 18A:26-10*.

Accordingly, summary decision is hereby granted to petitioner, and respondent’s teaching certification is suspended for a period of one year from the filing date of this decision, a copy of which shall be forwarded to the State Board of Examiners for implementation of the suspension.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: May 20, 2010

Date of Mailing: May 20, 2010

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\* Pursuant to *P.L. 2008, c. 36 (N.J.S.A. 18A:6-9.1)*, Commissioner decisions are appealable to the Superior Court, Appellate Division