

AAA SCHOOL, LLC,	:	
PETITIONER,	:	
V.	:	COMMISSIONER OF EDUCATION
PASSAIC COUNTY EDUCATIONAL SERVICES COMMISSION, PASSAIC COUNTY,	:	DECISION
	:	
RESPONDENT.	:	
	:	

SYNOPSIS

Petitioner herein – AAA School, LLC (AAA), a company that provides transportation services to public schools – alleged that it was improperly denied contracts by the Passaic County Educational Services Commission (Commission) after submitting bids in 2012 and 2013. The Commission asserted that AAA's claims were untimely filed pursuant to *N.J.A.C. 6A:3-1.3(i)*, and that the petition should be dismissed. AAA filed its appeal with the Commissioner on April 22, 2014, challenging the Commission's failure to award it contracts in 2012 and 2013. The Commission filed a motion to dismiss in lieu of an answer.

The ALJ found, *inter alia*, that: the Commission's motion to dismiss is appropriately converted to a motion for summary decision under *N.J.A.C. 1:1-12.5*; there are no genuine issues of material fact in this case, and the matter is ripe for summary decision; AAA's petition challenged the failure of the Commission to award it contracts for transportation routes in August 2012 and August/September 2013; the petition was not filed until April 24, 2014 – approximately eight months after AAA's 2013 bid was rejected, and approximately one year and eight months after its 2012 bid was rejected by the Commission; AAA's prior unsuccessful attempts to bring these claims in Superior Court do not alter this conclusion; no compelling matters of public interest are involved in this case so as to justify relaxation of the 90 day rule. Accordingly, the ALJ concluded that the petition of appeal should be dismissed for failure to comply with *N.J.A.C. 6A:3-1.3(i)*.

Upon a comprehensive review of the record of this matter, the Commissioner concurred with the findings and conclusions of the ALJ and adopted the Initial Decision as the final decision in this matter. The petition was dismissed.

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.

OAL DKT. NO. EDU 6429-14
AGENCY DKT. NO. 104-4/14

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties did not file exceptions to the Initial Decision.

Upon a comprehensive review of the record in this matter, the Commissioner concurs with the Administrative Law Judge that this matter is appropriately dismissed as untimely. Accordingly, the recommended decision of the OAL is adopted as the final decision in this matter – for the reasons clearly articulated therein – and the instant Petition of Appeal is dismissed.

IT IS SO ORDERED.¹

ACTING COMMISSIONER OF EDUCATION

Date of Decision: August 4, 2014

Date of Mailing: August 8, 2014

¹ This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36*. (*N.J.S.A. 18A:6-9.1*)