

#242-14

IN THE MATTER OF THE SUSPENSION :
OF THE TEACHING CERTIFICATE : COMMISSIONER OF EDUCATION
OF AMIR MCNAIR, NORTH HUDSON : DECISION
ACADEMY, SOMERSET COUNTY. :

SYNOPSIS

In December 2013, the Commissioner of Education issued an Order to Show Cause requiring respondent to show cause why an order should not be entered suspending his teaching certificate for unprofessional conduct pursuant to *N.J.S.A. 18A:26-10* and *N.J.A.C. 6A:9-17.9* – for resigning his position on inadequate notice. 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 raised by the Board 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 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.

June 6, 2014

AGENCY DKT. NO. 305-12/13

IN THE MATTER OF THE SUSPENSION :
OF THE TEACHING CERTIFICATE : COMMISSIONER OF EDUCATION
OF AMIR MCNAIR, NORTH HUDSON : DECISION
ACADEMY, SOMERSET COUNTY. :

For Petitioner, Robert S. Feder, Esq.

No appearance by or on behalf of respondent

This matter was opened before the Commissioner of Education on December 9, 2013, by way of an Order to Show Cause served by petitioner (North Hudson Academy) upon respondent (Amir McNair), 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 December 16, 2013, 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, on January 9, 2014, the Bureau sent respondent a second notice – 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 certified mail return receipt card indicates that the January 9, 2014 notice was delivered on January 14, 2014.

No answer having yet been received, on January 28, 2014, the Bureau sent respondent a final notice – 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 certified mail return receipt card indicates that the January 28, 2014 notice was delivered on February 15, 2014. No answer to the Order to Show Cause has been filed as of this date.

The affidavit submitted by the petitioner in this matter states that the respondent entered into a contract with the petitioner for the 2013-2014 school year; the respondent did not appear at school on September 30, 2013 and called on October 2, 2013 to say he would not be at school; and the respondent was never seen or heard from again. The respondent has not denied petitioner’s allegations; therefore, the Commissioner deems such allegations to be 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.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: June 6, 2014

Date of Mailing: June 6, 2014

* 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