

#259-16

IN THE MATTER OF THE SUSPENSION :
OF THE TEACHING CERTIFICATE : COMMISSIONER OF EDUCATION
OF MOHAMMAD MARZABADI, : DECISION
SCHOOL DISTRICT OF THE TOWNSHIP :
OF PISCATAWAY, MIDDLESEX COUNTY. :

SYNOPSIS

In April 2016, 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* for resigning his position without giving the notice required by his contract with the Board. 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.

July 15, 2016

IN THE MATTER OF THE SUSPENSION :
OF THE TEACHING CERTIFICATE : COMMISSIONER OF EDUCATION
OF MOHAMMAD MARZABADI, : DECISION
SCHOOL DISTRICT OF THE TOWNSHIP :
OF PISCATAWAY, MIDDLESEX COUNTY. :

For Petitioner, David B. Rubin, Esq.

No appearance by or on behalf of respondent

This matter was opened before the Commissioner of Education on May 3, 2016, by way of an Order to Show Cause served by petitioner (School District of the Township of Piscataway) upon respondent (Mohammad Marzabadi), 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 May 3, 2016, 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 May 26, 2016, the Bureau sent respondent a second and 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 May 26, 2016 notice was delivered on May 28, 2016. No answer to the Order to Show Cause has been filed as of this date.¹

¹ Respondent submitted an answer on April 4, 2016 – prior to the date that the Order to Show Cause was signed by the Commissioner. By letter dated April 5, 2016, the Bureau informed respondent that his answer was premature and there

The certification submitted by the petitioner in this matter states that: respondent entered into a contract for the 2014-2015 school year, which was renewed for the 2015-2016 school year; that on March 16, 2016, respondent submitted his resignation, effective May 16, 2016; that two days later, on March 18, 2016, respondent modified the effective date of his resignation to April 1, 2016, giving only 14 days notice. The respondent has not denied these 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.²

COMMISSIONER OF EDUCATION

Date of Decision: July 15, 2016

Date of Mailing: July 15, 2016

was also no proof of service of his answer upon the District. As such, the respondent was directed – should he wish for the Bureau to move forward with the answer that he already filed – to file his answer and proof of service on the District after he was served with the signed Order to Show Cause. The April 4, 2016 answer indicates that respondent does not object to a one-year suspension of his teaching certification, but would object to a suspension for an unlimited period of time.

² 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)*.