

EDU #4693-00 and CSV-8265-00 (consolidated)
C # 498-01
SB # 11-02
App. Div. #A-005377-01T2

IN THE MATTER OF THE TENURE HEARING :

OF RUTH MEGARGEE, NEW JERSEY :

DEPARTMENT OF HUMAN SERVICES, : STATE BOARD OF EDUCATION

AND : DECISION ON MOTION

RUTH MEGARGEE, :

PETITIONER-APPELLANT, :

V. :

NEW JERSEY DEPARTMENT :
OF HUMAN SERVICES, :

RESPONDENT-RESPONDENT. :

Decided by the Commissioner of Education, December 31, 2001

Decided by the State Board of Education, May 1, 2002

For the Petitioner-Appellant, Dwyer & Dunnigan, L.L.C. (Andrew Dwyer,
Esq., of Counsel)

For the Respondent-Respondent, Linda V. Alexander, Deputy Attorney
General (David Samson, Attorney General of New Jersey)

On May 1, 2002, the State Board of Education affirmed the decision of the
Commissioner of Education to dismiss Ruth Megargee (hereinafter "appellant"), a
teacher employed by the Department of Human Services, from her tenured employment

for unbecoming conduct. The appellant filed an appeal from that decision to the Superior Court Appellate Division.

On October 23, 2002, the appellant filed a motion to settle the record with the State Board, contending that the Statement of Items Comprising the Record on Appeal and the Amended Statement of Items Comprising the Record on Appeal, which had been prepared by a Deputy Attorney General (“DAG”) representing the State Board, did not include all items in the record before the agency. In response to the appellant’s motion, the DAG prepared a Second Amended Statement of Items Comprising the Record on Appeal and acknowledged that “there are still some additional items that appear missing from the record of the State Board. Additionally, the [Office of Administrative Law] has not been able to locate the missing tape labeled as R-4 in evidence. Appellant has stated that he has a copy of this tape and will submit it if deemed appropriate. He also has copies of the remainder of the items deemed missing and will also supply those documents.” Supplemental Response to Motion, at 1.

Since there does not appear to be any disagreement regarding the items which constitute the record in this matter, we deem the record to be settled.

January 8, 2003

Date of mailing _____