

EDU #3361-04
C # 256-06
SB # 34-06

YOUTH CONSULTATION SERVICE, INC., :
PETITIONER-APPELLANT, :
V. : STATE BOARD OF EDUCATION
NEW JERSEY STATE DEPARTMENT OF : DECISION
EDUCATION, OFFICE OF COMPLIANCE :
INVESTIGATION, :
RESPONDENT-RESPONDENT. :

Decided by the Acting Commissioner of Education, July 26, 2006

For the Petitioner-Appellant, Kalison, McBride, Jackson & Murphy, P.A.
(Daniel R. Esposito, Esq., of Counsel)

For the Respondent-Respondent, Melanie M. Brookes, Deputy Attorney
General (Stuart Rabner, Attorney General of New Jersey)

On July 26, 2006 the Acting Commissioner of Education¹ issued a decision dismissing the appeal of Youth Consultation Service, Incorporated (hereinafter “appellant”), and upholding the audit determinations of the New Jersey Department of Education, Office of Compliance (hereinafter “respondent”).

Shortly prior to consideration of the merits of its appeal by the State Board of Education, appellant filed a motion to supplement the record on appeal with a document labeled as Exhibit B appended to appellant’s reply brief. Exhibit B is a document entitled “2005 Administrative Salaries Report.” Respondent opposed the motion, arguing that the document was not part of the record on appeal before the

¹ We note that on October 16, 2006, Acting Commissioner Lucille E. Davy was confirmed as the Commissioner of Education.

Commissioner of Education and is not properly part of the record on appeal before the State Board of Education.

Upon review of Exhibit B and the parties' arguments, we find that such document is not material to the issue on appeal. N.J.A.C. 6A:4-1.9(b). Therefore, we deny appellant's motion to supplement the record on appeal, and we have disregarded Exhibit B and all references thereto in the appellant's brief in reviewing this matter.

After review of the record and arguments of the parties, we affirm the decision of the Acting Commissioner of Education for the reasons expressed therein.

March 7, 2007

Date of mailing _____