

OAL # EEC 01110-06
SEC # C32-05 and C24-05
C # 424-07SEC
SB # 33-07

IN THE MATTER OF THE SUSPENSION OF :
DR. JOSEPH ATALLO PURSUANT TO : STATE BOARD OF EDUCATION
N.J.S.A. 18A:12-29(c), STATE OPERATED : DECISION ON MOTION
SCHOOL DISTRICT OF THE CITY :
OF PATERSON, PASSAIC COUNTY. :

Decided by the School Ethics Commission, July 24, 2007

Decided by the Commissioner of Education, October 25, 2007

Decided by the State Board of Education, March 19, 2008

For the Respondent-Appellant, Joel Miklacki, Esq.

For the Petitioner-Respondent School Ethics Commission,
Cynthia Raymond Rimol, Deputy Attorney General (Anne Milgram,
Attorney General of New Jersey)

By decision dated March 19, 2008, the State Board affirmed the decision of the School Ethics Commission that Appellant, Dr. Joseph Atallo, violated the School Ethics Act, but rejected the decision of the Commissioner of Education with respect to the appropriate penalty. The State Board instead imposed a penalty of a one year suspension of Appellant from the Board of Education of the State-Operated School District of the City of Paterson. On April 8, 2008, the Appellant filed a motion for emergency relief with the State Board, requesting a stay of the State Board's March 19,

2008 decision imposing the one year suspension from his local board of education while the matter is pending on appeal to the Appellate Division of the Superior Court.

Appellant argues in his application that the suspension will have “an enormous negative impact on my reputation, credibility, character, integrity and personal name,” and requests a stay pending appeal because he will suffer irreparable harm, he is likely to succeed on the merits of the appeal, and when assessing the relative hardships to the parties, it is clear that greater harm will occur if a stay is not granted than would occur if the stay is granted. The Deputy Attorney General representing the School Ethics Commission argues in response to the motion that appellant has not met the standards for awarding emergency relief, and that a stay should not be granted.

After thorough review of the record on the motion, the State Board denies Appellant’s request for emergency relief. Appellant has failed to satisfy the standards set forth in Crowe v. DeGioia, 90 N.J. 126 (1982) for granting emergency relief. In particular, we find that the Appellant has not demonstrated that irreparable harm will result if a stay is not granted.

Kathleen Dietz abstained.

April 16, 2008

Date of mailing_____