

346-98

OAL DKT. NO. EDU 10445-97

AGENCY DKT. NO. 396-10/97

MICHAEL CRIVELLI, EDWARD :  
STYLER, MICHAEL GUNTHER, JR., :  
CRAIG POPOVICH, JAMES VAN PELT, :  
ROBERT LODESPOTO AND ROBERT :  
KRAUSE, :  
  
PETITIONERS, :  
  
V. : COMMISSIONER OF EDUCATION  
  
BOARD OF EDUCATION OF THE : DECISION  
TOWNSHIP OF HOWELL, :  
MONMOUTH COUNTY, :  
  
RESPONDENT. :  
  
\_\_\_\_\_ :

The record of this matter and the initial decision of the Office of Administrative Law (OAL) have been reviewed. Exceptions of petitioners<sup>1</sup> and replies thereto of the Board were timely filed in accordance with *N.J.A.C.* 1:1-18.4, and were fully considered by the Commissioner in making his determination herein.

Upon his independent and comprehensive review of the record in this matter, the Commissioner agrees with the Administrative Law Judge, that, as petitioners have failed to comply with the prehearing order of the court issued on February 11, 1998, and have also failed to file responsive papers to the Board's motion to dismiss, served upon petitioners' counsel on

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<sup>1</sup> Petitioners' exceptions explain that their failure to present timely interrogatories was a result of counsel's inability to obtain required answers from one of the petitioners and his decision to withhold answers of the remaining six petitioners until he was able to secure answers from the seventh.

May 7, 1998, good cause exists, pursuant to *N.J.A.C.* 1:1-14.14, to grant the Board's motion and to dismiss the within action.

Accordingly, the initial decision of the OAL is affirmed for the reasons stated therein. The Board's motion to dismiss the instant Petition of Appeal is hereby granted.<sup>2</sup>

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

AUGUST 5, 1998

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<sup>2</sup> This decision, as the Commissioner's final determination in the instant matter, may be appealed to the State Board of Education pursuant to *N.J.S.A.* 18A:6-27 *et seq.* and *N.J.A.C.* 6:2-1.1 *et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.