

BOARD OF EDUCATION OF THE TOWNSHIP :
OF FAIRFIELD, CUMBERLAND COUNTY, :

PETITIONER, :

V. :

COMMISSIONER OF EDUCATION

ROBERT ENCH AND SANDERINA R. KASPER, :
EXECUTRIX OF THE ESTATE OF :
BENJAMIN KASPER, PARTNERS, TRADING :
AS BENCH REALTY, FREDRICK A. JACOB :
AND OLD REPUBLIC NATIONAL INSURANCE :
COMPANY, :

DECISION ON REMAND

RESPONDENTS. :

_____ :

SYNOPSIS

This matter is on remand from the State Board of Education for a determination of whether the purchase of land by the Board with surplus was valid, in light of the State Board's determination that voter approval of the use of surplus to purchase land is required.

The ALJ determined, based on the testimony and evidence presented, that the voters were informed of the land purchase and the use of surplus to effectuate the same, and thus, that the purchase should not be disturbed. The ALJ concluded that the matter should be closed.

The Commissioner affirmed the decision of the ALJ, concluding that, based on the unique circumstances and sequence of events herein, the purchase of land should remain undisturbed.

July 16, 2001

OAL DKT. NOS. EDU. 6586-00 AND EDU 10887-98 (ON REMAND)
AGENCY DKT. NO. 483-10/98

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	:	
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_____	:	

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties did not file exceptions to the Initial Decision.

Upon careful and independent review, the Commissioner concurs with the findings and conclusion of the ALJ that, notwithstanding the Board's failure to specifically include the purchase of vacant land as a line item in its budget, in light of the unique circumstances and sequence of events which existed here, the purchase should remain undisturbed and this matter should be considered closed.

Accordingly, the recommended decision of the OAL is affirmed. The

Commissioner transmits this matter to the State Board of Education, which has retained jurisdiction.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: July 16, 2001

Date of Mailing: July 17, 2001

* This decision, as the Commissioner's final determination 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. 6A:2-1.1 et seq.* Commissioner decisions are deemed filed three days after the date of mailing to the parties.