

ANTHONY GARVIN, :
 :
 PETITIONER, :
 :
 V. :
 : COMMISSIONER OF EDUCATION
 NEW JERSEY STATE BOARD OF :
 EXAMINERS, : DECISION
 :
 RESPONDENT. :
 _____ :

SYNOPSIS

Petitioner challenged the State Board of Examiners' decision to deny his application for a teaching certificate as a result of his conviction for a disqualifying criminal offense under *N.J.S.A.* 18A:6-7.1.

The ALJ concluded that petitioner was ineligible for issuance of a teaching certificate. As a result of 1998 amendments, *N.J.S.A.* 18A:6-7.1 provides that any individual convicted of a disqualifying offense "shall be permanently disqualified from employment or service" and there is no provision for the individual to show rehabilitation. The ALJ determined that since petitioner submitted his application for a standard teaching certificate to the Department of Education on August 28, 1998, nearly two months after the act became effective, the new law applies and petitioner is "permanently disqualified" from obtaining a teaching certificate. Moreover, since petitioner did not dispute the accuracy of his criminal record, a hearing was unnecessary and the appealed may be resolved as a matter of law. Petition was dismissed.

The Commissioner adopted the findings and determination in the Initial Decision as his own.

May 20, 2002

OAL DKT. NO. EDU 7455-00
AGENCY DKT. NO. 215-8/99

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

Upon careful and independent review, the Commissioner concurs with the findings and conclusions of the Administrative Law Judge. Accordingly, the Initial Decision is adopted for the reasons expressed therein, and the petition is dismissed.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: May 20, 2002

Date of Mailing: May 20, 2002

* 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:4-1.1 et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.