

IN THE MATTER OF THE TENURE :
HEARING OF ADAM MUJICA, : COMMISSIONER OF EDUCATION
STATE-OPERATED SCHOOL :
DISTRICT OF THE CITY OF : DECISION
PATERSON, PASSAIC COUNTY. :

SYNOPSIS

In April 2001, petitioning school district certified tenure charges against a tenured teacher for unbecoming conduct related to incidents of inappropriate behavior with a student in 1984-85 and another student in 1994-95. These tenure charges followed separate tenure charges brought against respondent by petitioner in October 2000. The instant matter remained inactive pending the outcome of the first set of charges.

The ALJ concluded that: the final disposition of the prior tenure charges is an intervening event that renders the instant matter moot; there are no legal rights, duties, obligations, privileges, benefits or other legal relationships between the parties still in issue; and the instant matter is no longer a contested case. The ALJ ordered the tenure charges against respondent dismissed as moot.

Upon review, the Commissioner concurs with the ALJ for the reasons set forth in the Initial Decision, that the tenure charges against respondent at issue in this matter have been mooted by his removal as a tenured employee based upon a prior set of charges. The Initial Decision is adopted as the final decision in this matter.

<p>This synopsis is not part of the Commissioner's decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.</p>

April 25, 2006

OAL DKT. NO. EDU 5184-01
AGENCY DKT. NO. 129-5/01

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The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. No exceptions were filed by the parties.

Upon review, the Commissioner concurs with the Administrative Law Judge, for the reasons thoroughly set forth in the Initial Decision, that the tenure charges against respondent at issue in this matter have been mooted by his removal as a tenured employee based upon a prior set of charges.¹

Accordingly, for the reasons expressed therein, the Initial Decision of the OAL dismissing the above-captioned tenure charges as moot is adopted as the final decision in this matter.

IT IS SO ORDERED.²

ACTING COMMISSIONER OF EDUCATION

Date of Decision: April 25, 2006

Date of Mailing: April 25, 2006

¹ The administrative decision effectuating such removal was affirmed by the Appellate Division of the Superior Court on October 24, 2005, and no further appeal is pending. (Initial Decision at 3)

² This decision 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.*