

INTEGRATED SECURITY TECHNOLOGY, :
INCORPORATED, :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 TOWNSHIP OF HARDYSTON, BOARD OF : DECISION
 EDUCATION OF THE TOWNSHIP OF :
 HARDYSTON, SUSSEX COUNTY, T & R :
 ALARM SYSTEMS, INCORPORATED AND :
 T & R ELECTRIC SYSTEMS, INCORPORATED, :
 :
 RESPONDENTS. :
 _____ :

SYNOPSIS

Petitioner filed a claim involving a dispute over a bidding process which took place in June 2007 and allegedly involved the Township of Hardyston and the Board of Education of Hardyston Township. Petitioner seeks to stay the contract awarded to another entity. The matter was forwarded to the Office of Administrative Law as a contested case.

The ALJ found that: the within matter is clearly a contractual dispute between petitioner and the Township over the propriety of the bidding process; the Commissioner of Education only has jurisdiction over disputes arising primarily and directly under the school laws; and jurisdiction over contractual issues such as the Township's bidding process does not lie with the Commissioner. Accordingly, the ALJ concluded that this matter should be dismissed for lack of jurisdiction.

The Commissioner concurred with the ALJ, and adopted the Initial Decision as the final decision in this matter.

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.

November 7, 2007

OAL DKT. NO. EDU 9138-07
AGENCY DKT. NO. 192-7/07

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. Petitioner’s exceptions, sent by Express Mail at 4:45 p.m. on October 15, 2007 and filed with the Agency October 16, 2007 – in response to an Initial Decision mailed to the parties on October 1, 2007 – were untimely pursuant to *N.J.A.C. 1:1-18.4*^{1 2}; as such, these exceptions, and the Board’s reply thereto, were not considered herein.

Upon a full and independent review of the record, the Commissioner concurs with the Administrative Law Judge – for the reasons clearly expressed in his decision – that the instant matter is outside of the jurisdictional purview of the Commissioner of Education, and therefore must be dismissed.

¹ *N.J.A.C. 1:1-18.4(a)* specifies: “Within 13 days from the date the judge’s initial decision was mailed to the parties, any party may file written exceptions with the agency head.”

² On October 22, 2007 petitioner filed what he purported to be a Motion to Reopen the Hearing. Such submission was, rather, in the nature of additional exceptions and, as such, is similarly rejected as untimely.

Accordingly, the recommended decision of the OAL is adopted and the instant Petition of Appeal is hereby dismissed.

IT IS SO ORDERED³

COMMISSIONER OF EDUCATION

Date of Decision: November 7, 2007

Date of Mailing: November 7, 2007

³ 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.*