

IN THE MATTER OF THE TENURE :
HEARING OF EMMA PAINTER : COMMISSIONER OF EDUCATION
KINGSWAY REGIONAL SCHOOL : DECISION
DISTRICT, GLOUCESTER COUNTY. :
_____ :

SYNOPSIS

The petitioning school district certified tenure charges of unbecoming conduct and other just cause against respondent – a tenured physical education teacher – for alleged misconduct, including witness tampering. Criminal charges were brought against respondent, who was later found guilty of third degree witness tampering and second degree official misconduct. By virtue of an Order of Forfeiture signed on May 20, 2009 by the Honorable M. Christine Allen-Jackson, J.S.C., Superior Court of New Jersey, Criminal Division, Gloucester County, respondent forfeited her public employment with the district pursuant to *N.J.S.A. 2C:51-2*, effective December 18, 2008.

Upon consideration, the ALJ concluded that it is in the public interest to bring these administrative tenure charges to a conclusion consistent with the Order of Judge Allen-Jackson. Therefore, based on the Order of Forfeiture and pursuant to *N.J.S.A. 2C:51-2*, respondent is considered to have been removed from her employment based on her conviction for the crimes she committed. The record of the matter is referred to the State Board of Examiners for action against respondent’s certificates.

Upon independent review of the record, the Commissioner concurred with the findings of the ALJ and adopted the Initial Decision as the final decision in this matter. The tenure charges are hereby dismissed as moot, and the matter is transmitted to the State Board of Examiners for action against respondent’s certificates as that body deems appropriate.

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.

September 29, 2009

OAL DKT. NO. EDU 100-08
AGENCY DKT NO. 387-12/07

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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 full consideration, the Commissioner finds and concludes that – by virtue of the Order of Forfeiture signed by the Honorable M. Christine Allen-Jackson, J.S.C., Superior Court of New Jersey, Criminal Division, Gloucester County, on May 20, 2009 – the respondent forfeited her public employment with the Kingsway Regional School District, pursuant to *N.J.S.A. 2C:51-2*, effective December 18, 2008. As such, the instant tenure charges have been rendered moot.

Accordingly, the recommended decision of the OAL is adopted as reflected above and the instant tenure charges are hereby dismissed. This matter is being transmitted to the State Board of Examiners for action against respondent’s certificate(s) as that body deems appropriate.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: September 29, 2009

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* This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36*. (*N.J.S.A. 18A:6-9.1*)