

#104-13 (OAL Decision: Not yet available online)

BOARD OF EDUCATION OF THE :  
TOWNSHIP OF FRANKLIN, :  
HUNTERDON COUNTY, :  
PETITIONER, : COMMISSIONER OF EDUCATION  
V. : DECISION  
NEW JERSEY STATE DEPARTMENT OF :  
EDUCATION AND JEFFREY SCOTT, :  
HUNTERDON COUNTY EXECUTIVE :  
COUNTY SUPERINTENDENT, :  
RESPONDENTS. :  
\_\_\_\_\_ :

SYNOPSIS

The petitioning Board filed an appeal of the Hunterdon County Executive Superintendent’s rejection of its shared business administrator employment contract, contending that such action was arbitrary, capricious, unreasonable, and in violation of *N.J.S.A. 18A:29-14*. The Department contended that its denial of the contract was warranted because the salary for the shared business administrator position was higher than comparable shared positions in Hunterdon County. The matter was transmitted to the OAL as a contested case, however – prior to a status conference scheduled for January 28, 2013 – the ALJ received communication from the Board’s legal counsel stating that the person who was to be appointed to the proposed shared position had been appointed by the Board as its Superintendent for the period from July 1, 2013 through June 30, 2016, pending the Executive County Superintendent’s approval of the proposed contract. Accordingly, the Board requested that the ALJ dismiss the instant petition as moot.

The ALJ found that, based on the Board’s position as set forth in a letter dated January 18, 2013, this matter is no longer a justiciable controversy and the decision initially sought would have no practical effect. The ALJ therefore concluded that the instant controversy is now moot, and dismissed the petition.

Upon an independent review of the record, the Commissioner adopted the Initial Decision as the final decision in this matter and dismissed the petition as moot.

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.

March 19, 2013

OAL DKT. NO. EDU 12152-12  
AGENCY DKT. NO. 216-8/12

BOARD OF EDUCATION OF THE :  
TOWNSHIP OF FRANKLIN, :  
HUNTERDON COUNTY, :  
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The Commissioner has reviewed the Initial Decision of the Office of Administrative Law<sup>1</sup> and the record of this challenge to a decision of the Executive County Superintendent. After consideration of same, the Commissioner adopts the Initial Decision as the final decision in this case. Accordingly, the petition is dismissed as moot.

IT IS SO ORDERED.<sup>2</sup>

COMMISSIONER OF EDUCATION

Date of Decision: March 19, 2013

Date of Mailing: March 20, 2013

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<sup>1</sup> No exceptions were filed by the parties.

<sup>2</sup> This decision may be appealed to the Superior Court, Appellate Division, pursuant to *P.L.* 2008, *c.* 36 (*N.J.S.A.* 18A:6-9.1).