

#66-16

IN THE MATTER OF THE SUSPENSION :
OF THE TEACHING CERTIFICATE : COMMISSIONER OF EDUCATION
OF ANDREW SILVER, SCHOOL DISTRICT : DECISION
OF THE BOROUGH OF GLEN ROCK, :
BERGEN COUNTY. :

SYNOPSIS

In November 2015, the Commissioner of Education issued an Order to Show Cause requiring respondent to show cause why an order should not be entered suspending his teaching certificate for unprofessional conduct pursuant to *N.J.S.A. 18A:28-8* for resigning his position without giving the notice required for tenured employees by *N.J.S.A. 18A:28-8*. The respondent failed to answer the order. Respondent was duly advised that, pursuant to *N.J.A.C. 6A:3-1.5(e)*, failure to respond would cause each allegation raised by the Board to be deemed admitted, and might result in summary decision by the Commissioner.

There being no response to the order to show cause, the Commissioner concluded that the allegations – which respondent has chosen not to deny – may be deemed admitted, and justify suspension of respondent’s certification. Accordingly, summary decision is granted to petitioner, and respondent’s certificate is suspended for a period of one year from the date of the filing of this decision – a copy of which has been forwarded to the State Board of Examiners for the purpose of effectuating this order.

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.
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February 10, 2016

AGENCY DKT. NO. 355-11/15

IN THE MATTER OF THE SUSPENSION :
OF THE TEACHING CERTIFICATE : COMMISSIONER OF EDUCATION
OF ANDREW SILVER, SCHOOL DISTRICT : DECISION
OF THE BOROUGH OF GLEN ROCK, :
BERGEN COUNTY. :

For Petitioner, Rodney T. Hara, Esq.

No appearance by or on behalf of respondent

This matter was opened before the Commissioner of Education on November 25, 2015, by way of an Order to Show Cause served by petitioner (School District of the Borough of Glen Rock) upon respondent (Andrew Silver), requiring respondent to show cause why an order should not be entered suspending his teaching certificate pursuant to *N.J.S.A. 18A:28-8* for resigning without giving the notice required for tenured employees by *N.J.S.A. 18A:28-8*. By notice dated November 25, 2015, the Bureau of Controversies and Disputes (Bureau) acknowledged receipt of proof that the Order to Show Cause had been served upon respondent and directed respondent to answer within 20 days.

No answer having yet been received, on December 17, 2015, the Bureau sent respondent a second notice, via regular and certified mail, directing that he file an answer within ten days. The notice advised that, pursuant to *N.J.A.C. 6A:3-1.5(e)*, failure to answer would cause each allegation in petitioner's papers to be deemed admitted, and might result in summary decision by the Commissioner. The notice sent by certified mail was returned by the postal service as

unclaimed; however, the notice sent by regular mail was not returned, and no answer to the Order to Show Cause has been filed as of this date.

The verified complaint submitted by the petitioner in this matter states that: the respondent has been employed by petitioner as a full-time teaching staff member since September 1, 2001, and subsequently acquired tenure in the district; the respondent was expected to report on September 1, 2015 for the start of the 2015-2016 school year; and on August 31, 2015, the respondent submitted his resignation to the district, providing only a one day notice prior to the start of the school year. The respondent has not denied these allegations; therefore, the Commissioner deems such allegations to be admitted pursuant to *N.J.A.C. 6A:3-1.5(e)* and further deems them sufficient to justify suspension of respondent's teaching certification pursuant to *N.J.S.A. 18A:28-8*.

Accordingly, summary decision is hereby granted to petitioner, and respondent's teaching certification is suspended for a period of one year from the filing date of this decision, a copy of which shall be forwarded to the State Board of Examiners for implementation of the suspension.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: February 10, 2016

Date of Mailing: February 11, 2016

* 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)*.