

109-17

CLINTON BARLOW, III, :
PETITIONER, : COMMISSIONER OF EDUCATION
V. : DECISION
BOARD OF EDUCATION OF THE :
CITY OF TRENTON :
RESPONDENT. :
_____ :

SYNOPSIS

Pro se petitioner filed a petition with the Commissioner in November 2014, seeking permission to enter Trenton Central High School to collect recyclable junk trash prior to the demolition of the school. The matter was transmitted to the OAL, where it was filed in January 2015.

The ALJ to whom the case was reassigned on January 23, 2017 placed a telephone call to the petitioner, and received the information that the school had already been demolished and there was no recyclable junk trash to collect. The ALJ sent a letter to the petitioner on January 23, 2017, outlining the history of the matter, attaching a withdrawal form for petitioner to sign and return. The ALJ's letter made clear that if petitioner did not respond by March 1, 2017, the matter would be dismissed as moot. As no response was received as of March 7, 2017, the ALJ ordered the matter dismissed on the grounds of mootness.

Upon review, the Commissioner adopted the Initial Decision of the OAL as the final decision in this matter for the reasons stated therein.

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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April 18, 2017

OAL DKT. NO. EDU 01399-15
AGENCY DKT. NO. 331-11/14

CLINTON BARLOW, III, :
 :
 PETITIONER, : COMMISSIONER OF EDUCATION
 :
 V. : DECISION
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 RESPONDENT. :
 _____ :

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 such review, the Commissioner adopts the Administrative Law Judge's (ALJ) recommended decision for the reasons expressed therein. Accordingly, the petition is hereby dismissed as moot.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: April 18, 2017

Date of Mailing: April 18, 2017

*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).



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. EDU 01399-15

AGENCY DKT. NO. 331-11/14

CLINTON BARLOW, III,

Petitioner,

v.

**BOARD OF EDUCATION OF THE
CITY OF TRENTON,**

Respondent.

Clinton Barlow, III, petitioner, pro se

Adam S. Herman, Esq., for respondent Board of Education of the City of Trenton
(Adams, Guitierrez & Lattiboudere, L.L.C., attorneys)

Record Closed: March 7, 2017

Decided: March 7, 2017

BEFORE **LAURA SANDERS**, Acting Director & Chief ALJ:

On November 17, 2014, petitioner Clinton Barlow, III, filed a petition with the Commissioner of Education seeking permission to enter Trenton Central High School to collect recyclable junk trash prior to the schools demolition. Respondent's answer to the verified complaint was received by the Department of Education on January 30, 2015. The Department of Education transmitted the contested case to the Office of Administrative Law (OAL), where it was filed on January 29, 2015. N.J.S.A. 52:14B-1 to

-15; N.J.S.A. 52:14F-1 to -13. The matter was originally assigned to Administrative Judge Sarah G. Crowley, who on April 27, 2015, held a telephone prehearing conference and issued a prehearing order. It was determined on that call that Judge Crowley may recuse herself concerning a law suit brought against Mercer County by Mr. Barlow, unrelated to this matter, as Judge Crowley had worked for the Mercer County Counsel's office prior to her appointment as an ALJ. Judge Crowley did recuse herself and the matter was then re-assigned to Judge Schuster on May 4, 2015. As Judge Schuster is preparing to retire on April 1, 2017, the matter was then reassigned to the undersigned on January 23, 2017.


A telephone call made to petitioner yielded the answer that the high school had already been demolished and there was no recyclable junk trash to collect. The undersigned wrote to petitioner on January 23, 2017, outlining the history of the matter to date and asked that he sign and return the withdrawal form that was attached thereto. The letter stated that if I did not hear from him by March 1, 2017, I would dismiss the matter as moot. As of March 7, 2017, there has been no further communication from petitioner. Therefore, it is **ORDERED** that the appeal by Clinton Barlow, III, is **DISMISSED** on grounds of mootness.

I hereby **FILE** this initial decision with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION** for consideration.

This recommended decision may be adopted, modified or rejected by the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION**, who by law is authorized to make a final decision in this matter. If the Commissioner of the Department of Education does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION, ATTN: BUREAU OF CONTROVERSIES AND DISPUTES, 100 Riverview Plaza, 4th Floor, PO Box 500, Trenton, New Jersey 08625-0500**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

March 7, 2017
DATE


LAURA SANDERS
Acting Director and Chief
Administrative Law Judge

Date Received at Agency: _____

Date Mailed to Parties: _____

/caa