

New Jersey Commissioner of Education

Final Decision

In the Matter of the Suspension of the
Teaching Certificates of Anthony Leone,
Board of Education of the Town of Kearny,
Hudson County

This matter was opened before the Commissioner of Education on May 28, 2024, by way of an Order to Show Cause served by petitioner (Board of Education of the Town of Kearny) upon respondent (Anthony Leone), requiring respondent to show cause why an order should not be entered suspending his teaching certificates pursuant to *N.J.S.A. 18A:26-10* and *N.J.S.A. 18A:28-8* for resigning without giving the notice required by law.

Initially, petitioner served respondent at an address in Pompton Plains. By notice dated June 14, 2024, the Office of Controversies and Disputes (Office) acknowledged proof that the Order to Show Cause had been served upon respondent at the Pompton Plains address and directed him to answer within 20 days. No answer having been received, on July 8, 2024, the Office sent respondent a second and final notice – via certified and regular 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. Because the notices sent to the Pompton Plains address were returned to the Office by the United States Postal Service (USPS)

as undeliverable and unable to forward, the Office contacted petitioner and asked for another mailing address for respondent.

On September 19, 2024, petitioner provided the Office with a new address for respondent in Fairfield and served him with the Order to Show Cause again. By notice dated September 24, 2024, the Office acknowledged proof that the Order to Show Cause had been served upon respondent at the Fairfield address and directed him to answer within 20 days. No answer having been received, on October 22, 2024, the Office sent respondent a second and final notice – via certified and regular 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. Tracking information obtained from USPS indicates that the certified letter was delivered to the Fairfield address on October 25, 2024. To date, respondent has not answered the Order to Show Cause.

The petition and supporting exhibits indicate that: respondent entered into an employment contract to work as a counselor at Kearny High School for the 2023-2024 school year for the period of September 1, 2023 through June 30, 2024; the contract provides that it can be terminated by either party upon sixty days’ written notice; and, on April 17, 2024, respondent sent correspondence to petitioner indicating that he was resigning to pursue a career opportunity in another field, effective April 30, 2024, thereby providing less than the required 60 days’ notice. 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 certificates pursuant to *N.J.S.A.* 18A:26-10 and *N.J.S.A.* 18A:28-8.

Accordingly, summary decision is hereby granted to petitioner, and respondent's teaching certificates are 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.¹


ACTING COMMISSIONER OF EDUCATION

Date of Decision: November 15, 2024
Date of Mailing: November 20, 2024

¹ This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A.* 18A:6-9.1. Under *N.J.Ct.R.* 2:4-1(b), a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.