

PASSAIC COUNTY ELKS CEREBRAL :
PALSY TREATMENT CENTER BOARD :
OF TRUSTEES, :

PETITIONER, :

V. : COMMISSIONER OF EDUCATION

NEW JERSEY STATE DEPARTMENT OF : DECISION
EDUCATION, DIVISION OF FINANCE, :

RESPONDENT. :

SYNOPSIS

Petitioner appealed the audit decision of respondent determining that transactions between petitioner and the Passaic County Elks Crippled Children's Committee, Inc. are between related parties and not arm's length transactions and requiring petitioner to change its name to remove any reference to Elks, remove any members of the Elks from its Board of Trustees and amend its constitution and by-laws.

The ALJ granted summary decision to respondent, finding that there were no genuine issues of material fact and respondent was entitled to prevail as a matter of law.

The Commissioner concurred with and adopted as his own the recommendation of the ALJ to dismiss the petition.

July 6, 1999

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The record and initial decision issued by the Office of Administrative Law have been reviewed. Petitioner's exceptions were untimely filed pursuant to *N.J.A.C.* 1:1-18.4.¹

Upon comprehensive review of the record in this matter, the Commissioner concurs with and adopts as his own the recommendation of the Administrative Law Judge to dismiss the Petition of Appeal for the reasons set forth in the initial decision.

Accordingly, for the reasons expressed in the initial decision, this matter is hereby dismissed.²

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

July 6, 1999

¹ In accordance with *N.J.A.C.* 1:1-18.4, exceptions may be filed within thirteen (13) days from the date on which the initial decision was mailed to the parties. In the instant matter, the initial decision was mailed to the parties on May 25, 1999. Consequently, exceptions had to be filed no later than June 7, 1999. Petitioner's exceptions were mailed on June 17, 1999 and received by the Commissioner on June 18, 1999; therefore, they are deemed untimely.

² This decision, as the Commissioner's final determination in the instant matter, may be appealed to the State Board of Education pursuant to *N.J.S.A.* 18A:6-27 *et seq.* and *N.J.A.C.* 6:2-1.1 *et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.