

EDU #2874-06
C # 190-06
SB # 24-06

SHAY STEELE, JOHN DOLLORD :
AND THERESA KELLY, :
 :
 PETITIONERS-RESPONDENTS, : STATE BOARD OF EDUCATION
V. :
 : DECISION
BOARD OF EDUCATION OF THE CITY OF :
ATLANTIC CITY, ATLANTIC COUNTY, :
 :
 RESPONDENT-RESPONDENT. :

Decided by the Deputy Commissioner of Education, May 23, 2006

For the Petitioners-Respondents, Wilson, Eiser, Moskowitz, Edelman &
Dicker (Joan H. Langer, Esq., of Counsel)

For the Respondent-Respondent, Brown and Bergman (Christopher A.
Brown, Esq., of Counsel)

For the Intervenor-Appellant, Miller and Gallagher (Daniel J. Gallagher,
Esq., of Counsel)

On May 9, 2006, the petitioners, members of the Atlantic City Board of Education, filed an emergent petition with the Acting Commissioner of Education requesting that the Board's annual reorganization meeting scheduled for May 9, 2006 be enjoined pending the outcome of contested election results. The petitioners filed an amended petition on May 12 seeking to void the reorganization meeting held on May 9 and to enjoin the reorganization meeting and the swearing in of new officers until the election challenges were decided. One of the newly elected members, Scott Evans, the appellant herein, was granted intervenor status. On May 23, 2006, the Deputy

Commissioner of Education adopted the recommended decision of the Administrative Law Judge and directed the Board to convene on May 26, 2006 to conduct its annual reorganization meeting and seat the newly elected members.

On May 25, 2006, Scott Evans (hereinafter “appellant”) filed a notice of appeal with the State Board.

Pursuant to N.J.A.C. 6A:4-1.11(a), the appellant’s brief in support of his appeal was due on June 14, 2006, 20 days after he filed his notice of appeal. The appellant, however, failed to file a brief by that date. By letter dated June 19, 2006, the Director of the State Board Appeals Office notified counsel for the appellant of his failure to file a brief and informed him that this matter was being referred to the Legal Committee of the State Board for consideration of the appellant’s failure to perfect the appeal.

The appellant has still failed to file a brief in support of the appeal, seven weeks after the due date. Nor has he offered any explanation for such failure or requested an extension of time. As a result, we dismiss the appeal in this matter for failure to perfect. N.J.A.C. 6A:4-1.12(a). See Paszamant v. Board of Education of the Borough of Highland Park, decided by the State Board of Education, April 1, 1992, aff’d, Docket #A-4812-91-3 (App. Div. 1993).

August 2, 2006

Date of mailing _____