



*State of New Jersey*

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January 8, 2018

Via facsimile and regular mail

Honorable Susan M. Scarola, A.L.J.  
Office of Administrative Law  
Quakerbridge Plaza, Bldg. 9  
P.O. Box 049  
Trenton, New Jersey 08625-0049

Re: Leonor Alcantara, et al, v. David Hesse,  
Commissioner of Education, et al.  
OAL Dkt. No. EDU 11069-14

Dear Judge Scarola:

As Your Honor is aware, this office represents the State Respondents in the above-referenced matter. On January 3, 2018, Lakewood Township Board of Education ("Lakewood") submitted what purports to be a Motion for Summary Decision. However, such a motion is inappropriate, as Lakewood is a participant in this matter, and not a party.

On November 21, 2016, ALJ Solomon Metzger granted Lakewood participant status in this matter pursuant to N.J.A.C. 1:1-16.6. Lakewood is very limited in its role as a participant. Under N.J.A.C. 1:1-16.6, a participant may 1) argue orally; 2) file a statement or brief; and/or 3) file exceptions to the initial decision with the agency head. N.J.A.C. 1:1-16.6 is very clear that these are the only actions a participant may engage in during a contested matter. As such, a participant may not file motions nor may it submit evidence.

It is State Respondents' position that there is no pending motion for summary decision. However, should Your Honor determine to treat Lakewood's submission as an appropriately filed Motion for Summary Decision, State Respondents would ask



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for the opportunity and time to respond once on notice that they need to do so.

Thank you for your courtesies in this matter.

Sincerely yours,

CHRISTOPHER S. PORRINO  
ATTORNEY GENERAL OF NEW JERSEY

By:



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