

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
ROBERT A. DOMBLOSKI : ORDER OF REVOCATION
_____ : DOCKET NO: 533-09/99-253

At its meeting of April 5, 2001, the State Board of Examiners reviewed a decision forwarded by the Commissioner of Education that had dismissed Robert A. Dombloski from his tenured position with the Board of Education of Belvidere for charges of unbecoming conduct. Dombloski currently holds Supervisor, Secondary School Teacher of Bookkeeping and Accounting, Secondary School Teacher of General Business Studies and Secondary School Teacher of Typewriting certificates.

This case originated in March 1997 when the Belvidere Board of Education certified tenure charges against respondent, Robert Dombloski. In the Matter of the Tenure Hearing of Robert Dombloski, Dkt. No. 117-4/97 (June 23, 1999). The district charged him with unbecoming conduct as a result of Dombloski's guilty plea to charges of criminal contempt for violating a restraining order. Dombloski had continued to make harassing phone calls and send notes to his victim, the mother of two Belvidere High School students.

The Commissioner of Education transmitted the case to the Office of Administrative Law (OAL). Administrative Law Judge (ALJ) Stephen G. Weiss heard testimony on December 8, 1998. (Initial Decision, slip op. at 4). After receiving post-hearing submissions, the record closed and the ALJ issued an Initial Decision on May 7, 1999.

In that decision ALJ Weiss found that Dombloski's stipulated behavior of violating the court order was conduct unbecoming a teaching staff member "for which

appropriate disciplinary measures must be taken.” (Initial Decision, slip op. at 5). After hearing the testimony, ALJ Weiss considered whether Dombloski’s misconduct should result in his dismissal. The ALJ concluded that “Dombloski had a special obligation as a public school teaching staff member to set a proper example for his students and he had clearly violated that obligation.” (Initial Decision, slip op. at 7). The Judge found that Dombloski’s violation of the restraining order less than one month after receiving a three-year probationary sentence for criminal contempt need not be tolerated by Belvidere or any other school district. He also found that a prior tenure proceeding that found that Dombloski had deliberately misled the school district with regard to his possession of a supervisor’s certificate militated against retaining Dombloski. (Initial Decision, slip op. at 7).

Accordingly, based on his review of the entire record, the ALJ concluded that Dombloski’s breach was too substantial to allow for his continued employment in the district. (Initial Decision, slip op. at 7). Consequently, the ALJ ordered Dombloski dismissed from his tenured employment.

In a decision dated June 23, 1999, the Commissioner of Education affirmed the ALJ’s Initial Decision as to the tenure charges against Dombloski. The Commissioner agreed with the ALJ that Dombloski’s behavior constituted conduct unbecoming a teaching staff member. (Commissioner’s Decision, slip op. at 12-13). The Commissioner found that the tenure charges in the current proceeding were enough to warrant Dombloski’s dismissal “even where his behavior is viewed independently of the prior finding of unbecoming conduct....” (Commissioner’s Decision, slip op. at 15). Accordingly, the Commissioner affirmed Dombloski’s removal from his tenured

employment with the Belvidere Board of Education and transmitted the matter to the State Board of Examiners pursuant to N.J.A.C. 6:11-3.6 for appropriate action regarding Dombloski's certificates.

Thereafter, on September 23, 1999, the State Board of Examiners issued an Order to Show Cause to Dombloski as to why his certificates should not be or suspended or revoked. The Order was predicated on the charges of unbecoming conduct that had been proven in the tenure hearing as well as his criminal conviction.

After some difficulty identifying Dombloski's current address, the Board of Examiners mailed the Order to Show Cause to him by regular and certified mail on August 16, 2000. The Order provided that an Answer to the Order had to be filed within 20 days. The certified mail return receipt was signed and returned. The regular mail copy was not returned.

On February 6, 2001, Dombloski was provided an additional ten days to file a response admitting or denying the facts in the Order to Show Cause. He was advised that if no response was received, the allegations in the Order to Show Cause would be deemed admitted and the State Board of Examiners would proceed to a decision as to revocation or suspension on the basis of the evidence before it. The certified mail return receipt was returned unsigned. The regular mail copy was not returned. Dombloski did not respond to the Order.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Dombloski's conduct, his subsequent loss of tenure and his criminal conviction give the Board just cause to act against his certificates pursuant to N.J.A.C. 6:11-3.6(a)1. Since Dombloski did not respond to the Order to Show Cause, the State

Board of Examiners had no responsive pleading to consider in the hearing process. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding. N.J.A.C. 6:11-3.6(a)1. Since Dombloski's conduct and criminal offense as set forth in the Order to Show Cause, are admitted, the Board of Examiners must now decide whether they constitute sufficient bases to act against his certificates pursuant to N.J.A.C. 6:11-3.6(a)1. We find that they do.

The State Board of Examiners may revoke or suspend the certification of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher or other just cause. N.J.A.C. 6:11-3.4. Furthermore, unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. Redcay v. State Board of Education, 130 N.J.L. 369, 371 (S. Ct. 1943), aff'd. 131 N.J.L. 326 (E & A 1944). "Teachers... are professional employees to whom the people have entrusted the care and custody of ... school children. This heavy duty requires a degree of self-restraint and controlled behavior rarely requisite to other types of employment." Tenure of Sammons, 1972 S.L.D. 302, 321. There can be no dispute that Dombloski's offense in violating a restraining order and harassing his former girlfriend is not the behavior of a role model for students. His inability to comply with the court order speaks volumes about his lack of control. This volatility does not belong in a classroom. Thus, the only proper response to Dombloski's breach is revocation.

Accordingly, it is therefore ORDERED that Robert A. Dombloski's Supervisor, Secondary School Teacher of Bookkeeping and Accounting, Secondary School Teacher of General Business Studies and Secondary School Teacher of Typewriting certificates be revoked on this 5th day of April 2001. It is further ORDERED that Dombloski return

his certificates to the Secretary of the State Board of Examiners, Office of Licensing, CN 500, Trenton, NJ 08625-0500 within fifteen (15) days of receipt of this decision.

Secretary
State Board of Examiners

Date of Mailing: July 13, 2001

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-28.

JFK:MZ:kb:Dombloski Robert A.