

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS  
SUZANNE AMABILE : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 625-04/01-306

At its meeting of April 5, 2001, the State Board of Examiners reviewed a decision forwarded by the Commissioner of Education that had dismissed a tenure case against Suzanne Amabile, the School Business Administrator from the Spring Lake Heights school district. The Board of Education of Spring Lake Heights had brought tenure charges against Amabile alleging that she had mishandled the district's finances. Amabile currently holds a School Business Administrator certificate, issued in January 1994.

Amabile did not contest the tenure charges so the Commissioner granted the district's request to withdraw the tenure case. The Commissioner ordered the district to comply with N.J.A.C. 6:11-3.5, which required that a district notify and cooperate with the State Board of Examiners when a teaching staff member resigned prior to the conclusion of tenure proceedings.<sup>1</sup> The Commissioner also transmitted the matter to the State Board of Examiners pursuant to N.J.A.C. 6:11-3.6 for appropriate action regarding Amabile's certificate.

In October 1996, Amabile was indicted on charges of official misconduct, misapplication of entrusted property, falsifying records and forgery. She was allowed to enter a Pre-Trial Intervention (PTI) program on the condition that she resign her tenured

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<sup>1</sup> On January 20, 2004, the State Board of Education adopted a new administrative code governing professional licensure and standards. N.J.A.C. 6A:9-1 et seq. Although this decision was mailed after the effective date of the new code, the Board of Examiners' decision in this case predates the effective date of the new code and was therefore decided under the old code. All citations in this decision therefore are to the prior administrative code.

position. She completed the program and her indictment was dismissed on March 3, 1999. However, prior to that, Amabile was again indicted on March 18, 1998, for improper conduct while she had been the school business administrator. This indictment was for second degree official misconduct, third degree misappropriation of entrusted property and third degree theft. On June 28, 1999, Amabile pled guilty to third degree misappropriation of entrusted property. She was sentenced to 18 months' probation and community service and was ordered to pay restitution to the Spring Lake Heights school district. The court also ordered Amabile not to hold other positions of public employment.

Thereafter, on April 5, 2001, the State Board of Examiners issued Amabile an Order to Show Cause as to why her certificate should not be suspended or revoked. The Order was predicated on her conviction for misappropriation of entrusted property.

The Board sent Amabile the Order to Show Cause by regular and certified mail on July 25, 2001. The Order provided that she must file an Answer within 20 days. The certified mail return receipt was signed and returned and the regular mail was not returned. As Amabile did not respond to the Order, the Board sent her a second notice by regular and certified mail advising her that she had an additional ten days in which to file her Answer. The certified letter was signed for and the regular mail was not returned. Once again, Amabile did not file an Answer.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Amabile's conduct and conviction constitute conduct unbecoming a certificate holder. At its meeting of April 3, 2003, the State Board of Examiners reviewed the charges in the Order to Show Cause. Since Amabile did not respond to the Order to

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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 Amabile's conduct, which was predicated on the same conviction as was set forth in the Order to Show Cause, is admitted, the Board of Examiners must now decide whether that constitutes a sufficient basis to act against her certificate pursuant to N.J.A.C. 6:11-3.6(a)1. We find that it does.

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 Amabile's criminal conviction for a crime involving dishonesty and theft negates any claim she can have to being a role model for students. Moreover, the court recognized this when it ordered Amabile to never hold public employment. Thus, the only proper response to Amabile's breach is revocation.

Accordingly, it is therefore ORDERED that Suzanne Amabile's School Business Administrator certificate be revoked on this 3rd day of April 2003. It is further ORDERED that Amabile return her certificate to the Secretary of the State Board of

Examiners, Office of Licensing, PO Box 500, Trenton, NJ 08625-0500 within 15 days of receipt of this decision.

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Michael K. Klavon, Acting Secretary  
State Board of Examiners

Date of Mailing: November 17, 2004

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