

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
CESAR ESCURRA : ORDER OF REVOCATION
_____ : DOCKET NO: 0304-196

At its meeting of January 22, 2004, the State Board of Examiners voted to issue an Order to Show Cause to Cesar Escurra. The Order was predicated on allegations that Escurra had altered an employment approval letter he had received from the Office of Criminal History Review (OCHR) pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Escurra currently holds a Teacher of Spanish Certificate of Eligibility (CE), issued in June 2001; a Teacher of Spanish certificate, issued in August 2002; a Teacher of Computer Science Technology, issued in August 2002 and a Principal/Supervisor certificate, issued in July 2003.

This case originated when, the Superintendent of the Diocese of Paterson, Dr. Frank Petrucci, notified Carl Carabelli, of the OCHR, that Cesar Escurra had submitted an employment approval letter dated February 5, 2003. Petrucci indicated that someone had altered the letter's date. The OCHR notified the State Board of Examiners of the altered letter.

Thereafter, on January 22, 2004, the State Board of Examiners issued Escurra an Order to Show Cause as to why his certificates should not be suspended or revoked. The Order was predicated on Escurra's alleged conduct in altering the employment approval letter.

The Board sent Escurra the Order to Show Cause by regular and certified mail on March 5, 2004. The Order provided that Escurra's Answer was due within 30 days. Escurra filed an Answer on April 4, 2004. In his Answer, Escurra stated that his employment approval letter from the OCHR was dated February 26, 1999. (Answer, ¶ 2). He added that he did not submit an altered letter to the Diocese of Paterson. Escurra indicated that he showed the Diocese the same approval letter he had received in 1999. (Answer, ¶ 3).

The Board of Examiners transmitted the case to the Office of Administrative Law (OAL) on April 27, 2004. Administrative Law Judge (ALJ) Jesse Strauss heard testimony on September 15, 2004. After both parties submitted post-hearing briefs, the record closed on October 18, 2004. ALJ Strauss issued his Initial Decision on November 16, 2004. *In the Matter of the Certificates of Cesar Escurra*, Docket No. EDE 03873-04 (November 16, 2004).

In that decision, ALJ Strauss found that Escurra applied for and was hired as the principal of the elementary school at Our Lady of Lourdes Roman Catholic Church in Paterson. Per Diocese policy, Escurra was required to undergo the same criminal background check as public school teachers. (Initial Decision, slip op. at 3.) Although the school's business manager gave him the requisite forms to complete for the fingerprint check, Escurra never submitted them to her. (Initial Decision, slip op. at 3.) Rather, after repeated requests, Escurra gave her a photocopy of an employment approval letter from the OCHR dated February 5, 2003. (Initial Decision, slip op. at 3.)

After Escurra's termination for unrelated reasons, the business manager was checking his personnel file. (Initial Decision, slip op. at 3.) When she faxed his employment approval letter to Diocese Secretary, Antonia Lucas, Lucas noticed a discrepancy in the fonts between the letter's date and the rest of the letter. (Initial Decision, slip op. at 4.) Lucas informed Petrocelli and then the Criminal History Review Unit of the OCHR and faxed the letter to the Unit. When Carl Carabelli, the Unit's manager, investigated the matter, he discovered that the only approval letter the Unit had issued to Escurra was dated February 26, 1999. (Initial Decision, slip op. at 4.) Carabelli also testified that no one had requested a background check for Escurra since 1999 and no fingerprints were submitted to his office in 2003. (Initial Decision, slip op. at 4.) Carabelli also confirmed that the font used on the letter's date was not a font his office used in 1999. (Initial Decision, slip op. at 4-5.)

Escurra testified that when he applied for the principal's position, someone at the Diocese photocopied his entire employment packet, including his employment approval letter, dated February 26, 1999. (Initial Decision, slip op. at 5.) Escurra stated that he never submitted an employment approval letter dated February 5, 2003, nor had he seen one with that date until before the hearing. (Initial Decision, slip op. at 5.) He also claimed that his relationship with the school's business manager was contentious. (Initial Decision, slip op. at 5.) Finally, the ALJ noted that Escurra pled guilty in 1999 to a disorderly persons offense which would not be a disqualifying offense pursuant to *N.J.S.A. 18A:6-7.1 et seq.* (Initial Decision, slip op. at 5.)

ALJ Strauss found that Escurra knowingly and intentionally submitted an altered employment approval letter when he accepted the principal's position in the Paterson Diocese. The ALJ further found that the OCHR had never issued Escurra a letter dated February 5, 2003. The only letter the OCHR issued Escurra was dated February 26, 1999. (Initial Decision, slip op. at 6.) Although Escurra had not committed a disqualifying offense, it was clear to the ALJ that he had altered his employment letter under the mistaken apprehension that his disorderly persons offense would disqualify him from employment.

In light of these findings, ALJ Strauss held that Escurra had engaged in conduct unbecoming a teacher pursuant to *N.J.A.C. 6A:9-17.5* since his actions in altering the letter had breached "an implicit standard of good behavior." (Initial Decision, slip op. at 9.) ALJ Strauss stated that Escurra's behavior raised serious concerns about his ability to impart the virtue of honesty to students. (Initial Decision, slip op. at 10.) Nevertheless, the ALJ distinguished between presenting a fraudulent teaching certificate, which subjects students to an unqualified teacher, with Escurra's action, which only concealed personal information of an offense that was non-disqualifying and did not endanger students. (Initial Decision, slip op. at 10.) Although ALJ Strauss condemned Escurra's infraction, he concluded that suspension, rather than

revocation was the preferred penalty here. (Initial Decision, slip op. at 11.) The ALJ therefore recommended suspending Escurra's certificates for two years. (Initial Decision, slip op. at 10-11.)

On November 29, 2004, Escurra filed exceptions to the ALJ's decision. In his exceptions, Escurra reiterated his suspicions that someone in Paterson altered his employment approval letter in retaliation for having questioned improprieties in the school system. Escurra also argued that a two-year suspension was tantamount to ending his career.

In reply exceptions, the Board of Examiners argued that the ALJ had made correct credibility determinations regarding the alteration of the employment letter. The Board further argued that, despite his supportable legal conclusions that Escurra had engaged in unbecoming conduct, ALJ Strauss erred in recommending suspension rather than revocation.

At its meeting of January 20, 2005, the State Board of Examiners reviewed the Initial Decision, exceptions and reply exceptions. After full and fair consideration of all the submissions, the Board voted to adopt the Initial Decision. As the Board's attorney noted, the ALJ is in the best position to render credibility determinations in this matter. Accordingly, the Board will defer to those findings. There is no question that Escurra altered his employment approval letter, or that this behavior was conduct unbecoming a teaching staff member pursuant to N.J.A.C. 6A:9-17.5. Accordingly, the remaining decision for this Board is one of penalty.

The Commissioner has long held that teachers serve as role models for their students. *In re Tenure of Sammons*, 1972 S.L.D. 302, 321. In this instance, Escurra's blatant act of dishonesty is disturbing and calls into question his integrity. Yet, as the ALJ noted, there is a distinction between the type of fraud in altering a certificate, which places students in jeopardy, and Escurra's actions here, which, while inexcusable, did not place students in harm's way.

Consequently, the Board agrees that a two-year suspension of Escurra's certificates is appropriate in this case.

Accordingly, it is therefore ORDERED that the Initial Decision in this matter is adopted in its entirety and that Cesar Escurra's Teacher of Spanish Certificate of Eligibility and Teacher of Spanish, Teacher of Computer/Science Technology and Principal/Supervisor certificates are suspended for a period of two calendar years beginning on this 20th day of January 2005. It is further ORDERED that Escurra return his certificates to the Secretary of the State Board of Examiners, Office of Licensure, PO Box 500, Trenton, NJ 08625-0500 within 20 days of the mailing date of this decision for the period of the suspension.

Michael K. Klavon, Acting Secretary
State Board of Examiners

Date of Mailing: February 15, 2005

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