

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
ROBERT JANOWICZ : ORDER OF REVOCATION
_____ : DOCKET NO: 0304-262

At its meeting of May 6, 2004, the State Board of Examiners reviewed information the Office of Criminal History Review had forwarded indicating that Robert Janowicz had 1974 and 1975 convictions for marijuana possession. As a result of those convictions, Janowicz was disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Janowicz did not appeal the disqualification before the Commissioner of Education. Upon review of the above information, at its May 6, 2004, meeting, the State Board of Examiners voted to issue Janowicz an Order to Show Cause. Janowicz currently holds a Teacher of Carpentry Certificate of Eligibility, issued in April 2003.

The Board sent Janowicz the Order to Show Cause by regular and certified mail on July 1, 2004. The Order provided that Janowicz must file an Answer within 30 days. Janowicz filed an Answer on August 30, 2004. In that Answer, Janowicz admitted his 1974 and 1975 convictions but stated that they were both misdemeanors. He added that since that time, 30 years ago, he had never been involved in any criminal activity. (Answer, ¶ 5.) Finally, Janowicz claimed that he had learned from his mistakes and wanted to continue to share his carpentry expertise with students. (Answer, ¶¶ 5,6.)

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, the Board sent Janowicz a hearing notice by regular and certified mail. The notice explained that since it appeared no material facts were in dispute regarding his offense, he was offered an opportunity to submit written arguments on the issue of whether the conduct addressed in the Order to Show Cause constituted conduct unbecoming a certificate holder. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the State Board of Examiners would determine if his disqualifying offense warranted action against his certificate. Thereupon, the Board of

Examiners would also determine the appropriate sanction, if any. Janowicz responded on November 24, 2004.

In his response, Janowicz again admitted his convictions, but stated that “they are in no way a reflection on my present life.” (Hearing Response, p. 1.) He added that he had learned from his mistakes and had never attempted or desired to repeat them. (Hearing response, p. 1.)

At its meeting of January 20, 2005, the State Board of Examiners reviewed the charges and papers Janowicz filed in response to the Order to Show Cause. After review of the response, the Board of Examiners determined that no material facts related to Janowicz’ offense were in dispute. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. *N.J.A.C.* 6A:9-17.7(h).

The issue before the State Board of Examiners in this matter, therefore, is whether Janowicz’ disqualification, which was predicated on the same offense as was set forth in the Order to Show Cause, represents just cause to act against his certificate pursuant to *N.J.A.C.* 6A:9-17.5. The Board finds that it does.

In enacting the Criminal History Review statute, *N.J.S.A.* 18A:6-7.1 *et seq.* in 1986, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be a danger to them. In 1989, the Legislature specifically amended the statute to include all convictions concerning controlled dangerous substances as disqualifying offenses. *See N.J.S.A.* 18A:6-7.1(b). This amendment was a clear recognition on the part of the Legislature that individuals with such drug convictions should not be permitted to be in contact with school-aged children. The consistent and long-standing policy of this State is to eliminate the use of illegal drugs. *See In the Matter of the Tenure Hearing of David Earl Humphreys*, 1978 *S.L.D.* 689. To that end, the State and the schools herein have engaged in extensive educational efforts to warn the citizenry of the perils of illicit drugs. *See In the Matter of the Certificate of Barbara Corwick*, OAL Dkt. No. EDE 3562-87, State Board of Examiners decision (March 24, 1988). Those who violate this deep-rooted policy, *whether by the use of drugs or their manufacture and*

distribution, endanger the public welfare; they cannot be entrusted with the responsibility of caring for school aged pupils. Accordingly, the State Board of Examiners finds that Janowicz' disqualification from service in the public schools of this State because of two convictions for marijuana possession offenses provides just cause to take action against his certificate.

That strong policy statement on the part of the Legislature set forth in *N.J.S.A. 18A:6-7.1(b)* also offers guidance to the State Board of Examiners as to the appropriate sanction in this matter. An individual whose offense is so great that he or she is barred from service in public schools should not be permitted to retain the license that authorizes such service. Nor should a person who has been disqualified from teaching in a public school be permitted to continue to hold himself out as a teacher. Because the Legislature considers Janowicz' offense so significant, the State Board of Examiners in this matter believes that the appropriate sanction for his disqualification is the revocation of his certificate to teach. *See In the Matter of the Revocation of the Teaching Certificate of Patricia Rector*, Agency Dkt. No. 19-02 (St. Bd. of Education, August 7, 2002) (affirming the decision of the State Board of Examiners to revoke Rector's teaching certificate on the basis of the disqualification pursuant to *N.J.S.A. 18A:6-7.1*.)

Accordingly, it is therefore ORDERED that Robert Janowicz' Teacher of Carpentry Certificate of Eligibility be revoked on this 20th day of January 2005. It is further ORDERED that Janowicz return his certificate to the Secretary of the State Board of Examiners, Office of Licensure and Credentials, PO Box 500, Trenton, NJ 08625-0500 within 20 days of the mailing date of this decision.

Michael K. Klavon, Acting Secretary
State Board of Examiners

Date of Mailing: FEBRUARY 18, 2005

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