

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
GERALD LUONGO : ORDER OF REVOCATION
_____ : DOCKET NO: 0607-112

At its meeting of September 21, 2006, the State Board of Examiners reviewed information indicating that on November 1, 2001, Gerald Luongo had pled guilty to charges of mail fraud and subscribing to a false income tax return. On April 3, 2002, Luongo was sentenced to 13 months in federal prison and fined. Luongo currently holds a Teacher of Music certificate, issued in September 1963, a Principal/Supervisor certificate, issued in November 1981, and a School Business Administrator certificate, issued in February 1982. Upon review of the above information, at its November 2, 2006 meeting, the State Board of Examiners voted to issue Luongo an Order to Show Cause.

The Board sent Luongo the Order to Show Cause by regular and certified mail on November 14, 2006. The Order provided that Luongo's Answer was due within 30 days. Luongo filed his response on December 14, 2006. In that Answer, Luongo admitted that he had been convicted of mail fraud and subscribing to a false tax return. (Answer, p. 7). He added that "the crime for which I paid my debt to society would not cause me to be any less of an outstanding educator." (Answer, p. 7). He noted that his life experience would teach students that "even when a mistake is made, that with an education, one can pick up the pieces of his life and continue to be a contributing member of society, giving back to the community, rather than taking from it." (Answer, p. 7). Luongo also argued that he had paid his debt to society and that taking his certificates would constitute excessive punishment. (Answer, p. 7). In the remainder of his Answer, Luongo detailed the circumstances surrounding his prosecution, his pension issues and his efforts to work after his incarceration. (Answer, pp. 1-6).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on January 16, 2007, the Board of Examiners sent Luongo a hearing notice by regular and certified mail. The notice explained that since it appeared no material facts were in dispute, Luongo 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 Luongo's offense warranted action against his certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. On February 11, 2007, Luongo submitted his reply.

In that response, Luongo recounted the FBI and IRS investigations into his actions and the impetus behind them. (Hearing Response, pp. 1-3). He also told the Board of Examiners of his efforts to make his incarceration "meaningful" by teaching youth in prison, doing office work, serving as a maintenance man and participating in religious music services on the base. (Hearing Response, pp. 3-4). Luongo also talked about his work with at-risk youth since his release from prison and his work as a prisoner advocate. (Hearing Response, p. 4). He added that he was working in the education field in Florida and that the loss of his New Jersey certificates would prevent him "from continuing in my field of employment." (Hearing Response, p. 4). Luongo noted that he had lost a significant portion of his State pension and that his actions did not "rise to the level of Political Corruption which is a legal basis for the forfeiture of a pension and state issued licenses." (Hearing Response, pp. 4-6). Luongo stated that he had paid substantially for his crime. (Hearing Response, p. 6). According to Luongo, his crime "had no victims, did not rise to the level of political corruption, injured no one and did little if anything in undermining good government or did my actions cause to diminish the good

works and the acts of charity which I performed.” (Hearing Response, p. 6). Luongo believed that he had set an example for children to follow, even in approaching adversity. (Hearing Response, p. 6).

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Luongo’s guilty plea to mail fraud and subscribing to a false tax return constitutes conduct unbecoming a certificate holder. At its meeting of March 29, 2007, the State Board of Examiners reviewed the charges and papers Luongo filed in response to the Order to Show Cause.¹ After review of Luongo’s submissions, the Board of Examiners determined that no material facts related to his offense were in dispute since he admitted that he had pled guilty to the offenses charged and had been sentenced accordingly. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*.

The State Board of Examiners must now determine whether Luongo’s offense as set forth in the Order to Show Cause, provides just cause to act against his certificates pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds 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. 6A:9-17.5*. “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. Luongo’s acts of mail fraud and subscribing to a false tax return are not the acts of a role model for children. While Luongo may have been an exceptional teacher in the classroom, he has not demonstrated like behavior outside that arena.

¹ Luongo filed a supplemental letter submission which was not considered by the Board since it was received after the hearing date of his case.

Luongo argues that he should retain his certificate since the incident did not impact students or affect his ability to be an effective educator. It is well established that the State Board of Examiners has the right to revoke a certificate where the teacher was involved in criminal activities, even if the activities were unrelated to the classroom. *See Cox v. State Board of Examiners*, (App. Div. Docket No. A-3527-81T3) (November 18, 1983); *State Board of Examiners v. Krupp*, 3 *N.J.A.R.* 285 (1981).

Moreover, as a role model, a teacher's whole life is subject to scrutiny, not just his actions within the schoolhouse doors:

[R]espondent's argument that, because the occurrence happened in the evening away from school premises, both the Board and the Commissioner have no authority to act, is without merit. Individuals who must comport themselves as models for young minds to emulate choose the teaching profession. This heavy responsibility does not begin at 8:00 a.m. and conclude at 4:00 p.m., Monday through Friday, only when school is in session. Being a teacher requires, *inter alia*, a consistently intense dedication to civility and respect for people as human beings. The Commissioner has, on past occasions, determined tenure charges arising from incidents which happened in the evening both on and off school property. *See In the Matter of the Tenure Hearing of Thomas Appleby, School District of Vineland, Cumberland County*, 1965 *S.L.D.* 159, *aff'd*, State Board of Education 1970 *S.L.D.* 448; *In the Matter of the Tenure Hearing of John H. Stokes, School District of the City of Rahway, Union County*, 1971 *S.L.D.* 623.

[*In the Matter of the Tenure Hearing of Robert H. Beam*, 1973 *S.L.D.* 157, 163.]

Luongo therefore cannot exclude his "out-of-school" behavior from this tribunal's examination.

Furthermore, unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. *Redcay v. State Bd. of Educ.*, 130 *N.J.L.* 369, 371 (Sup. Ct. 1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). In this instance, Luongo's dishonesty led to a federal prison term and is a sufficient basis to keep him out of the classroom.

Notwithstanding Luongo's contentions of rehabilitation, this is not the proper context for such considerations. The purpose of this proceeding is "to permit the individual certificate holder to demonstrate circumstances or facts to counter the charges set forth in the Order to Show Cause, not to afford an opportunity to show rehabilitation." See *In the Matter of the Revocation of the Teaching Certificate of Gloria Jackson by the State Board of Examiners*, 96 N.J.A.R. 2D (EDE) 1, 16, *aff'd*, App. Div. Dkt. No. A-1246-96T5 (September 9, 1997) citing *In the Matter of the Revocation of the Teaching Certificate of James Noll*, State Bd. of Examiners decision (February 7, 1990). Thus, the fact that Luongo has performed volunteer work with inmates and children, while a step in the right direction, has no bearing on the decision the Board of Examiners must make with regard to his certification.

Accordingly, on March 29, 2007, the Board of Examiners voted to revoke Luongo's certificates. On this 3rd day of May, 2007, the Board formally adopted its written decision to revoke and it is therefore ORDERED that Gerald Luongo's Teacher of Music, Principal/Supervisor and School Business Administrator certificates be revoked effective this day. It is further ORDERED that Luongo return his certificates to the Secretary of the State Board of Examiners, Office of Licensure, PO Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Acting Secretary
State Board of Examiners

Date of Mailing: MAY 4, 2007

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