

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
MARIANNE MADARA : ORDER OF REVOCATION
_____ : DOCKET NO: 0506-319

This case arose when the State Board of Examiners received information from the Carteret School District alleging that Marianne Madara had submitted a forged Teacher of French certificate. According to Carteret, Madara had been teaching French and Spanish in the district and was asked to become certified in French. Madara needed to take a methods course and register for and complete the Oral Proficiency Interview (OPI). Although Madara registered for the OPI, she declined to take the test and asked for a refund. In October 2005 she submitted a Teacher of French certificate to the Superintendent in Carteret. The Superintendent's secretary checked the Department of Education's website regarding Madara's Teacher of French certificate and noted that, according to the website, no Teacher of French certificate had ever been issued to Madara. Madara currently holds a Teacher of Spanish Certificate of Eligibility With Advanced Standing (CEAS), issued in July 1999 and a Teacher of Spanish certificate, issued in April 2001. Based upon all of the foregoing information, at its meeting of September 21, 2006, the State Board of Examiners issued Madara an Order to Show Cause why her properly-held Teacher of Spanish CEAS and Teacher of Spanish certificate should not be revoked or suspended.

The Board sent Madara the Order to Show Cause by regular and certified mail on September 27, 2006. The Order provided that if Madara desired to file an Answer, it must be filed within 30 days. Madara responded on October 18, 2006.

In her Answer, Madara denied the allegation that the Department of Education had not issued her a Teacher of French certificate. (Answer, ¶ 3.) In fact, she claimed that the Department had issued her that certificate. (Answer, ¶ 3.) Madara also asserted that in response to a letter stating that she needed to take the OPI in French, she appealed that ruling to the Director of Licensing. (Answer, Affirmative Defense, ¶ 1-2.) Madara indicated that as a result of that appeal she was issued the Teacher of French certificate. (Answer, Affirmative Defense, ¶ 3.)

After receiving Madara's response, the Examiners transmitted the case to the Office of Administrative Law (OAL). Administrative Law Judge (ALJ) Ronald Reba heard testimony on several days in April, May and July 2007. After receiving a post-hearing submission from only the Board of Examiners, the record closed and the ALJ issued an Initial Decision on October 28, 2008. *In the Matter of the Certificates of Marianne Madara.*, Dkt No. EDE 53-07 (Initial Decision, October 28, 2008).

ALJ Reba found that Madara had initially indicated to the Carteret Superintendent, Kevin Ahearn, that she was in the process of pursuing a Teacher of French certification and had submitted such an application in early 2005. (Initial Decision, slip op. at 2.) Madara's application was deemed incomplete by the Department of Education (DOE) on July 11, 2005 because she had not completed the OPI in French. (Initial Decision, slip op at 2-3.) According to the computerized records of the Office of Licensing and Credentials, there is no record of any Teacher of French certificate for Madara. (Initial Decision, slip op. at 3.)

The ALJ noted that, on September 20, 2005, Madara submitted a Teacher of French certificate to the Carteret Board of Education that was purported to have been issued in September 2005. (Initial Decision, slip op. at 3.) The certificate bore the signatures of Vito

Gagliardi, as Commissioner of Education and John Knapp as secretary to the State Board of Examiners. (Initial Decision, slip op. at 3.) On September 21, 2005, the DOE received a phone call from respondent indicating that she was not pursuing teaching and asking for a refund of her application fee; that request was denied. (Initial Decision, slip op. at 3.)

In a letter sent to the DOE in June 2006, the Carteret superintendent questioned the validity of Madara's French certificate. (Initial Decision, slip op. at 3.) The DOE's witness testified that the Teacher of French certificate Madara produced is not consistent with one that would have been issued in September 2005 for various reasons: the Office of Licensure started issuing certificates in January 2005 on blue paper with certain security features; Madar's certificate was on paper similar to that previously used by the Office. (Initial Decision, slip op. at 3.) Additionally, Madara's certificate contained several mistakes, including incorrect Commissioner and Secretary's names which were signed and not typed as was the process in September 2005. (Initial Decision, slip op. at 3.) In addition, Madara's certificate number was eight digits and this type of number had not been used since September 2004. (Initial Decision, slip op. at 3.)

ALJ Reba also allowed Madara to retain a handwriting expert. In a letter dated July 11, 2007, Madara's counsel acknowledged that his handwriting expert had concluded that the Teacher of French certificate at issue was not genuine. (Initial Decision, slip op. at 4.) Madara's counsel then agreed that it would be "a waste of judicial time to continue the hearing." (Initial Decision, slip op. at 4.) Madara did not withdraw her Answer or testify at her hearing. (Initial Decision, slip op. at 4.)

In his decision, Judge Reba declared that "it is uncontroverted that the certificate handed in by the respondent was fraudulent and was caused to be handed in due to the Department of

Education's requirement that this document be submitted in order for the respondent to continue teaching." (Initial Decision, slip op. at 6.) He further declared that Madara did nothing "to refute the inference of guilt against her." (Initial Decision, slip op. at 6.)

Based on the testimony and documents submitted, the ALJ concluded that the Board of Examiners met its burden of proof. (Initial Decision, slip op. at 6.) He further concluded that "considering the seriousness of the charges against respondent Madara" he ordered her Spanish CEAS and Teacher of Spanish certificate revoked. (Initial Decision, slip op. at 7.) Neither side submitted exceptions to the ALJ's Initial Decision.

The Board must now determine whether to adopt, modify or dismiss the Initial Decision in this matter. At its meeting of January 13, 2009, the Board reviewed the Initial Decision. After full and fair consideration of the decision and the issues raised therein, the Board voted to adopt the Initial Decision. As there was no direct evidence that Madara had a legitimately-issued Teacher of French certificate, the Examiners agree with the ALJ's conclusion that the allegations in the Order to Show Cause have been proven. (Initial Decision, slip op. at 6-7.)

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. The system of certification in this State ensures the public that each certificate holder is properly qualified for the position held. Any certificate fraudulently obtained "demeans the value of all certificates" and "harms the integrity of the teacher certification system." *In re Williams*, Dkt. No. 214-2/94 (Examiners Dec. 14, 1995) (decision on remand). In this case, Madara presented a bogus certificate in order to maintain employment. The Office of Licensing has no record of ever having issued Madara a Teacher of French certificate.

Thus, the only issue that remains in this matter is the imposition of the appropriate sanction. In the past the Board of Examiners has ordered revocation of an individual's legitimately-held certificates where a certificate had been altered in order to secure employment in an area for which the individual was not certified. *See, e.g., In re Shaffer, supra*, (New Jersey teacher altered Pennsylvania certificate to include Teacher of the Handicapped authorization); *State Bd. of Examiners v. Kaufman*, Dkt. No. 226-8/93-15 (Examiners Feb. 24, 1994) (health teacher fabricated certificate to seek employment as a school psychologist); *In re Certificate of Nieves*, OAL Dkt. No. EDE 7908-88, *adopted* (Examiners March 3, 1989) (teacher of cosmetology presented falsified elementary education certificate). This case presents similar concerns. A teacher who knowingly forges a certificate in order to teach a subject matter for which she is not qualified does a great disservice to her students and her school district. That individual has no place in a classroom.

Accordingly, on January 13, 2009, the Board of Examiners voted to adopt the Initial Decision and revoke Madara's certificates. On this 23rd day of February 2009, the Board of Examiners formally adopted its written decision to adopt the Initial Decision in this matter, and it is therefore ORDERED that Marianne Madara's Teacher of Spanish Certificate of Eligibility With Advanced Standing and Teacher of Spanish certificate be hereby revoked effective immediately. It is further ORDERED that Madara return her certificates to the Secretary of the State Board of Examiners, Office of Licensure, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Secretary
State Board of Examiners

Date of Mailing:

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

RRH:MZ: