

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
LORI LOWENSTEIN-MASE : ORDER OF REVOCATION
_____ : DOCKET NO: 0708-146

At its meeting of October 16, 2008, the State Board of Examiners reviewed a Judgment of Conviction forwarded by the Elizabeth School District indicating that on May 7, 2008, Lori Lowenstein-Mase pled guilty to Wrongful Impersonating (Identity Theft) and Theft By Deception-False Impression. On August 1, 2008, Lowenstein-Mase was sentenced to five years probation, fined, ordered to pay restitution and ordered to forfeit her public employment. As a result of her conviction, Lowenstein-Mase was also disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Lowenstein-Mase currently holds a Teacher of Elementary Education certificate, issued in March 1988 and a Teacher of the Handicapped certificate, issued in August 1991. Upon review of the above information, at its January 13, 2009 meeting, the State Board of Examiners voted to issue Lowenstein-Mase an Order to Show Cause.

The Board sent Lowenstein-Mase the Order to Show Cause by regular and certified mail on January 14, 2009. The Order provided that her Answer was due within 30 days. Lowenstein-Mase filed her response on February 13, 2009. In that Answer, Lowenstein-Mase admitted that she had worked under a speech therapist certificate that belonged to someone else from November 2005 to March 2006 and that she had been prosecuted for the same conduct. (Answer, ¶¶ 4, 5). Lowenstein-Mase stated that she suffered from a mental illness, bipolar disorder with ADHD, which she believed contributed to her wrongful actions. (Answer, ¶ 6.) She added that she was making restitution according to her criminal plea agreement and claimed that revoking the certificates that she validly earned and never misused would be an unfair

penalty. (Answer, ¶ 8.) She noted that she “only used another’s certificate for five months of my roughly 27 year teaching career” and that, although she could never again teach in a public school, retaining her certificates would help her to find a job. (Answer ¶¶ 8, 9.) In addition to her certification, Lowenstein-Mase submitted a brief in support of her position which argued that revocation was not required in this case. (Answer Brief, pp. 1-3.) She further noted that if the Board of Examiners felt a penalty was warranted, suspension of her certificates was more appropriate since it “sends a powerful message yet is not so punitive in nature that [I] cannot start over again and market [my] skills and experience as a special education teacher.” (Answer Brief, p. 4.)

Thereafter, pursuant to *N.J.A.C.* 6A:9-17.7(e), on March 3, 2009, the Board of Examiners sent Lowenstein-Mase a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute and Lowenstein-Mase 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 her and the legal arguments tendered in her defense, the State Board of Examiners would determine if the conduct underlying her conviction and resulting disqualification warranted action against her certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Lowenstein-Mase was also provided the opportunity to appear before the Board and testify on the sanction issue. On March 31, 2009, her counsel indicated that Lowenstein-Mase would rely upon the brief that she had submitted in response to the Order to Show Cause. (Hearing Response, p. 1.)

The threshold issue before the State Board of Examiners in this matter, therefore, is whether the conduct underlying Lowenstein-Mase’s conviction and subsequent disqualification

constitute conduct unbecoming a certificate holder. At its meeting of May 11, 2009, the State Board of Examiners reviewed the charges and papers Lowenstein-Mase filed in response to the Order to Show Cause. After review of her submissions, the Board of Examiners determined that no material facts related to Lowenstein-Mase's offense were in dispute since she admitted that she 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)*. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The State Board of Examiners must now determine whether Lowenstein-Mase's conviction and disqualification, predicated on the same offense set forth in the Order to Show Cause, provide just cause to act against her certificates pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that they do.

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*. Lowenstein-Mase's acts of identity theft are inexcusable for any individual, teacher or not. While she may have been an exceptional teacher in the classroom, she has not demonstrated like behavior outside that arena. The Commissioner has long held that teachers serve as role models for their students. "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.

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, not only did Lowenstein-Mase use another teacher's certificate, she even went so far as to have the Social Security Administration change that teacher's Social Security number to her own so she could further her fraud. This is not "role-model" behavior, nor is it behavior that can be excused by reliance on a mental illness diagnosis after-the-fact.

Notwithstanding Lowenstein-Mase'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 Lowenstein-Mase has begun paying her court-ordered restitution, while a step in the right direction, has no bearing on the decision the Board of Examiners must make with regard to her certification.

Lowenstein-Mase argues that although she cannot teach in public schools because of her disqualification, she should be allowed to retain her certificates since her plea deal did not require their revocation and her behavior occurred over only five months of a 27 year teaching career. 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 dangerous. Individuals convicted of a crime that involves theft squarely within this category. The 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 certificate that authorizes such service. Nor should a person who has been disqualified from teaching in a public school be permitted to continue to hold herself out as a teacher. Thus, because the Legislature considers Lowenstein-Mase's offense so significant, the State Board of Examiners believes that the only appropriate sanction in this case is the revocation of her teaching certificates.

Accordingly, on May 11, 2009, the Board of Examiners voted to revoke Lori Lowenstein-Mase's Teacher of Elementary Education and Teacher of the Handicapped certificates. On this 22nd day of June 2009 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Lowenstein-Mase's certificates be effective immediately. It is further ORDERED that Lowenstein-Mase 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 Commissioner of Education pursuant to the provisions of *N.J.S.A.* 18A:6-28.

RRH:MZ: