

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
RAYMOND NASTA : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0607-223

At its meeting of June 7, 2007, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that respondent Raymond Nasta was convicted in July 1995 of Theft By Deception in the third degree. Nasta was sentenced to five years probation and ordered to pay \$209,000 in restitution. As a result of the conviction, Nasta was disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Nasta currently holds a Teacher of Social Studies certificate, issued in June 1969 and a Principal certificate, issued in July 1978.

Nasta did not challenge the accuracy of his criminal history record before the Commissioner of Education. Upon review of the above information, at its meeting of June 7, 2007, the State Board of Examiners voted to issue Nasta an Order to Show Cause as to why his certificates should not be revoked or suspended.

The Board sent Nasta the Order to Show Cause by regular and certified mail on June 13, 2007. The certified mail copy was returned as unclaimed. The regular mail copy was not returned. The Order provided that Nasta must file an Answer within 30 days. Nasta did not respond. When Nasta failed to respond to the Order to Show Cause, the Board sent him a second notice by regular and certified mail on July 20, 2007. Once again, Nasta did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on November 10, 2008, the Board sent Nasta a hearing notice by regular and certified mail. The notice explained that it appeared no material facts were in dispute and Nasta 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 the conduct underlying his conviction and resulting disqualifying offense warranted action against his certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Nasta was provided the opportunity to file a written submission regarding the appropriate sanction and testify before the Board to present any mitigating circumstances.

Nasta responded to the Hearing Notice on November 21, 2008. In that response, he stated that he had been in the teaching profession for 20 years, had impeccable reviews and evaluations, had many advanced degree studies, had recently created a heralded law and justice high school program and had received high accolades from students and parents. (Hearing Response, p. 1.) Nasta added that, due to his offense, he had already lost a career and financial security. (Hearing Response, p. 1.) He noted that the offense did not occur during his teaching career, occurred more than 15 years before and led to the loss of his professional licenses in the financial arena. (Hearing Response, p. 1.) Nasta did not appear before the Board to testify.

The threshold issue before the State Board of Examiners in this matter is whether the conduct underlying Nasta's conviction and resulting disqualification constitutes conduct unbecoming a certificate holder. Since Nasta did not file an Answer, the only responsive pleading before the Board of Examiners is Nasta's response to the Hearing Notice.

At its meeting of February 23, 2009, the State Board of Examiners reviewed the charges in the Order to Show Cause and Nasta's response to the Hearing Notice. After review of the response, the Board of Examiners determined that no material facts related to Nasta's offense were in dispute since he never denied that he had committed the offense nor did he deny that he

had been disqualified because of it. Thus, the Board of Examiners determined that summary decision was appropriate in this matter and the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding. *N.J.A.C. 6A:9-17.7(h)*.

The State Board of Examiners must now determine whether the conduct underlying Nasta's conviction and his disqualification, as was set forth in the Order to Show Cause, represent just cause to act against his certificates pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that they do.

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 individuals deemed to be harmful. Individuals convicted of a crime of dishonesty, such as theft by deception, fall squarely within this category. This strong legislative policy statement is in accord with the Commissioner's long-standing belief that teachers must 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.

In this case, Nasta has a conviction for a crime that involved dishonesty and involved restitution of a substantial sum. Moreover, despite Nasta's protestations to the contrary, a teacher's behavior outside the classroom may be relevant in determining that person's qualifications and continued fitness to retain his/her certificate. *In re Grossman*, 127 *N.J. Super.* 13, 30 (Sup. Ct. 1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). 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). Accordingly, the State Board of Examiners finds that Nasta's disqualification from service in the public

schools of this State because of his conviction for Theft By Deception provides just cause to take action against his certificates.

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 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 himself out as a teacher. Thus, because the Legislature considers Nasta's offense so significant, the State Board of Examiners believes that the only appropriate sanction in this case is the revocation of Nasta's certificates.

Moreover, notwithstanding Nasta'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).

Accordingly, on February 23, 2009 the Board of Examiners voted to revoke Raymond Nasta's Teacher of Social Studies and Principal certificates. On this 31st day of March 2009 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Nasta's certificates be effective immediately. It is further ORDERED that Nasta return his 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.

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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: