

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
CARL PIETRANGELO : ORDER OF REVOCATION
_____ : DOCKET NO: 0708-105

At its meeting of November 1, 2007, the State Board of Examiners reviewed information the Office of Criminal History Review had forwarded indicating that Carl Pietrangelo was convicted in 1994 and 1996 of Possession of Marijuana/Hash. As a result of those convictions, Pietrangelo was disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Pietrangelo did not appeal the disqualification before the Commissioner of Education. Pietrangelo currently holds a Teacher of Social Studies Certificate of Eligibility, issued in May 2007. Upon review of the above information, at its February 21, 2008 meeting, the State Board of Examiners voted to issue Pietrangelo an Order to Show Cause.

The Board sent Pietrangelo the Order to Show Cause by regular and certified mail on March 6, 2008. The Order provided that Pietrangelo must file an Answer within 30 days. Pietrangelo did not respond. Thereafter, on July 10, 2008, the Board sent Pietrangelo a second notice by regular and certified mail, providing him an additional 15 days to respond. The certified mail receipt was signed and returned and the regular mail copy was not returned. Once again, Pietrangelo did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on November 14, 2008, a hearing notice was mailed by regular and certified mail to Pietrangelo. The notice explained that since it appeared no material facts were in dispute regarding his offense, Pietrangelo 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. The notice also afforded him the opportunity to file a written submission and appear before the Board to testify on the sanction issue and mitigation. The certified mail was unclaimed and the regular mail copy was not returned. Pietrangelo did not respond.

At its meeting of March 31, 2009, the State Board of Examiners reviewed the charges in the Order to Show Cause. Since Pietrangelo failed to respond to the Order or the hearing notices, the State Board of Examiners determined that no material facts related to Pietrangelo'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. *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 issue before the State Board of Examiners in this matter, therefore, is whether Pietrangelo's 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 its schools 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 Pietrangelo's disqualification from service in the public schools of this State because of his two convictions for Possession of Marijuana/Hash 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 Pietrangelo's 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 Ed., 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) *rev'd on other grounds*, No. A-0454-02T3 (App. Div. January 3, 2004).

Accordingly, on March 31, 2009 the Board of Examiners voted to revoke Carl Pietrangelo's Teacher of Social Studies Certificate of Eligibility. On this 11th day of May 2009 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Pietrangelo's certificate be effective immediately. It is further ORDERED that Pietrangelo return his certificate 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: