

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
ANTHONY PARASKEVOPOULOS: ORDER OF SUSPENSION
_____ : DOCKET NO: 0708-207

This case arose when the State Board of Examiners received a tenure case from the Commissioner of Education captioned *In the Matter of the Tenure of Anthony Paraskevopoulos*, Dkt. No. 22-1/08 (Commissioner's Decision, October 1, 2008.) In that matter, the State-Operated School District of the City of Newark (Newark) certified tenure charges against Paraskevopoulos alleging that he had fabricated an allegation that he had seen another music teacher inappropriately touch students on numerous occasions. Paraskevopoulos and Newark settled the tenure case when Newark withdrew the charges and Paraskevopoulos resigned his tenured position in the district. In a decision dated October 1, 2008, the Commissioner approved the settlement and dismissed the tenure matter. (Commissioner's Decision, slip op. at 2.) The Commissioner also referred the matter to the Board of Examiners. *Ibid.* Paraskevopoulos currently holds a Teacher of Music certificate, issued in February 2003, School Administrator and Principal Certificates of Eligibility, both issued in March 2006 and a Supervisor certificate, issued in April 2006. Based upon all of the foregoing information, at its meeting of February 23, 2009, the State Board of Examiners issued Paraskevopoulos an Order to Show Cause why his certificates should not be revoked.

The Board sent Paraskevopoulos the Order to Show Cause by regular and certified mail on February 25, 2009. The Order provided that if Paraskevopoulos desired to file an Answer, it must be filed within 30 days. Paraskevopoulos responded on March 25, 2009.

In his Answer, Paraskevopoulos admitted that Newark had certified tenure charges against him which were later settled but denied the allegation that he had “fabricated any allegation about another teacher.” (Answer, ¶ 3.) Paraskevopoulos also asserted that the Order to Show Cause failed to state a claim upon which relief could be granted. (Answer, Affirmative Defense, ¶ 1.) Paraskevopoulos claimed that he acted in good faith at all times. (Answer, Affirmative Defense, ¶ 3.)

After receiving Paraskevopoulos’ response, the Examiners transmitted the case to the Office of Administrative Law (OAL). Administrative Law Judge (ALJ) Ellen Bass heard testimony on September 10 and 11, 2009. After receiving post-hearing submissions, the record closed and the ALJ issued an Initial Decision on November 5, 2009. *In the Matter of the Certificates of Anthony Paraskevopoulos*, Dkt No. EDE 03955-09 (Initial Decision, November 5, 2009.)

ALJ Bass found that on May 7, 2007, Paraskevopoulos had engaged in a heated altercation with another music teacher, Anthony Perales, over the best way to play a piece. *Id.* at 3. When Paraskevopoulos later demanded an apology, he believed that Perales used obscene words and gestures toward him. *Id.* at 5. Paraskevopoulos found this behavior threatening and went to his principal, Carolyn Granato, to intervene. *Id.* at 5. During his conversation with Granato, Paraskevopoulos raised concerns that Perales was excessively touching students. *Id.* at 4, 7. Granato immediately called DYFS, which investigated and ultimately determined that his concerns were unfounded. *Id.* at 7-8. The ALJ found that Paraskevopoulos’ concerns were sincere and that, upon further reflection, he regretted sharing his thoughts about Perales with Granato. *Id.* at 8. Paraskevopoulos wrote two letters on May 10 and 11, 2007 retracting his claims against Perales with regard to his behavior with children. *Ibid.* ALJ Bass found that

Paraskevopoulos did not recant his claims about Perales and their altercation and explained that his misperceptions about Perales were due to his heightened emotional state after their altercation. *Id.* at 8-9.

After reviewing the testimony, ALJ Bass concluded that the Board of Examiners did not meet its burden of proof. *Id.* at 11. She found that “Paraskevopoulos sincerely believed that there might be a reason for concern about Perales’ conduct with children.” *Ibid.* She also determined, however, that “Paraskevopoulos’ allegations about the children, however sincere, disrupted school operations, and were unfair to Perales.” *Ibid.* Despite this finding, ALJ Bass concluded that Paraskevopoulos had not engaged in conduct unbecoming a teacher and ordered that no action be taken against his certificates. *Id.* at 11-12, 14.

The Deputy Attorney General (DAG) representing the Board of Examiners filed Exceptions to the Initial Decision and Paraskevopoulos filed Reply Exceptions. In her Exceptions, the DAG argued that ALJ Bass erred when she concluded that Paraskevopoulos was a credible witness whose statements regarding Perales’ behavior with students was an exaggeration caused by his emotional state. (Exceptions, pp. 1-5.) The DAG also claimed that the ALJ erred in “not recognizing that [Paraskevopoulos’] statement concerning the nature of Perales’ touching of students was tantamount to fabricating an allegation that Perales inappropriately touched students because his report was not motivated by a genuine concern for students but by anger and was made in retaliation for an earlier argument with Perales.” (Exceptions, p. 5.) The DAG recounted the testimony of Paraskevopoulos’ colleague who had told him prior to the incident of May 7, 2007, that Perales was demonstrative with students because of his cultural background. (Exceptions, pp.6-7.) Finally, the DAG further argued that

Paraskevopoulos' conduct warranted the suspension or revocation of his certificates because his act of reporting a false claim was relevant to his fitness to teach. (Exceptions, pp. 7-10.)

In his Reply Exceptions, Paraskevopoulos urged the Board to give deference to ALJ Bass' credibility determinations. (Reply Exceptions, pp. 2-8.) He also argued that the ALJ correctly concluded that he did not fabricate his concerns regarding Perales' interactions with students and argued that his "testimony was rational and consistent with the evidential record." (Reply Exceptions, pp. 8-9.) Finally, Paraskevopoulos argued that the ALJ correctly found that his actions did not constitute unbecoming conduct warranting a penalty. (Reply Exceptions, pp. 9-12.) Paraskevopoulos noted that ALJ Bass recognized that "none of the conduct alleged here took place in the presence of children" and highlighted his long and successful teaching career. (Reply Exceptions, p. 11.)

The Board must now determine whether to adopt, modify or dismiss the Initial Decision in this matter. At its meeting of March 25, 2010, the Board reviewed the Initial Decision, the Exceptions and Reply Exceptions. After full and fair consideration of the Initial Decision, the Exceptions and Reply Exceptions and the issues raised therein, the Board voted to adopt the findings of fact in the Initial Decision, but modify the conclusions drawn and the penalty assessed.

There is no doubt that the ALJ is in the best position to render credibility determinations in this matter. Accordingly, the Board will defer to those findings. In fact, the Board is convinced, as was the ALJ, that Paraskevopoulos' statements regarding Perales were uttered as a result of his emotional state after their altercation. Where the Board differs from the ALJ, however, is in the conclusion that must be drawn from this behavior. Regardless of Paraskevopoulos' motivation or the fact that all of these interactions occurred solely among

adults, his conduct was inappropriate and merits consequences beyond the loss of his tenured position. As a teacher with exemplary evaluations, Paraskevopoulos should know the standards required of professional behavior. The damage he inflicted on Perales' reputation and the potential harm he could have caused to Perales' career should not be minimized simply because he acted in a fit of pique and later attempted to retract his allegations. Moreover, as ALJ Bass noted, Paraskevopoulos' actions resulted in a DYFS investigation that disrupted school operations. Initial Decision, slip op. at 11. The Board believes that Paraskevopoulos' conduct is unbecoming a teaching staff member and reflects negatively on his ability to act as a role model to both students and colleagues. Thus, the Examiners disagree with the ALJ's conclusion and find that the Board has met its burden of proving that Paraskevopoulos engaged in conduct unbecoming a teacher.

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. Thus, the only issue that remains in this matter is the imposition of the appropriate sanction. Although Paraskevopoulos' behavior falls short of expectation, the Board does not believe that revocation is warranted in this case. Although his impulsive behavior led to some damaging consequences, in this instance, his entire career as an educator should not be sacrificed because of it. Therefore, the Board finds that a six month suspension of all of his certificates is appropriate.

Accordingly, on March 25, 2010, the Board of Examiners voted to modify the Initial Decision and suspend Paraskevopoulos' certificates for a period of six months. On this 29th day of April 2010, the Board of Examiners formally adopted its written decision to modify the Initial Decision in this matter, and it is therefore ORDERED that Anthony Paraskevopoulos' Teacher of

Music and Supervisor certificates and School Administrator and Principal Certificates of Eligibility be hereby suspended for a period of six months effective immediately. It is further ORDERED that Paraskevopoulos 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.

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:6-38.4.

RRH:MZ:th