

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
LEONARD MATARESE : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1011-164

At its meeting of January 20, 2010, the State Board of Examiners (Board) reviewed information received from the Monmouth County Prosecutor's Office and the Office of Criminal History Review (OCHR) indicating that respondent Leonard Matarese pled guilty in May 2010 to 2<sup>nd</sup> degree Theft by Deception. As a result of the conviction, Matarese was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Matarese currently holds a Teacher of General Business Certificate of Eligibility, issued in August 2002, and a Teacher of General Business certificate, issued in November 2004. Matarese did not challenge the accuracy of his criminal history record before the Commissioner of Education. Upon review of the above information, the Board voted at its meeting of March 31, 2011 to issue Matarese an Order to Show Cause why his certificates should not be revoked.

The Board sent Matarese the Order to Show Cause by regular and certified mail on April 19, 2011. The Order provided that Matarese must file an Answer within 30 days. Matarese responded on May 10, 2011. In that Answer, Matarese admitted his arrest and guilty plea and added that he resigned his teaching position at the end of the 2009-10 school year "to spare my district the embarrassment and spare my student's (*sic*) the pain of knowing what I had done in my past." (Answer, ¶ 3). Although Matarese acknowledged that he was disqualified from public school employment as the result of his conviction, he argued that he had knowledge and experience to offer students in private and parochial schools. (Answer, ¶ 4). He stated that he was a "dedicated and caring teacher that wants to continue to help young adults to achieve their goals and to strive to be the best that they can be in life." (Answer, ¶ 4). Matarese explained that his crime was collecting Worker's Compensation benefits while he was working from the end of 2003 until the beginning of 2006. (Answer, ¶ 7). He stated that during and after that period until his resignation he was a well-respected teacher and had mentored and helped many troubled students. (Answer, ¶ 7). Matarese stressed that teaching was his life and he had "so much more

to offer the young people of this world.” (Answer, ¶ 7). He noted that even in prison he helped inmates studying for the GED exams and assisted the chief instructor with training courses. (Answer, ¶ 7). Matarese asked the Board not to revoke his certificates so that he could “continue the teaching profession that I love in the private and parochial schools.” (Answer, ¶ 7).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on June 2, 2011, the Board sent Matarese a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Matarese 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, as well as arguments with regard to the appropriate sanction in the event that the Board found just cause to take action against his certificates. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if his disqualifying offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Matarese was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Although he did not submit a written response, Matarese asked to appear before the Board.

In his testimony before the Board on July 28, 2011, Matarese reiterated his desire to teach in a private or parochial school and noted that he lost the only career he’s ever loved. He acknowledged that although his crime was a white collar crime, it still hurt people. Matarese mentioned that he had voluntarily given up his prep periods when he was teaching to work with special needs students, ran after school clubs for several years for no pay and taught ESL students every summer. He emphasized that he still had so much to offer young people and hoped that the Board would not deny him the opportunity to help young people.

The threshold issue before the Board in this matter is whether Matarese’s conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. At its meeting of September 22, 2011, the Board considered the allegations in the Order to Show Cause, Matarese’s Answer and his testimony. The Board determined that no material facts related to Matarese’s offense

were in dispute since he never denied that he had been convicted of the offense charged. Thus, the Board 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 Board must now determine whether Matarese's conviction and resulting disqualification, as 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 contact with individuals whom it deemed to be a danger. Individuals convicted of a crime 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. Clearly, Matarese's actions here are not those of a role model.

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 Board 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 Matarese's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of Matarese's certificates.

Accordingly, on September 22, 2011, the Board voted to revoke Leonard Matarese's Teacher of General Business Certificate of Eligibility and his Teacher of General Business certificate. On this 1st day of November 2011 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Leonard Matarese's certificates be effective immediately. It is further ORDERED

that Matarese 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:6-38.4.