

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
NAIDEILEEN RAMOS AND : ORDER ADOPTING INITIAL DECISION
ANETTE GUAGLIARDO : DOCKET NOS: 0910-103 and 0910-104

At its meeting of December 2, 2009, the State Board of Examiners (Board) reviewed information received pursuant to *N.J.A.C. 6A:9-17.4* from the North Plainfield School District (North Plainfield) regarding Anette Guagliardo and Naideileen Ramos. North Plainfield reported that it discovered that Guagliardo and Ramos, two district teachers, had the same certificate number on their Teacher of Health and Physical Education certificates. When the district investigated and held conferences with the teachers, both resigned. The records of the Office of Licensure and Credentials indicated that Guagliardo was never issued a Teacher of Health and Physical Education certificate. The number on the certificate that Guagliardo submitted to North Plainfield matched the number on the Teacher of Health and Physical Education certificate that Ramos legitimately held. Guagliardo holds a Teacher of Physical Education Certificate of Eligibility With Advanced Standing, issued in June 1999, a Teacher of Physical Education certificate, issued in July 2000 and a Teacher of Driver Education certificate, issued in June 2009. Ramos holds Teacher of Physical Education and Teacher of Health and Physical Education Certificates of Eligibility With Advanced Standing, both issued in November 2000 and a Teacher of Health and Physical Education certificate, issued in July 2001. Upon review of the above information, at its January 7, 2010 meeting, the Board voted to issue separate Orders to Show Cause to Guagliardo and Ramos as to why their certificates should not be revoked.

The Board sent Guagliardo the Order to Show Cause by regular and certified mail on January 13, 2010. The Order provided that Guagliardo must file an Answer within 30 days. The certified mail copy was returned as "Unclaimed" and the regular mail copy was not returned. Guagliardo did not respond. Thereafter, on February 24, 2010, the Board sent Guagliardo a second notice by regular and certified mail providing her an additional 15 days to respond to the Order to Show Cause. The

certified mail copy was returned as “Forwarding Order Expired” and the regular mail copy was not returned. Guagliardo did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on April 6, 2010, the Board sent Guagliardo a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Guagliardo 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 determined to take action against her certificates. It also explained that upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if Guagliardo’s offenses warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Guagliardo was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Both the certified mail and regular mail copies were returned. Upon securing a new address for Guagliardo from the Motor Vehicle Commission, the Board re-sent the Order to Show Cause to her by regular and certified mail on May 28, 2010. Guagliardo filed an Answer on June 23, 2010.

In that Answer, Guagliardo admitted that she had resigned from her position in North Plainfield. (Answer, ¶ 3). She left the Board to its proofs regarding whether or not she was ever issued a Teacher of Health and Physical Education certificate. (Answer, ¶¶ 3, 4).

The Board also sent Ramos the Order to Show Cause by regular and certified mail on January 13, 2010. The Order provided that Ramos must file an Answer within 30 days. The certified mail copy was returned as “Unclaimed” and the regular mail copy was not returned. Ramos did not respond. Thereafter, on February 24, 2010, the Board sent Ramos a second notice by regular and certified mail providing her an additional 15 days to respond to the Order to Show Cause. The certified mail copy was returned as “Forwarding Order Expired” and the regular mail copy was not returned. Ramos did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on April 6, 2010, the Board sent Ramos a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Ramos 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 determined to take action against her certificates. It also explained that upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if Ramos' offenses warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Ramos was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Both the certified mail and regular mail copies were returned. Upon securing a new address for Ramos from the Motor Vehicle Commission, the Board re-sent the Order to Show Cause to her by regular and certified mail on June 2, 2010. Ramos filed an Answer on June 30, 2010.

In that Answer, Ramos admitted that she had resigned from her position in North Plainfield. (Answer, ¶ 3). She neither admitted nor denied the allegation that Guagliardo was never issued a Teacher of Health and Physical Education certificate. (Answer, ¶ 4). Ramos also never admitted or denied that the number on the certificate Guagliardo submitted to the district matched the number on her own certificate. (Answer, ¶ 5). Finally, Ramos denied helping any other individual, including Guagliardo, submit falsified documents and added that if fraudulent documents were submitted under her name, she "did not affirmatively participate in any effort to defraud her former employer or anyone else." (Answer, ¶ 6). Ramos therefore asked that the Order to Show Cause be dismissed. (Answer, ¶ 6).

Since there were material facts in dispute, on July 8, 2010, the Board transmitted each matter to the Office of Administrative Law (OAL) for hearing as a contested case. Upon motion by the Board, on September 24, 2010, the matters were consolidated for hearing before Administrative Law Judge (ALJ) Edward Delanoy, Jr. Judge Delanoy heard the matter on March 1, 2011. After

receiving post-hearing submissions, the record closed and the ALJ issued an Initial Decision on June 3, 2011. *In the Matter of the Certificates of Naideileen Ramos and Anette Guagliardo*, Dkt. Nos. EDE 7835-10 and 7837-10 (Initial Decision, June 3, 2011) (Consolidated).

In that decision, ALJ Delanoy found that Guagliardo did not hold a standard Teacher of Health and Physical Education certificate. (Initial Decision, slip op. at 1). At the time that Guagliardo applied for a position with North Plainfield, she and Ramos had been roommates for several years. *Id.* at 6. When Guagliardo was confronted with the false certificate, she eventually admitted doctoring the certificate. *Ibid.* Guagliardo testified that in 2002, she located Ramos' teaching certificate in their "jointly used, labeled and unlocked file cabinet" and, without Ramos' knowledge, cut and pasted Ramos' certificate to create a new one for herself. *Ibid.* Guagliardo used that certificate to obtain a position in a northern New Jersey high school and the position in North Plainfield in 2004. *Ibid.* Guagliardo testified that she never told Ramos what she had done nor did she "get permission from Ramos to falsify the certificate." *Id.* at 7.

Ramos testified that when she was confronted with the falsified certificate, she became teary eyed because "she knew that she would never be a party to such a falsification." *Id.* at 7-8. The ALJ noted that she had no history of any prior reprimands or discipline in her six years of teaching in North Plainfield. *Id.* at 8.

After assessing the witnesses' credibility, ALJ Delanoy found Ramos "to be credible in her denial of any knowledge of Guagliardo's actions." *Id.* at 10. The ALJ found that notwithstanding Ramos' resignation from North Plainfield, "the proofs presented regarding Ramos' involvement, taken together, do not carry the necessary weight to find Ramos' complicity by a preponderance of the evidence." *Id.* at 10-11. The ALJ therefore determined that since the Board failed to prove that Ramos engaged in unbecoming conduct by falsifying her certificate, having knowledge of Guagliardo's actions or assisting her in any way, Ramos' teaching certificates should not be revoked. *Id.* at 14.

Conversely, the ALJ was not convinced by Guagliardo's argument that one solitary, albeit serious, lapse in judgment should warrant the revocation of her certificates. *Ibid.* The ALJ noted that Guagliardo had an unblemished, exemplary record in her short career as a teacher and took responsibility and showed regret for her actions. *Ibid.* However, when balanced against her conduct, the ALJ found that Guagliardo's "inappropriate behavior contravenes Guagliardo's role as an educator and transcends the boundaries of conduct that can be tolerated from a teacher." *Id.* at 15. ALJ Delanoy determined that the mitigating evidence "offered at the hearing is greatly outweighed by the gravity of Guagliardo's infraction." *Ibid.* He therefore concluded that her certificates should be revoked. *Id.* at 16. Neither party submitted Exceptions in the case.

The Board must now determine whether to adopt, modify or reject the Initial Decision in this matter. At its meeting of July 28, 2011, the Board reviewed the Initial Decision. After full and fair consideration of the Decision, the Board voted to adopt the Initial Decision.

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. As noted above, ALJ Delanoy found that Guagliardo bore all responsibility for the alteration of Ramos' certificate and did so without Ramos' knowledge or permission. (Initial Decision, slip op. at 14). Although Guagliardo was a dedicated teacher with an exemplary and unblemished record, her transgression was so egregious as to outweigh any mitigation she established. *Id.* at 15. The Board agrees. Guagliardo has clearly engaged in conduct that negates her status as a role model for students. In the past the Board of Examiners has ordered revocation of an individual's legitimately-held certificates where a certificate had been altered in order to secure employment in an area for which the individual was not certified. *See, e.g., In re Shaffer, supra*, (New Jersey teacher altered Pennsylvania certificate to include Teacher of the Handicapped authorization); *State Bd. of Examiners v. Kaufman*, Dkt. No. 226-8/93-15 (Examiners Feb. 24, 1994) (health teacher fabricated certificate to seek employment as a school psychologist); *In re Certificate of Nieves*, OAL Dkt. No. EDE 7908-88, *adopted* (Examiners March 3, 1989) (teacher of cosmetology presented falsified elementary education certificate). This

case presents similar concerns. A teacher who knowingly falsifies information in order to obtain a certificate and later a job in order to teach a subject matter for which she is not qualified does a great disservice to her students and her school district. That individual has no place in a classroom. In this instance, Guagliardo's lack of professional judgment warrants revocation. Moreover, since Ramos played no part in Guagliardo's effort to present a fraudulent certificate, the Board agrees that no action should be taken against Ramos' certificates.

Accordingly, on July 28, 2011, the Board voted to adopt the Initial Decision in its entirety to dismiss the Order to Show Cause against Ramos and revoke Guagliardo's teaching certificates. On this 22nd day of September 2011, the Board of Examiners formally adopted its written decision to adopt the Initial Decision in this matter, and it is therefore ORDERED that the Order to Show Cause issued to Naideileen Ramos be hereby dismissed effective immediately. It is further ORDERED that Anette Guagliardo's Teacher of Physical Education Certificate of Eligibility With Advanced Standing and her Teacher of Physical Education and Teacher of Driver Education certificates be hereby revoked effective immediately. It is further ORDERED that Guagliardo 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 *N.J.S.A.* 18A:6-38.4.