

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
FRANCISCO LINDO : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1112-180

At its meeting of March 1, 2012, the State Board of Examiners (Board) reviewed information received from the Office of Criminal History Review (OCHR) and the Passaic County Prosecutor's Office (PCPO) regarding Francisco Lindo. The OCHR and the PCPO notified the Board that on August 2, 2011, Lindo pled guilty to Endangering the Welfare of a Child – Duty. On December 13, 2011, Lindo was sentenced to five years' imprisonment and parole supervision for life upon release. The OCHR notified the Board that as a result of the conviction, Lindo was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Lindo currently holds a Teacher of Mathematics Certificate of Eligibility, issued in March 2003 and a Teacher of Mathematics certificate, issued in December 2004.

Lindo 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 April 2, 2012 to issue Lindo an Order to Show Cause why his certificates should not be revoked.

The Board sent Lindo the Order to Show Cause by regular and certified mail on April 4, 2012. The Order provided that Lindo must file an Answer within 30 days. The certified mail receipt was signed and returned. The regular mail copy was not returned. Lindo did not file a response. Thereafter, on May 8, 2012, the Board sent Lindo another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail receipt was signed and returned and the regular mail copy was not returned. Lindo did not respond to the second notice.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on June 11, 2012, the Board sent Lindo a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Lindo 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. Lindo was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was signed and returned and the regular mail copy was not returned. Once again, Lindo did not respond.

The threshold issue before the Board in this matter is whether Lindo's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. Since Lindo failed to respond to the Order to Show Cause or the hearing notice, at its meeting of September 21, 2012, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Lindo'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 Lindo'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 to them. Individuals convicted of a crime such as Endangering the Welfare of a Child - Duty 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, Lindo's

actions here are not those of a role model. The court obviously agreed as it sentenced Lindo to a lengthy prison term, and parole supervision for life.

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

Accordingly, on September 21, 2012, the Board voted to revoke Francisco Lindo's Teacher of Mathematics Certificate of Eligibility and Teacher of Mathematics certificate. On this 30th day of November 2012 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Francisco Lindo's certificates be effective immediately. It is further ORDERED that Lindo 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*.