

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
THOMAS PAPA : ORDER OF REVOCATION
_____ : DOCKET NO: 0708-278

At its meeting of September 16, 2010, the State Board of Examiners (Board) reviewed information received from the Office of Criminal History Review (OCHR) indicating that respondent Thomas Papa was convicted in July 2010 of Attempted Criminal Sexual Contact. As a result of the conviction, Papa was also disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Papa currently holds a School Business Administrator Certificate of Eligibility, issued in November 2005 and a School Business Administrator certificate, issued in March 2008. Papa 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 October 28, 2010 to issue Papa an Order to Show Cause why his certificates should not be revoked.

The Board sent Papa the Order to Show Cause by regular and certified mail on November 2, 2010. The Order provided that Papa must file an Answer within 30 days. Both the certified mail and the regular mail copies were returned as “Not Deliverable as Addressed.” After finally securing a new address for Papa, the Board re-sent the Order to Show Cause to Papa by regular and certified mail on April 16, 2012. Neither the certified mail nor the regular mail copy was returned. Papa did not file an Answer. Thereafter, on May 23, 2012, the Board sent Papa another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. Papa responded on May 30, 2012. In that Answer, Papa admitted his guilty plea and added that there were no work restrictions placed upon him. (Answer, ¶¶ 3, 5). He noted that his conviction was for a fourth degree crime and argued that his crime was not specifically listed in the disqualification statute and did not fall under any category that would permanently disqualify him from public school employment. (Answer, ¶ 5). Finally, Papa added that he had become totally and permanently disabled in April 2008 and could not perform any work related functions. (Answer, ¶ 5).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on June 14, 2012 the Board sent Papa a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Papa 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. Papa was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Papa submitted a written response on June 28, 2012. He did not ask to appear before the Board.

In his written response, Papa explained that he was disappointed in his conduct but his attorney believed “that a plea arrangement would best resolve the case in a favorable and expeditious manner, as opposed to taking the case to trial, which was considered based on the evidence, which was underwhelming.” (Hearing Response, p. 1). He noted that “the State provided me a second chance in my life, including the ability to continue my employment in any field, without any restrictions whatsoever.” (Hearing Response, p. 1). Papa reiterated that the position of a Business Administrator is administrative only and has no contact with pupils and that his actual conviction for a fourth degree crime did not appear to fall within the parameters of the disqualification statute, *N.J.S.A. 18A:6-7.1*. (Hearing Response, p. 1). Papa expressed his remorse and understood that his conduct was wrong. (Hearing Response, p. 1). He stated that he had been seeing two doctors for the past four years, “as well as a professional who works with survivors of sexual abuse.” (Hearing Response, p. 1). Finally, he again noted that he was totally and permanently disabled and hoped that his certificate would not be revoked, but perhaps, if necessary, only suspended. (Hearing Response, p. 1).

The threshold issue before the Board in this matter is whether Papa’s conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. At its meeting of July 26, 2012, the

Board considered the allegations in the Order to Show Cause, Papa's Answer and Hearing Response. The Board determined that no material facts related to Papa's offense were in dispute since he never denied that he had been convicted of the offense charged and sentenced accordingly. 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 Papa'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 Attempted Criminal Sexual Contact 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, Papa's conviction indicates his actions here are not those of a role model.

Papa argues that his crime is not disqualifying because it was of the fourth degree and not specifically enumerated in the disqualification statute. Although his argument should have been made to the Office of Criminal History Review when he was disqualified, it is without merit. *N.J.S.A. 18A:6-7.1* provides in relevant part that an individual shall be permanently disqualified from employment or service under the act for "conspiracy to commit or an attempt to commit any of the crimes described in this act." *N.J.S.A. 18A:6-7.1c(3)* One of the offenses specifically mentioned in the statute as disqualifying is "an offense as set forth in chapter 14 of Title 2C of the New Jersey Statutes." *N.J.S.A. 18A:6-7.1(a)*. Papa

was convicted of Attempted Criminal Sexual Contact which is listed as a crime under *N.J.S.A. 2C:14-3(b)*. Thus, his crime, although of the fourth degree, is permanently disqualifying.

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 public school employment be permitted to continue to hold himself out as a teaching staff member. Thus, because the Legislature considers Papa's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of Papa's certificates.

Accordingly, on July 26, 2012, the Board voted to revoke Thomas Papa's School Business Administrator Certificate of Eligibility and his School Business Administrator certificate. On this 21st day of September 2012 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Thomas Papa's certificates be effective immediately. It is further ORDERED that Papa 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 Commissioner of Education pursuant to the provisions of *N.J.S.A. 18A:6-38.4*.