

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
ROBERT FIRESTONE : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1415-158

At its meeting of January 23, 2015, the State Board of Examiners (Board) reviewed information the U.S. District Court for the District of New Jersey had provided regarding Robert Firestone. On October 21, 2014, Firestone pled guilty to Conspiracy to Commit Mail Fraud. Firestone was sentenced to one year of probation, ordered to pay restitution and fined. Firestone currently holds Teacher of Health and Physical Education and Teacher of Physical Education certificates, both issued in May 1969 and a Teacher of Driver Education certificate, issued in March 1972. Upon review of the above information, at its March 12, 2015 meeting, the Board voted to issue Firestone an Order to Show Cause.

The Board sent Firestone the Order to Show Cause by regular and certified mail on March 17, 2015. The Order provided that Firestone had 30 days to respond. The certified mail receipt was signed and returned and the regular mail copy was not returned. Firestone did not file a response. Thereafter, on April 21, 2015, the Board sent Firestone 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 copy was not returned. Firestone did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.7(e)*, on May 14, 2015, the Board sent Firestone a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Firestone 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 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 Firestone's offenses warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Firestone was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Firestone responded on May 27, 2015. In his response, Firestone recounted his long, heretofore-unblemished teaching record of 38 years and his many efforts dedicated to charitable and volunteer causes. (Hearing Response, pp. 1-2). He maintained that he never knowingly conspired to commit fraud against the Elizabeth Board of Education and that he was deceived as well. (Hearing Response, p. 2). Firestone added that he hoped the Board would be lenient so that he could keep his teaching certificates in order to go into public school districts to help others avoid the mistakes he had made. (Hearing Response, p. 2). He also wanted to be able to provide for and take care of his wife who had numerous health conditions. (Hearing Response, p. 2). Firestone noted that "in spite of this terrible mistake I have made, I am an honest man and have worked hard all my life." (Hearing Response, p. 2). He wanted to be able to continue to contribute and to have "a positive impact on the youth of our community." (Hearing Response, p. 2). In addition to his Hearing Response, Firestone included a biography and a character reference letter from his wife of 44 years. Firestone did not request to appear before the Board.

The threshold issue before the Board in this matter is whether Firestone's conduct and crime constitute conduct unbecoming a certificate holder. At its meeting of September 17, 2015, the Board considered the allegations in the Order to Show Cause and Firestone's Hearing Response. Since Firestone never responded to the Order to Show Cause, the allegations

contained in the Order were deemed admitted. *N.J.A.C. 6A:9B-4.7(c)*. Thus, since no material facts related to Firestone's offenses were in dispute, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.7(h)*.

The Board must now determine whether Firestone's conduct and conviction, as set forth in the Order to Show Cause, provide just cause to act against his certificates pursuant to *N.J.A.C. 6A:9B-4.5*. The Board finds that they do.

The Board 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:9B-4.5*. "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. Moreover, unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. *Redcay v. State Bd. of Educ.*, 130 *N.J.L.* 369, 371 (1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). In this matter, Firestone has a conviction for Conspiracy to Commit Mail Fraud, which was committed against his employer. That conduct, indicates to this Board that, despite his long and previously unblemished career, he is no longer a fit role model for students. Although Firestone has many educational and professional accomplishments, they cannot adequately mitigate the serious nature of his offense. The Board therefore believes that the only appropriate sanction in this case is the revocation of Firestone's certificates.

Accordingly, on September 17, 2015, the Board voted to revoke Firestone's Teacher of Health and Physical Education, Teacher of Physical Education and Teacher of Driver Education certificates. On this 10th day of December 2015 the Board voted to adopt its formal written

decision and it is therefore ORDERED that the revocation of Robert Firestone's certificates be effective immediately. It is further ORDERED that Firestone return his certificates to the Secretary of the State Board of Examiners, Office of Certification and Induction, 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

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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.