

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
CHARLES FERRARA, JR. : ORDER OF REVOCATION
_____ : DOCKET NO: 1415-101

At its meeting of October 23, 2014, the State Board of Examiners (Board) reviewed information the United States District Court for the District of New Jersey had provided regarding Charles Ferrara, Jr. In November 2010, Ferrara pled guilty in federal court to Conspiracy to Commit Mail Fraud. According to the government's Information, in his position as Athletic Director for Long Branch High School, Ferrara was responsible for purchasing athletic equipment and sports equipment reconditioning services and was required to accept the lowest of three bids from vendors. The government charged that, on a number of occasions, Ferrara had knowingly accepted fake price quotes from a vendor, Circle System Group (Circle), printed on other companies' letterheads, in order that Circle's actual quote would appear the lowest. The government also alleged that Circle, with Ferrara's knowledge and approval would submit fraudulent invoices to Long Branch for reconditioning services in amounts greater than what had actually been performed. After Long Branch would submit payment, Circle would then credit Long Branch for services that Ferrara could purchase for the district in the future or for goods that he could purchase for his own personal use. The existence of this credit was known to no one at Long Branch other than Ferrara and if the credit was subsequently used, Circle did not send out any invoices. Over the course of the conspiracy, Ferrara received more than \$3,000 in merchandise for the benefit of himself and others, including a laptop computer, video game consoles, video games and accessories, music compact discs, DVD players and movies and various clothing, all of which was actually paid for with Long Branch funds. On June 26, 2014, Ferrara was sentenced to one year of probation.

Ferrara holds a Teacher of Physical Education certificate, issued in August 1979 and a Supervisor certificate, issued in March 1990. Upon review of the above information, at its December 12, 2014 meeting, the Board voted to issue Ferrara an Order to Show Cause.

The Board sent Ferrara the Order to Show Cause by regular and certified mail on December 17, 2014. The Order provided that Ferrara had 30 days to respond. The certified mail receipt was signed and returned and the regular mail copy was not returned. Ferrara did not respond. Thereafter, on February 5, 2015, the Board sent Ferrara 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. Ferrara did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.7(e)*, on March 10, 2015, the Board sent Ferrara a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Ferrara 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 Ferrara's offenses warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Ferrara was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Neither the certified nor regular mail copy was returned. Once again, Ferrara did not respond.

The threshold issue before the Board in this matter is whether Ferrara's conduct and crime constitute conduct unbecoming a certificate holder. Since Ferrara failed to respond to the Order to Show Cause or the hearing notice, at its meeting of May 21, 2015, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Ferrara's offense were in dispute since he never denied that he had engaged in the alleged conduct or been convicted. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.7(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 Ferrara'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, Ferrara has a conviction for Conspiracy to Commit Mail Fraud. That conviction and his conduct leaves no doubt that he is unfit to be a teacher. The Board therefore believes that the only appropriate sanction in this case is the revocation of Ferrara's certificates.

Accordingly, on May 21, 2015, the Board voted to revoke Ferrara's Teacher of Physical Education and Supervisor certificates. On this 26th day of June 2015 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Charles Ferrara, Jr.'s certificates be effective immediately. It is further ORDERED that Ferrara 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

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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.