

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
EMILIO J. PEREZ : ORDER OF REVOCATION
_____ : DOCKET NO: 1314-161

At its meeting of January 21, 2016, the State Board of Examiners (Board) reviewed information the Middlesex County Vocational Technical Schools, the Perth Amboy Police Department and the Woodbridge Municipal Court had forwarded regarding Emilio Perez. Perez was convicted of Theft By Deception in 2000 and of Harassment involving students in 2013. Perez was also ordered to forfeit his public position pursuant to *N.J.S.A. 2C:51-2a* and was permanently disqualified from public employment pursuant to *N.J.S.A. 2C:51-2d*.¹ When he applied for a duplicate certificate on May 28, 2013, Perez answered “no” to the question inquiring as to whether he had ever been convicted of a criminal offense in New Jersey or any other state. Perez currently holds a Teacher of Computer Science Technology Certificate of Eligibility, issued in July 2001 and a Teacher of Computer Science Technology certificate, issued in May 2002. Upon review of the above information, at its March 3, 2016 meeting, the Board voted to issue Perez an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Perez the Order to Show Cause by regular and certified mail on March 8, 2016. The Order provided that Perez must file an Answer within 30 days. Perez filed an Answer on April 6, 2016 and because there were material facts in dispute, the Board transmitted the matter to the Office of Administrative Law (OAL) for hearing as a contested case.

¹ After a trial de novo in the Superior Court, Law Division, Perez’ conviction for harassment of one student was upheld, as was his forfeiture and disqualification. In a decision dated July 10, 2015, the Superior Court of New Jersey, Appellate Division affirmed the Law Division’s decision. *State v. Perez*, Dkt. No. A-2414-13T2 (App. Div. July 10, 2015) (Unpublished Opinion).

Subsequently, on March 1, 2017, Perez submitted a letter to the Administrative Law Judge assigned to hear the case, withdrawing his opposition to the Order to Show Cause. Accordingly, the OAL returned the case to the Board.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on April 28, 2017, the Board sent Perez a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Perez 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 Perez' offenses warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Perez 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. Perez did not respond.

The threshold issue before the Board in this matter is whether Perez' conduct constitutes conduct unbecoming a certificate holder. Since Perez withdrew his opposition, at its meeting of July 27, 2017, the Board considered only the allegations in the Order to Show Cause and deemed them to be admitted. *N.J.A.C. 6A:9B:4.6(c)*. Thus, since no material facts related to Perez' offenses were in dispute, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*.

The Board must now determine whether Perez' conduct, as set forth in the Order to Show Cause, provides just cause to act against his certificates pursuant to *N.J.A.C. 6A:9B-4.4*. The Board finds that it does.

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-4.4*. “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. In this case, Perez has multiple convictions, one involving students. There can be no argument that Perez’ conduct, as evidenced by his convictions, amply demonstrates his inability to be a role model. The court apparently agreed when it permanently barred Perez from public employment. The Board therefore concludes that the only appropriate response to Perez’s breach is the revocation of his teaching certificates.

Accordingly, on July 27, 2017, the Board voted to revoke Emilio J. Perez’ Teacher of Computer Science Technology Certificate of Eligibility and his Teacher of Computer Science Technology certificate, effective immediately. On this 15th day of September 2017 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Perez’ certificates be effective immediately. It is further ORDERED that Perez 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.

RRH/MZ/th

Robert R. Higgins, Secretary
State Board of Examiners

Date of Mailing:
via certified and regular mail

Appeals may be made to the Commissioner of Education pursuant to the provisions of *N.J.S.A. 18A:6-38.4*.