

STATE BOARD OF EXAMINERS DOCKET NO. 1213-107
OAL DOCKET NO. EDE 944-13
AGENCY DOCKET NO. 9-9/14A

IN THE MATTER OF THE :
REVOCATION OF THE CERTIFICATES : COMMISSIONER OF EDUCATION
OF RONALD MORENO BY THE : DECISION
STATE BOARD OF EXAMINERS. :

Order of Revocation by the State Board of Examiners, July 24, 2014

For the Respondent-Appellant, Ned P. Rogovoy, Esq.

For the Petitioner-Respondent State Board of Examiners, Lauren A. Jensen,
Deputy Attorney General (John Jay Hoffman, Acting Attorney General of
New Jersey)

Appellant challenges the determination of the New Jersey State Board of Examiners (Board) that his actions warranted the revocation of his teaching certificates. On appeal, he asserts that the ALJ “failed to recognize certain blatant inconsistencies in the facts presented” and takes issue with the State Police’s involvement in the underlying investigation of his conduct.¹ (Appellant’s Brief at 1-3). In response, the Board argues that its determination was not arbitrary, capricious or contrary to law and that it appropriately deferred to the credibility determinations made by the Administrative Law Judge (ALJ) following four days of hearing at the Office of Administrative Law (OAL). (Board’s Appeal Brief at 29)

¹Although appellant criticizes the manner in which the State Police conducted its investigation and attempts to assert a conspiracy theory of some sort, the Commissioner finds no evidence in the record to support appellant’s contentions in this regard.

In reviewing appeals from decisions of the State Board of Examiners, the Commissioner may not substitute his judgment for that of the Board so long as the appellant received due process and the Board's decision is supported by sufficient credible evidence in the record. Further, the Board's decision should not be disturbed unless the appellant demonstrates that it is arbitrary, capricious or unreasonable. *N.J.A.C.* 6A:4-4.1(a).

Initially, the Commissioner notes that appellant's objections to the Board's decision are fundamentally rooted in his disagreement with the ALJ's credibility determinations and the resultant weighing of testimonial and documentary evidence. The legal standard with respect to objections of this type is well established,² and in the present instance, the Commissioner finds the ALJ's credibility and fact determinations, as adopted by the Board, to be both clearly explained in the Initial Decision and sufficiently supported by the record. The Commissioner further finds that appellant has offered nothing in his papers that would warrant disturbing the deference to which the ALJ – as finder of fact with the greatest opportunity to observe the demeanor of witnesses – is entitled to in this regard. *In re Morrison*, 216 *N.J. Super.* 143, 158 (App. Div. 1987).

Upon careful consideration of the record, including the hearing transcripts and all submissions, the Commissioner finds that the record fully supports the Board's determination that the appellant engaged in unbecoming conduct – vis-à-vis his inappropriate relationship with an eighteen-year old student – despite his self-serving testimony to the contrary. Specifically, as detailed in the Initial Decision, the consistent and credible testimony offered by two students, two school administrators, and two State Police detectives established that: 1) appellant was

² *N.J.S.A.* 52:14B-10(c) states in pertinent part: "The agency head may not reject or modify any findings of fact as to issues of credibility of lay witness testimony unless it is first determined from a review of the record that the findings are arbitrary, capricious or unreasonable or are not supported by sufficient, competent, and credible evidence in the record."

observed touching the student's leg and putting his hand up her skirt during a school field trip; 2) appellant allowed the student to rest her head on his shoulder at an awards ceremony and while riding a bus; 3) appellant allowed the student to enter his hotel room twice during a school field trip; 4) appellant drove the student home after a field trip; 5) appellant exchanged 1,857 text messages with the student between April 18 and May 11, 2012, some of which were sexually explicit; and 6) appellant and the student admitted to the two State Police detectives that they engaged in a consensual sexual relationship which began after the student's 18th birthday. Additionally, the inconsistent testimony offered by both appellant and the student with whom he maintained the inappropriate relationship wholly contradicted their prior admissions to State Police detectives and was found to be incredible by the ALJ. Although appellant obviously disagrees with the revocation of his certificates, it is clear from the record that he was afforded due process throughout the proceedings. In view of appellant's disturbing lapses in judgment and blatant disregard for the boundaries that must be maintained between teacher and student, the Commissioner finds that revocation of his certificates was the appropriate penalty.

Because there is nothing in the record to suggest that the Board's decision to revoke the appellant's certificates – based on the nature and extent of the unbecoming conduct proven during the hearing at the Office of Administrative Law – was arbitrary, capricious or unreasonable, the Commissioner finds no basis upon which to disturb the decision of the State Board of Examiners.

Accordingly, the decision of the State Board of Examiners is affirmed for the reasons expressed therein.³

³ This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36 (N.J.S.A. 18A:6-9.1)*.

COMMISSIONER OF EDUCATION

Date of Decision: May 12, 2015

Date of Mailing: May 20, 2015