

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
PAUL MESSINO : ORDER OF REVOCATION
_____ : DOCKET NO: 0506-160

At its meeting of November 3, 2005, the State Board of Examiners reviewed information the Office of Criminal History Review had forwarded indicating that Paul Messino was convicted in December 1971 for possession of heroin, in July 1973 for burglary and larceny and in November 1973 for possession of marijuana. As a result of these convictions, Messino was disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Messino did not appeal the disqualification before the Commissioner of Education. Messino currently holds Teacher of Elementary School and Teacher of Social Studies certificates, both issued in May 1974, a Teacher of Data Processing certificate, issued in November 1980, and a Teacher of Mathematics certificate, issued in March 1981. Upon review of the above information, at its November 3, 2005 meeting, the State Board of Examiners voted to issue Messino an Order to Show Cause.

The Board sent Messino the Order to Show Cause by regular and certified mail on November 16, 2005. The Order provided that Messino must file an Answer within 30 days. Messino filed his Answer on December 14, 2005. In his Answer, Messino admitted that the results of the criminal history were accurate. (Answer, p. 1). He argued that since his offenses occurred prior to the time he obtained his certificates, he did not obtain them under false pretenses. (Answer, p. 1). He also claimed that although he knew he was prohibited from teaching and that his certificates therefore had no real value, the Board had no right to revoke them summarily. (Answer, p. 2). Messino also recounted his years of successful teaching and stated that he had never received one negative review. (Answer, p. 2). He argued that he had

committed no offense since obtaining his certificates and that spending all this time without incident “should count for something.” (Answer, p. 2).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on January 6, 2006, the Board sent Messino a hearing notice by regular and certified mail. The notice explained that since it appeared no material facts were in dispute, Messino 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. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the State Board of Examiners would determine if his disqualifying offenses warranted action against his certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Messino signed for and returned the certified mail copy and the regular mail copy was not returned. Messino did not respond to the Hearing Notice.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Messino’s disqualifying offenses constitute conduct unbecoming a certificate holder. At its meeting of May 4, 2006, the State Board of Examiners reviewed the charges and papers Messino filed in response to the Order to Show Cause. After a review of the response, the Board of Examiners determined that no material facts related to Messino’s offenses were in dispute since he never denied that he had committed the offenses nor did he deny that he had been disqualified because of his criminal offenses. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*.

The State Board of Examiners must now determine whether Messino’s disqualification, which was predicated on the same offenses as were set forth in the Order to Show Cause,

represents just cause to act against his certificates pursuant to *N.J.A.C.* 6A:9-17.5. The Board finds that it does.

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 to them. In 1989, the Legislature specifically amended the statute to include all convictions concerning controlled dangerous substances as disqualifying offenses. *See N.J.S.A.* 18A:6-7.1(b). This amendment was a clear recognition on the part of the Legislature that individuals with such drug convictions should not be permitted to be in contact with school-aged children. The consistent and long-standing policy of this State is to eliminate the use of illegal drugs. *See In the Matter of the Tenure Hearing of David Earl Humphreys*, 1978 *S.L.D.* 689. To that end, the State and its schools have engaged in extensive educational efforts to warn the citizenry of the perils of illicit drugs. *See In the Matter of the Certificate of Barbara Corwick*, OAL Dkt. No. EDE 3562-87, State Board of Examiners decision (March 24, 1988). Those who violate this deep-rooted policy, *whether by the use of drugs or their manufacture and distribution*, endanger the public welfare; they cannot be entrusted with the responsibility of caring for school-aged pupils. Accordingly, the State Board of Examiners finds that Messino's disqualification from service in the public schools of this State because of his multiple convictions for drug offenses as well as his conviction for burglary and larceny provides just cause to take action against his certificates.

That 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 State Board of Examiners 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 license that authorizes such service. Nor should a

person who has been disqualified from teaching in a public school be permitted to continue to hold himself out as a teacher. Because the Legislature considers Messino's offenses so significant, the State Board of Examiners in this matter believes that the appropriate sanction for his disqualification is the revocation of his certificates to teach. *See In the Matter of the Revocation of the Teaching Certificate of Patricia Rector*, Agency Dkt. No. 19-02 (St. Bd. of Education, August 7, 2002) (affirming the decision of the State Board of Examiners to revoke Rector's teaching certificate on the basis of the disqualification pursuant to *N.J.S.A. 18A:6-7.1.*)

Accordingly, pursuant to the Board of Examiners' vote it is therefore ORDERED that Paul Messino's Teacher of Elementary School, Teacher of Social Studies, Teacher of Data Processing and Teacher of Mathematics certificates be revoked effective this 8th day of June 2006. It is further ORDERED that Messino return his certificates to the Secretary of the State Board of Examiners, Office of Licensure and Credentials, PO Box 500, Trenton, NJ 08625-0500 within 20 days of the mailing date of this decision.

Robert R. Higgins, Acting Secretary
State Board of Examiners

Date of Mailing: JUNE 12, 2006

Appeals may be made to the State Board of Education pursuant to the provisions of *N.J.S.A. 18A:6-28.*