

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
RICHARD VOZA : ORDER OF REVOCATION
_____ : DOCKET NO: 0910-166

At its meeting of February 11, 2010, the State Board of Examiners (Board) reviewed information it had received from the Penns Grove-Carneys Point Regional School District (PGCP) regarding Richard Voza. PGCP reported that Voza resigned from his teaching position in the district following allegations of inappropriate use of the district's internet service. Specifically, it was alleged that Voza received and responded to pornographic e-mails while on duty as a study hall teacher during the 2004-2005 school year. Voza holds a Teacher of English certificate, issued in August 1987, a Teacher of Elementary School certificate, issued in February 1991 and a Teacher of Students With Disabilities Certificate of Eligibility, issued in August 2007. Upon review of the above information, at its March 25, 2010 meeting, the Board voted to issue an Order to Show Cause to Voza as to why his certificates should not be revoked.

The Board sent Voza the Order to Show Cause by regular and certified mail on May 4, 2010. The Order provided that Voza must file an Answer within 30 days. Voza responded on May 26, 2010. In his Answer, Voza admitted that he resigned from his position but stated it was because he was not going to be renewed. (Answer, ¶ 3). Voza denied sending any "pictorial, pornographic material while at school." (Answer, ¶ 4). He did admit to communicating "in some adult fashion by email with other adults." (Answer, ¶ 4). He disputed that the emails were pornographic or could be accessed by anyone other than him. (Answer, ¶ 4). Voza also denied that his certificates should be revoked. (Answer, ¶ 6). In the remainder of his Answer, Voza argued the affirmative defenses of laches, collateral estoppel, manifest injustice, rehabilitation, cessation of behavior and tenure protection. (Voza Answer, Affirmative Defenses, ¶¶ 1-6).

Since there were material facts in dispute, on June 23, 2010, the Board transmitted the matter to the Office of Administrative Law (OAL) for hearing as a contested case. Administrative Law Judge (ALJ) Jeff Masin heard the matter on the papers through stipulated facts and written summations. The record closed on October 3, 2011 and the ALJ issued an Initial Decision on October 18, 2011. *In the Matter of the Certificate of Richard Voza*, Dkt. No. EDE 06989-10 (Initial Decision, October 18, 2011).

In that decision, ALJ Masin found that during the relevant time period, Voza was employed as an English teacher at the Penns Grove High School in PGCP. (Initial Decision, slip op. at 2). The PGCP administration discovered that while Voza was assigned to supervise a study hall period, he sent and received emails. *Id.* at 3. Voza's study hall contained one password protected computer and was not used by students. *Ibid.* The ALJ also found that there were times when no students were present in Voza's study hall, as they were allowed to go to the library or computer lab during study hall periods. *Ibid.* ALJ Masin found that in various e-mail exchanges, Voza told a friend and teacher in another district, Dean Howarth, about a sexual relationship he was having with a married college secretary, and noted that he had had "her bent over her desk; talked about "humping seniors;" commented about a female acquaintance not being "shy about rug munching either;" discussed having threesomes; talked about a female student in Howarth's district having genital warts." *Id.* at 7-8. Voza also exchanged sexually explicit e-mails with the college secretary. *Id.* at 6, 8. Voza was suspended from his position in PGCP and resigned, effective April 15, 2005. *Id.* at 4-5. After working at a charter school for six months, Voza was hired as a teacher by the Pleasantville School District in March 2007 and has remained in its employ ever since. *Id.* at 2.

After assessing the evidence, ALJ Masin noted that "Voza sent and received entirely inappropriate emails, largely involving matters related to sex and personal relationships, but, importantly, also including references, both of a general and a particular nature, to students, while at school and on school equipment and on the school account." *Id.* at 12. The ALJ concluded that

Voza's conduct was inappropriate and involved "an apparent breach of trust regarding personal information about a student that had in some manner come into Mr. Voza's possession." *Ibid.* Moreover, ALJ Masin was not persuaded that the passage of time without further incident should result in anything less than revocation: "the nature of the violations and the nature of Mr. Voza's attitude toward what he did, as displayed in his own words in the e-mails, gives great pause to any suggestion that merely because time has passed and he has managed to obtain tenure in a different district that the outcome should be anything other than the removal of his certificates." *Id.* at 13. Accordingly, the ALJ therefore concluded that Voza's certificates should be revoked. *Ibid.* Voza filed Exceptions and the Deputy Attorney General (DAG) representing the Board filed Reply Exceptions in the case.

In his Exceptions, Voza argued that the Board knew of his e-mail exchanges as early as 2007 when it issued an Order to Show Cause to one of his e-mail correspondents, Dean Howarth, and that the Board therefore should have acted against his certificates earlier. (Exceptions, pp. 1-2). He further opined that the ALJ should have employed equity in this case since the Board's delay allowed him "to indulge in the concept that his certificate was not in jeopardy..." (Exceptions, p. 2). Voza also argued that the ALJ had given no weight to the fact that his recent record of having earned tenure in another district without incident showed that he had matured as an adult and learned self-control. (Exceptions, pp. 2-3). Voza's Exceptions also faulted ALJ Masin for comparing his case to that of Howarth's, which involved many more emails, pornographic pictures and attendance at a go-go bar during work hours. (Exceptions, pp. 3-5). In the remainder of his Exceptions, Voza claimed that the ALJ was really finding fault with his "exposed private thoughts on sexuality, the administration and even his approach to society," but that those views were irrelevant to the charges against him. (Exceptions, pp. 5-7).

In her Reply Exceptions, the DAG argued that Voza was incorrect in his claim that the ALJ should have applied the equitable relief of laches here. (Reply Exceptions, pp. 1-2). The DAG noted

that because Voza had admitted his behavior was inappropriate and therefore had “unclean hands,” laches could not apply. (Reply Exceptions, p. 2). The DAG further disputed Voza’s claim that the ALJ made unfair comparisons to the Howarth case. (Reply Exceptions, pp. 2-3). The DAG noted that the ALJ specifically stated all the facts as stipulated by the parties, and contrasted those facts with the ones in Howarth’s case. (Reply Exceptions, pp. 2-3). Although the ALJ found that the same penalty was appropriate in both cases, the DAG opined that there was “nothing improper about the ALJ’s consideration of the Howarth decision, or any other prior precedent, in rendering his decision.” (Reply Exceptions, p. 3). Finally, the DAG disputed Voza’s contention that the ALJ “improperly based his decision upon a personal disagreement with Respondent’s views about sex and society,” noting that the ALJ’s decision was based upon Voza’s inappropriate conduct in misusing school equipment and breaching the trust by sharing personal information about a student. (Reply Exceptions, p. 3). The DAG therefore argued that the Initial decision should be adopted as the Board’s Final Decision. (Reply Exceptions, pp. 3-4).

The Board must now determine whether to adopt, modify or reject the Initial Decision in this matter. At its meeting of December 16, 2011, the Board reviewed the Initial Decision, Exceptions and Reply Exceptions. After full and fair consideration of the Decision, the Board voted to adopt the Initial Decision.

As noted above, ALJ Masin concluded that Voza’s conduct was inappropriate and warranted the revocation of his teaching certificates. (Initial Decision, slip op. at 12-13). The Board agrees. Voza has clearly engaged in conduct that negates his status as a role model for students. *In the Matter of the Tenure Hearing of Jacque L. Sammons*, 1972 S.L.D. 302, 321. Moreover, Voza offered nothing by way of mitigation of his conduct. Rather, he focused only on his acquisition of tenure in Pleasantville, which is attributable, in part, to the mere passage of time.

Furthermore, notwithstanding Voza’s contentions of “rehabilitation,” this is not the proper context for such considerations. The purpose of this proceeding is “to permit the individual

certificate holder to demonstrate circumstances or facts to counter the charges set forth in the Order to Show Cause, not to afford an opportunity to show rehabilitation.” See *In the Matter of the Revocation of the Teaching Certificate of Gloria Jackson by the State Board of Examiners*, 96 N.J.A.R. 2D (EDE) 1, 16 *aff’d*, App. Div. Dkt. No. A-1246-96T5 (September 9, 1997) citing *In the Matter of the Revocation of the Teaching Certificate of James Noll*, State Bd. of Examiners decision (February 7, 1990). Thus, the fact that Voza may have an unblemished record post incident, while a step in the right direction, has no bearing on the decision the Board must make with regard to his certification.

Accordingly, on December 16, 2011, the Board voted to adopt the Initial Decision to revoke Voza’s teaching certificates for the reasons stated therein. On this 19th day of January 2012, the Board formally adopted its written decision to adopt the Initial Decision in this matter, and it is therefore ORDERED that Richard Voza’s Teacher of Students With Disabilities Certificate of Eligibility, Teacher of English certificate and Teacher of Elementary School certificate are hereby revoked effective immediately. It is further ORDERED that Voza 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

Date of Mailing:

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