

IN THE MATTER OF	:	NEW JERSEY DEPARTMENT OF EDUCATION
THE CREDENTIAL OF	:	STATE BOARD OF EXAMINERS
DOMINICK F. NOVELLA, JR.	:	ORDER OF REVOCATION
_____	:	DOCKET NO: 1718-172

At its meeting of January 19, 2018, the State Board of Examiners (Board) reviewed information the Superior Court of New Jersey, Hudson County had forwarded regarding Dominick F. Novella, Jr. On June 16, 2016, Novella pled guilty to a fourth degree charge of Abuse/Abandonment/Cruelty and Neglect of Child. On August 19, 2016, Novella was sentenced to one year of probation and ordered to forfeit current and future public employment, among other conditions.

Novella currently holds a Substitute Credential, which expires in January 2019. Upon review of the above information, at its March 1, 2018 meeting, the Board voted to issue Novella an Order to Show Cause as to why his credential should not be revoked.

The Board sent Novella the Order to Show Cause by regular and certified mail on March 6, 2018. The Order provided that Novella had 30 days to respond. The certified mail copy was returned as “Unclaimed” and the regular mail copy was not returned. Novella did not respond. On April 13, 2018 the Board sent Novella another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. Neither the certified mail nor the regular mail copy was returned. Novella did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on May 14, 2018, the Board sent Novella a hearing notice by regular and certified mail. The notice explained that the allegations in the Order to Show Cause were deemed to be admitted as a result of his failure to file an Answer. Thus, Novella 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 found just cause to take action against his credential. It also explained that, upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if Novella’s offense warranted action against his

credential. Thereupon, the Board would also determine the appropriate sanction, if any. Novella was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Novella filed a response on September, 19, 2018.¹

In that response, Novella stated that he lost his job in March 2016 but did not want to lose his certificate. (Hearing Response, p. 1). He added that he never harmed anyone and that no one got hurt. (Hearing Response, p. 1). Novella also admitted that he made a mistake when he gave a girl a beer who then gave it to another girl who was a student at the school where he worked. (Hearing Response, p. 1). He stated that he was looking to move forward in his life and thanked the Board for the time it put into this matter. (Hearing Response, p. 1).

The threshold issue before the Board in this matter is whether Novella's conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Novella failed to respond to the Order to Show Cause, the allegations therein are deemed admitted. *N.J.A.C.* 6A:9B-4.6(c). Consequently, at its meeting of September 21, 2018, the Board considered only the allegations in the Order to Show Cause, the information received from the Superior Court and Novella's Hearing Response. The Board concluded that no material facts related to Novella's offense were in dispute since he never denied that he had been convicted and ordered to forfeit current and future public employment. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C.* 6A:9B-4.6(h). After reviewing the allegations, the Board found that Novella had engaged in unbecoming conduct.

The Board must now determine whether Novella's conduct, as set forth in the Order to Show Cause, provides just cause to act against his credential 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

¹ Due to the lateness of his response, Novella's submission was entered into the record at the Board's meeting of September 21, 2018.

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). Novella’s conviction for Abuse/Abandonment/Cruelty and Neglect of Child clearly demonstrates conduct that is unacceptable for a role model. Moreover, he was also ordered to forfeit current and future public employment. The Board therefore concludes that the appropriate response to his breach is the revocation of his credential.

Accordingly, on September 21, 2018, the Board voted to revoke Dominick F. Novella, Jr.’s Substitute Credential. On this 1st day of November 2018 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Novella’s credential be effective immediately. It is further ORDERED that Novella return his credential 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.

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.