

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
BRANDON L. PANTANO : ORDER OF REVOCATION
_____ : DOCKET NO: 1819-172

At its meeting of March 8, 2019, the State Board of Examiners (Board) reviewed information the Union County Prosecutor's Office and the Office of Student Protection (OSP) provided regarding Brandon L. Pantano. On June 8, 2018, Pantano was charged with three counts of Aggravated Assault on Law Enforcement Officer-Bodily Injury, Throwing Bodily Fluid at Law Enforcement Officer, Resisting Arrest and two counts of Criminal Mischief. On October 22, 2018, Pantano pled guilty to one count of Aggravated Assault on a Law Enforcement Officer-Bodily Injury (3rd degree). Pantano had been charged following his actions when police officers attempted to handcuff him and place him in a police vehicle. He resisted arrest and headbutted and kicked the arresting officers, breaking one's nose, and bruising two other's faces. He also spit at a fourth officer. In addition, Pantano repeatedly kicked the police car, denting and scratching the vehicle. On November 30, 2018, Pantano was sentenced to three years' probation.

OSP notified the Board that, as a result of his conviction, Pantano was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Pantano currently holds a Teacher of Elementary School in Grades K-6 Certificate of Eligibility with Advanced Standing.

Pantano did not challenge the accuracy of his criminal history record before the Commissioner of Education. Upon review of the above information, the Board voted at its meeting of April 12, 2019 to issue Pantano an Order to Show Cause as to why his certificates should not be revoked.

After securing an appropriate address, the Board sent Pantano the Order to Show Cause by regular and certified mail on May 30, 2019. The Order provided that Pantano had 30 days to

respond. The certified mail copy was signed for and the regular mail copy was not returned. Pantano did not file a response.

Thereafter, on July 11, 2019, the Board sent Pantano another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail copy was returned as “Unclaimed” and the regular mail copy was not returned. Pantano did not file a response.

Thereafter, pursuant to *N.J.A.C.* 6A:9B-4.6(e), on August 2, 2019, the Board sent Pantano 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, Pantano 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 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 his offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Pantano was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy was signed for and the regular mail copy was not returned. Once again, Pantano did not file a response.

The threshold issue before the Board in this matter is whether Pantano’s conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. Since Pantano 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 November 1, 2019, the Board considered only the allegations in the Order to Show Cause and the information received from the

Prosecutor's Office and OSP. The Board concluded that no material facts related to Pantano's offense were in dispute since he never denied that he engaged in the conduct alleged and had been convicted and therefore 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 Pantano engaged in unbecoming conduct.

The Board must now determine whether Pantano's conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against his certificates pursuant to *N.J.A.C.* 6A:9B-4.4. The Board finds that they do.

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 were not proper examples for them. Individuals convicted of crimes such as aggravated assault on a law enforcement officer fall squarely within this category. The strong legislative policy statement is also in accord with the Commissioner's long-standing belief that teachers must serve as role models for their students. "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. 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). In this instance, Pantano's conviction for aggravated assault on a law enforcement officer demonstrates behavior that falls far short of a role model.

The 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 Board 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 certificate 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. Thus, because the Legislature and the Commissioner consider Pantano's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of his certificates.

Accordingly, on November 1, 2019, the Board voted to revoke Brandon L. Pantano's Teacher of Elementary School in Grades K-6 Certificate of Eligibility with Advanced Standing. On this 13th day of December 2019, the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Pantano's certificates be effective immediately. It is further ORDERED that Pantano 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.

Rani Singh, Secretary
State Board of Examiners

Date of Mailing:
By 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.