

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
ANTHONY V. IORIO : ORDER OF REVOCATION
_____ : DOCKET NO: 1920-114

At its meeting of November 1, 2019, the State Board of Examiners (Board) reviewed information the Mercer County Prosecutor's Office and the Office of Student Protection (OSP) provided regarding Anthony V. Iorio. On January 11, 2019, Iorio pled guilty to Manufacturing/Distributing CDS (Heroin) (3rd degree), Possession of CDS (heroin) (3rd degree), and Shoplifting. As a result, Iorio was sentenced to five (5) years probation conditioned upon successful completion of the Mercer County Drug Court Program. The OSP notified the Board that, as a result of his convictions, Iorio is disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.*

Iorio currently holds a Teacher Elementary Grades K-8 Certificate of Eligibility with Advanced Standing and a Standard Teacher of Elementary Grades K-8 certificate.

Iorio 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 December 13, 2019 to issue Iorio an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Iorio the Order to Show Cause by regular and certified mail on January 3, 2020 to a corrected address. The Order provided that Iorio had 30 days to respond. The certified mail receipt was signed and returned and the regular mail copy was not returned. Iorio did not file a response.

Thereafter, on February 20, 2020, the Board sent Iorio another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail receipt was signed and returned and the regular mail copy was not returned. Iorio did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on March 13, 2020, the Board sent Iorio 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, Iorio 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. Iorio was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was signed and returned and the regular mail copy was not returned. Once again, Iorio did not file a response.

The threshold issue before the Board in this matter is whether Iorio's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. Since Iorio 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 June 26, 2020, the Board considered only the allegations in the Order to Show Cause and the information received from the Prosecutor's Office and the Mercer County Prosecutor's Office. The Board concluded that no material facts related to Iorio's offense were in dispute since he never denied that he had 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 Iorio engaged in unbecoming conduct.

The Board must now determine whether Iorio'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 to be a danger. Individuals convicted of a crime such as Possession and Manufacturing of CDS (heroin) and 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, Iorio's conviction for Possession and Manufacturing of CDS (heroin) 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 Iorio's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of his certificates.

Accordingly, on June 26th, 2020, the Board voted to revoke Anthony V. Iorio's Teacher of Elementary Grades K-8 Certificate of Eligibility with Advanced Standing and Standard Teacher of Elementary Grades K-8 certificate. On this 30th day of July 2020, the Board voted to adopt its formal written decision and it is therefore ORDERED that Iorio's certificates are revoked, effective immediately. It is further ORDERED that Iorio 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:
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.