

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
JESMARIE SOTO : ORDER OF REVOCATION
_____ : DOCKET NO: 1819-242

At its meeting of May 13, 2021, the State Board of Examiners (Board) reviewed information the Essex County Prosecutor's Office and the Office of Student Protection (OSP) forwarded regarding Jesmarie Soto (Soto). On May 7, 2018, Soto was charged with Possession of a Controlled Dangerous Substance (CDS) with Intent to Distribute, Distribution of CDS within 1,000 Feet of School Property, Distribution of CDS within 500 Feet of a Park, Endangering the Welfare of a Child, Possession of a Firearm in the Course of Committing a Violation, Unlawful Possession of a Weapon, and Possession of a Weapon for Unlawful Purpose. The charges were dismissed as a result of a plea agreement with a codefendant.

On November 1, 2019, the Board issued Soto an Order to Show Cause why her certificates should not be revoked based upon the charges above. Subsequent to the Board's issuance of the Order to Show Cause, OSP notified the Board that Soto was charged with Theft by Deception when she purposely did not scan items for payment, resulting in a loss of \$3,873.28. In April 2020 Soto pled guilty to a downgraded charge of Disturbing the Peace.

Soto currently holds a Teacher of Preschool-Grade 3 Certificate of Eligibility with Advanced Standing and a Teacher of Preschool-Grade 3 certificate. Upon review of the above information, at its June 25, 2021 meeting, the Board voted to issue Soto a new Order to Show Cause as to why her certificates should not be revoked. The original order to show cause was vacated and the allegations in the original were incorporated into the new order, which is the subject of this decision.

The Board sent Soto the Order to Show Cause by regular and certified mail on June 29, 2021. The Order provided that Soto had 30 days to respond. The certified mail card was returned, and the online United States Postal Service (USPS) tracking system indicates the correspondence was delivered. The regular mail was not returned. Soto did not respond. Thereafter, on August 12, 2021 the Board sent another notice providing Soto an additional 15 days to respond to the Order to Show Cause. The certified mail copy was returned, and the online United States Postal Service (USPS) tracking system indicates the correspondence was delivered. The regular mail was not returned. Once again, Soto did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on October 6, 2021, the Board sent Soto 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 her failure to file an Answer. Thus, Soto 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 her certificates. It also explained that, upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if Soto's offense warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Soto was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy was "unclaimed", and the regular mail was not returned. Once again, Soto did not file a response.

The threshold issue before the Board in this matter is whether Soto's conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Soto 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 December 16, 2021, the Board considered only the allegations in

the Order to Show Cause and the information received from the Prosecutor's Office and the OSP. The Board concluded that no material facts related to Soto's offense were in dispute since she never denied that she engaged in the alleged conduct. 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 Soto engaged in unbecoming conduct.

The Board must now determine whether Soto's conduct, as set forth in the Order to Show Cause, provides just cause to act against her certificates 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 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). Soto's actions of pleading guilty to Disturbing the Peace resulting from allegations that she purposely did not scan items for payment, along with the prior charges for Endangering the Welfare of a Child, Possession of a Firearm, Unlawful Possession of a Weapon clearly demonstrate conduct that is unacceptable for a role model. The Board therefore concludes that the appropriate response to her breach is the revocation of her certificates.

Accordingly, on December 16, 2021, the Board voted to revoke Jesmarie Soto's Teacher of Preschool-Grade 3 Certificate of Eligibility with Advanced Standing and Teacher of Preschool-Grade 3 certificate. On this 21st day of January 2022 the Board voted to adopt its formal written decision and it is therefore ORDERED that Soto's certificates are hereby revoked, effective

immediately. It is further ORDERED that Soto return her 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.