

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
CESAR I. SABINO : ORDER OF REVOCATION
_____ : DOCKET NO: 1617-229

At its meeting of June 15, 2017, the State Board of Examiners (Board) reviewed information it received from the Office of Student Protection and the Monmouth County Prosecutor's Office regarding Sabino. On March 15, 2016, Sabino was Indicted on charges of Theft by Deception, False Statements Made in Procuring Issuance of Credit Card, Forgery and Impersonation-Theft of Identity after he allegedly opened up a false Verizon Wireless account under a business name without the authorization of the business' owner and tried to procure three iPhones using the tax ID number of the business.

On December 9, 2016, Sabino received an Order of Postponement and was accepted into a Pretrial Intervention program (PTI) for 12 months as a result of the incident. Verizon corporate security reported to police that Sabino had been setting up fraudulent business accounts in multiple states and they had been tracking him for over a year. Sabino gave the stores valid tax ID numbers but he did not have authorization from any of the companies in whose names he opened accounts. When Verizon security would call the various companies, it was told that Sabino did not work there or have authorization to open an account. Verizon notified police that it believed Sabino had possibly opened one million dollars in credit and received about one hundred thousand dollars in merchandise, for which he had never paid.

Sabino currently holds a Teacher of Health and Physical Education and Teacher of Driver Education Certificates of Eligibility with Advanced Standing, both issued in July 2008 and Teacher of Health and Physical Education and Teacher of Driver Education certificates, both

issued in September 2009. Upon review of the above information, the Board voted at its meeting of June 15, 2017 to issue Sabino an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Sabino the Order to Show Cause by regular and certified mail on June 20, 2017. The Order provided that Sabino must file an Answer within 30 days. Sabino filed an Answer on September 19, 2017. In that Answer, Sabino argues that he was not convicted and received pretrial intervention. He indicates a revocation of his certificates is not appropriate.

Since there were material facts in dispute, the Board transmitted the matter to the Office of Administrative Law (OAL) for hearing as a contested case. On September 5, 2020, Sabino sent a letter to Administrative Law Judge Testa indicating that he wished to withdraw his contested case and did not object to revocation. The file was returned to the Board, but due to a clerical error there was a delay in processing the matter.

Based upon the letter to Judge Testa, pursuant to *N.J.A.C.* 6A:9B-4.6(e), on December 30, 2022, the Board sent Sabino a hearing notice by regular and certified mail. Sabino 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 about the appropriate sanction if the Board found just cause to take action against his certificates. Sabino was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Per the USPS certified mail tracking system, the certified mail receipt was “unclaimed”, and the regular mail copy was not returned. Sabino did not respond.

Since Sabino did not appear at his hearing, his Answer was subsequently stricken from the record, and his email to Judge Testa indicates he did not wish to contest the matter, at its

meeting of March 3, 2023, the Board considered only the allegations in the Order to Show Cause. Moreover, since Sabino is deemed to have failed to file an Answer, the allegations contained in the Order to Show Cause are deemed admitted. *N.J.A.C.* 6A:9B-4.6(c). Thus, since no material facts related to Sabino's offense were in dispute, 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 Sabino engaged in unbecoming conduct.

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

The Board may revoke or suspend the certification of any certificate holder based on 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). Sabino's actions of theft by deception, false statement in procuring issuance of a credit card, forgery, and impersonation is unacceptable for a role model. The Board therefore concludes that the appropriate response to his breach is the revocation of his certificates.

Accordingly, on March 3, 2023, the Board voted to revoke Cesar I. Sabino's Teacher of Health and Physical Education and Teacher of Driver Education Certificates of Eligibility with Advanced Standing, and Teacher of Health and Physical Education and Teacher of Driver

Education certificates. On this 13th day of April 2023, the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Sabino's certificates be effective immediately. It is further ORDERED that Sabino 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.