

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
JASON S. NARDACHONE : ORDER OF REVOCATION
_____ : DOCKET NO: 2122-175

At its meeting of May 19, 2022, the State Board of Examiners (Board) reviewed information the Office of Student Protection (OSP) submitted regarding Jason S. Nardachone. On or about September 22, 2021, Nardachone pled guilty to a federal charge of conspiracy to commit healthcare fraud. The amount of fraud totaled \$564,754.16. The OSP notified the Board that because of his conviction, Nardachone is disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.*

Nardachone currently holds Teacher of Social Studies Certificate of Eligibility, and Teacher of Social Studies Standard Certificate. Upon review of the above information, the Board voted at its meeting of June 30, 2022 to issue Nardachone an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Nardachone the Order to Show Cause by regular and certified mail. The Order provided that Nardachone must file an Answer within 30 days. Nardachone filed an Answer on July 27, 2022.

In his Answer, Nardachone admitted that he pled guilty to the charge of conspiracy to commit healthcare fraud but indicated the listed loss amount is not specifically attributable to Nardachone. (Answer, ¶ 3). He submitted additional defenses including lack of subject matter jurisdiction, no valid cause of action, improper venue, *res judicata*, waiver, collateral estoppel, and industrial double jeopardy.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on September 21, 2022, the Board sent Nardachone a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Nardachone 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 disqualifying offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Nardachone was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Nardachone responded on November 22, 2022.

In that response, Nardachone indicated he did not wish to appear before the Board. Nardachone admitted that he pled guilty to conspiracy to commit healthcare fraud. *See* Submission at p. 1. The maximum penalty for this conviction is 10 years imprisonment. However, Nardachone was sentenced to a noncustodial penalty consisting of 3 years' probation, which deviated from sentencing guidelines. *Id.*

Nardachone stated that the favorable sentence was the result of significant mitigating evidence; he requested the Board consider the same mitigation. *Id.* at p. 1-2. Specifically, Nardachone argued that he was not an architect of the conspiracy. His involvement was the result of false pretenses and his role was minimal. He gained \$3,500 from the conspiracy, which is reflected in his allocution during sentencing. *Id.* at p. 2. Further, Nardachone has no prior criminal history and had a successful teaching career. Since he was indicted in October 2018, he has not been employed in education and has therefore been effectively suspended for over 4 years. *Id.* Finally, his criminal conviction is unrelated to his day-to-day job duties as a teacher. *Id.* Nardachone asks that a suspension be limited to one year based upon the mitigation.

The threshold issue before the Board in this matter is whether Nardachone's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. At its meeting of December 9, 2022, the Board considered the allegations in the Order to Show Cause as well as Nardachone's Answer and Hearing Response Submission. The Board determined that no material facts related to Nardachone's offense were in dispute since he admitted that he had pled guilty to the offense indicated in the Order to Show Cause. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C.* 6A:9B-4.6(h).

There is no record that Nardachone appealed with the Commissioner the determination of disqualification from OSP. Accordingly, the Board is compelled to treat his conviction as a disqualifying offense.

The Board must now determine whether Nardachone'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 inappropriate role models for them. Individuals convicted of a crime such as conspiracy to commit healthcare fraud, 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 exemplars 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, Nardachone's conviction demonstrates behavior that falls 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 Nardachone's offense so significant and the Board must render its determination within the confines of his disqualification, it believes that the only appropriate sanction in this case is the revocation of Nardachone's certificates. The Board acknowledges the mitigation provided by Nardachone in his hearing submission. However, given the disqualification from OSP, the Board is compelled to revoke his certificate(s).

Accordingly, on December 9, 2022, the Board voted to revoke Jason S. Nardachone's Teacher of Social Studies Certificate of Eligibility and Teacher of Social Studies standard certificate. On this 26th day

of January 2023, the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Nardachone's certificates be effective immediately. It is further ORDERED that Nardachone 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.