

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
GARY M. DOMINICUS : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 2122-121

At its meeting of September 16, 2022, the State Board of Examiners (Board) reviewed information it received regarding Gary M. Dominicus. The Middlesex County Prosecutor's Office and the Office of Student Protection (OSP) provided information to the Board regarding Dominicus. On October 7, 2021, Dominicus was indicted on one count of Aggravated Assault (2<sup>nd</sup> degree), *N.J.S.A. 2C:12-1b(1)*, one count of Aggravated Assault (3<sup>rd</sup> degree), *N.J.S.A. 2C:12-1b(13)*, one count of Terroristic Threats (2<sup>nd</sup> degree), *N.J.S.A. 2C:12-3a*, one count of Terroristic Threats (3<sup>rd</sup> degree), *N.J.S.A. 2C:12-3b*, and three (3) counts of Endangering the Welfare of a Child (2<sup>nd</sup> degree), *N.J.S.A. 2C:24-4a(2)*. It was alleged that Dominicus threw the victim, his wife, to the ground, grabbed her by the neck, choked her, and yelled "you're going to die" during a domestic dispute in the presence of his children.

On August 23, 2022, Dominicus pled guilty to 2<sup>nd</sup> degree aggravated assault, *N.J.S.A. 2C:12-1b(1)*. As part of the plea, Dominicus was entered into the Pre-Trial Intervention (PTI) program for a period of 36 months; ordered to undergo drug and alcohol testing, and anger management counseling; forfeit all firearms; and abide by civil restraints.

Dominicus currently holds a Teacher of Elementary Grades K-6 Certificate of Eligibility with Advanced Standing and a standard Teacher of Elementary Grades K-6 certificate. After reviewing the above information, at its October 28, 2022 meeting, the Board voted to issue an Order to Show Cause (OSC) to Dominicus as to why his certificates should not be revoked.

The Board sent Dominicus the OSC by regular and certified mail on November 2, 2022. The OSC provided that Dominicus must file an Answer within 30 days pursuant to N.J.A.C. 6A:9B-4.6(b). Dominicus responded and filed an Answer on March 31, 2023. In his Answer, Dominicus admitted that he was indicted and was entered into PTI but denied the allegations of assault. (Answer, ¶¶ 3-4).

On May 2, 2023, the Board transmitted the matter to the Office of Administrative Law (OAL) for hearing as a contested case. On October 26, 2023, the Petitioner filed a motion for summary decision. *In the Matter of the Certificates of Gary M. Dominicus*, Dkt. No. EDE 03788-23 (Initial Decision, January 29, 2024) at p. 2. Dominicus filed an opposition to the motion for summary decision on November 30, 2023. *Ibid.* The Petitioner did not file a reply. *Ibid.* On January 29, 2024, Administrative Law Judge (ALJ) Tricia M. Calguire issued an Initial Decision in the case. *Ibid.*

After reviewing the record, the ALJ found that Petitioner's summary of the material facts was not disputed by Dominicus. *Ibid.* Accordingly, the ALJ found as fact, that a grand jury entered a seven-count indictment against Dominicus, and the Middlesex County Prosecutor's office reported the charges to the Department of Children and Families (DCF). *Id.* at 3. Following interviews with Dominicus, the victim, and the three minor children, DCF issued a report. *Ibid.* While DCF determined the allegations of child abuse or neglect were unfounded, the report did state that after the victim threw a package at him, "Dominicus 'exploded and jumped on [the victim] and punched and shoved her' causing her to fall to the ground." *Id.* at 4. Further, the report detailed that the three minor children, who witnessed the incident, stated "they 'were hitting daddy on the back to stop him from hitting mommy.'" *Id.* at 3. Lastly, the report stated that

Dominicus denied hitting the victim after they fell to the ground and claimed the victim's marks and bruises were "obviously self-inflicted." *Id.* at 4.

The ALJ also found that on August 23, 2022, Dominicus and the MCPO entered into a plea agreement wherein he waived his right to indictment and trial by jury and plead guilty to 2<sup>nd</sup> degree aggravated assault, *N.J.S.A. 2C:12-1b(1)*. *Ibid.* In signing the plea form, Dominicus admitted to "commit[ting] the offense(s) to which [he was] pleading guilty." *Ibid.* Additionally, Dominicus appeared before the Honorable Joseph Paone, J.S.C., of Middlesex County Superior Court, and admitted that he "attempted to cause serious bodily injury to [the victim] by strangling her" and that by "wrapping [his] hands around her neck [he] caused risk of death or serious bodily injury." *Ibid.* The court entered an order of postponement and Dominicus was accepted into PTI for 36 months, and required to "undergo drug and alcohol testing, anger management counseling, civil restraints, and forfeit his firearms identification card along with any firearms." *Ibid.*

The ALJ concluded that because there was no dispute as to the underlying facts, the matter could be decided as a matter of law. *Id.* at 6. The ALJ found that Dominicus' actions in attempting to physically harm his victim were "the opposite of what we expect as an ordered society, and why respondent was charged criminally as a result ... [and] contrary to that which we expect from teachers, person to whom we entrust with the care and guidance of our children." *Id.* at 8. The ALJ found that the fact that Dominicus "took such action in the presence of his own minor children – notwithstanding the findings of DCPP – confirms that such conduct was unbecoming that of a teacher." *Ibid.*

Respondent Dominicus argued that: (1) that he had been rehabilitated and, therefore, a suitable candidate for employment in the public schools, and (2) that his conduct was not abuse or neglect of his children and they suffered no negative effects. *Id.* at 5. He additionally asserted

that the Board ignored the policy behind the Rehabilitated Offenders Act. *Id.* at 8. However, the ALJ noted that Dominicus did not challenge the accuracy of any part of his criminal record, nor did he dispute the material facts, including a summary of the criminal proceedings in which he was involved. *Ibid.*

As a result, the ALJ concluded that the Board proved by a preponderance of the credible evidence that Dominicus' actions in attempting to cause serious bodily harm to the victim was conduct unbecoming a teacher. *Id.* at 9. Accordingly, the ALJ granted Petitioner's motion for summary judgement. Further, the ALJ concluded that the appropriate response to Dominicus' actions "in attempting to cause serious bodily harm to his (now) ex-wife" was the revocation of Dominicus' teaching certificates. *Ibid.* Dominicus did not file any exceptions to the ALJ's Initial Decision.

The Board must now determine whether to adopt, modify or reject the Initial Decision in this matter. At its meeting of March 1, 2024, the Board reviewed the Initial Decision. After full and fair consideration of the Decision and submissions, the Board voted to adopt the Initial Decision.

The ultimate issue in this matter is whether Dominicus' actions are unbecoming conduct, and if so, the appropriate response. After reviewing the entire record, the Board agrees with the ALJ's assessment regarding Dominicus' actions being unbecoming conduct. While the conduct did not occur in school, teachers are held to a standard of care that requires self-restraint and controlled behavior. It is well established that the Board has the right to revoke a certificate where the teacher was involved in criminal activities, even if the activities were unrelated to the classroom. *See Cox v. State Board of Examiners*, (App. Div. Docket No. A-3527-81T3) (November 18, 1983); *State Board of Examiners v. Krupp*, 3 N.J.A.R. 285 (1981). "A teacher's

whole life is subject to scrutiny, not just his [or her] actions within the schoolhouse doors.” In re Certificates of Kevin Jordan, OAL Dkt. No. EDE 00460-07, Initial Decision (Dec. 6, 2007), adopted, Final Decision, Comm’r, Agency Dkt. No. 0506-287 (Feb. 28, 2008), aff’d, In re Certificates of Kevin Jordan, 2009 N.J. Super. Unpub. LEXIS 2439 (App. Div. 2009). Attempting to cause serious bodily harm to another person in the presence of minor children is inexcusable for any individual, teacher or not, and clearly conduct that is unacceptable for a role model. As such, the Board finds Dominicus engaged in conduct unbecoming an educator. The Board agrees with the ALJ that the appropriate response to Dominicus’ actions here and his breach of his duty as a role model is the revocation of his educator certificates.

Accordingly, on March 1, 2024, the Board voted to adopt the Initial Decision and ordered a revocation of Dominicus’ certificates. On this 11<sup>th</sup> day of April 2024, the Board formally adopted its written decision to adopt the Initial Decision in this matter and it is therefore ORDERED that Gary M. Dominicus’ Teacher of Elementary Grades K-6 Certificate of Eligibility with Advanced Standing and standard Teacher of Elementary Grades K-6 certificate are hereby REVOKED, effective immediately. It is further ordered that Dominicus 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.

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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.