

SBE #427-12/97-147
SBE #426-12/96-149
SBE #430-12/96-148
SBE #423-12/96-146
SB #72-98, #73-98, #74-98 and #75-98 (consolidated)

IN THE MATTER OF THE LICENSES OF :
TERESE CAPRIGLIONE, :
AND :
IN THE MATTER OF THE LICENSES OF : STATE BOARD OF EDUCATION
FRED ENGLE, :
AND : DECISION
IN THE MATTER OF THE LICENSES OF :
PHILIP MARAVIGLIA, JR., :
AND :
IN THE MATTER OF THE LICENSES OF :
PASQUALE RAIMONDO. :

Decided by the State Board of Examiners, June 18, 1998

For the Petitioner-Respondent, Arlene G. Lutz, Deputy Attorney General
(Peter Verniero, Attorney General of New Jersey)

For the Respondents-Appellants, Balk, Oxfeld, Mandell & Cohen
(Sanford R. Oxfeld, Esq., of Counsel)

The decision of the State Board of Examiners to suspend respondents' teaching certificates for one year as a result of their convictions for Disturbing the Results of an Election is affirmed for the reasons expressed therein. In so doing, we reject respondents' contention that they were treated differently by the Board of Examiners than another staff member who had been convicted of the same offense. See In the Matter of the Licenses of Gregory Palumbo, decided by the State Board of Examiners,

October 9, 1997. A review of the Palumbo decision reveals that the Board of Examiners suspended Palumbo's teaching certificates for one year, the same suspension it imposed on the respondents herein.

Any difference between these matters lies in the fact that Palumbo waived indictment and pleaded guilty to the criminal charges, while the respondents were suspended without pay from their tenured positions in the State-operated District by operation of N.J.S.A. 18A:6-8.3 following their indictments¹ and subsequently suspended without pay for an additional seven months after the Commissioner of Education determined that the District had proven tenure charges of unbecoming conduct against them. The Commissioner also suspended Palumbo from his tenured position for seven months without pay. See In the Matter of the Tenure Hearing of Gregory Palumbo, decided by the Commissioner of Education, April 22, 1998.

We note in that regard that the only issue before us is the decision by the Board of Examiners to suspend respondents' teaching certificates for one year. Respondents did not file an appeal from the decision of the Commissioner. On the basis of the record before us, we can find no basis for disturbing the Board of Examiners' determination.

November 4, 1998

Date of mailing _____

¹ N.J.S.A. 18A:6-8.3 provides that "[a]ny employee or officer of a board of education in this State who is suspended from his employment, office or position, other than by reason of indictment, pending any investigation, hearing or trial or any appeal therefrom, shall receive his full pay or salary during such period of suspension...." Emphasis added.