

EDE #11950-05
SBE # 0405-276
SB # 8-07

IN THE MATTER OF THE REVOCATION :
OF THE CERTIFICATES OF JOSEPH : STATE BOARD OF EDUCATION
MAZZARELLA BY THE STATE BOARD : DECISION
OF EXAMINERS. :

Decision by the State Board of Examiners issued on February 22, 2007

Decision on motion by the State Board of Examiners, June 12, 2007

For the Petitioner-Respondent, Cynthia Raymond, Deputy Attorney
General (Anne M. Milgram, Attorney General of New Jersey)

For the Respondent-Appellant, New Jersey Principals and Supervisors
Association (David Nash, Esq., of Counsel)

On June 9, 2005, the State Board of Examiners issued an order to Joseph Mazzarella (hereinafter "appellant"), a teaching staff member, to show cause why his certificates should not be revoked or suspended for unbecoming conduct based upon conduct alleged in tenure charges certified to the Commissioner of Education by the Ridgefield Board of Education.¹ On February 22, 2007, after a hearing in the Office of Administrative Law, the Board of Examiners rendered a decision in which it agreed with the Administrative Law Judge ("ALJ") that the appellant had engaged in unbecoming conduct. As found by the ALJ, the appellant had "harassed the teaching staff he

¹ We note that a settlement of those tenure charges, in which the appellant agreed to resign from his tenured position in the Ridgefield school district in exchange for back salary, was approved by the Commissioner in April 2004. At that time, the Commissioner referred the matter to the State Board of Examiners for consideration of whether any action was warranted against the appellant's certificates.

supervised, made derogatory comments about staff members to their colleagues, interfered with their ability to conduct their classes and threatened their tenure.” Initial Decision, slip op. at 55. Although the ALJ recommended revocation of the appellant’s administrative certification only, the Board of Examiners concluded that the conduct demonstrated in the record warranted revocation of the appellant’s instructional and administrative certification, finding that his behavior “was equally inappropriate for a holder of a teaching certificate.” State Board of Examiners’ Decision, slip op. at 6. The Board of Examiners therefore directed revocation of the appellant’s teacher of Italian, teacher of Spanish and supervisor certification and his principal/supervisor and school administrator certificates of eligibility.²

On March 30, 2007, the appellant filed the instant appeal to the State Board. On July 13, 2007, he filed a motion to supplement the record and to stay the Board of Examiners’ decision.

After a thorough review of the record, including the transcripts of the hearing held in the Office of Administrative Law, we affirm the decision of the State Board of Examiners for the reasons expressed therein. We agree that the appellant’s behavior as demonstrated in the record constituted unbecoming conduct, and we find that revocation of the appellant’s instructional certification, in addition to his administrative certification, is sufficiently related to the facts to be justified. See I/M/O the Revocation

² We note that when the Board of Examiners issued the order to show cause to the appellant in June 2005, it was unaware that he had been issued certification as a principal in October 2004. As a result, the show cause order and the revocation order did not include that certificate. However, on February 22, 2007, the Board of Examiners voted to issue an order to the appellant to show cause why his principal certification should not be revoked or suspended. On June 12, 2007, the Board of Examiners granted the appellant’s motion to stay the show cause proceedings against his principal certification pending determination of the instant appeal. Thus, consideration of whether any action is warranted against the appellant’s principal certification remains pending before the Board of Examiners and is not currently before us in this appeal. As a result, we make no determination herein with regard to his certification as a principal.

of the Certificates of Hattie Black by the State Board of Examiners, Docket #A-2635-03T1 (App. Div. 2005).

We deny the appellant's motion to supplement the record, finding that the proposed exhibits are not relevant to the issues on appeal. N.J.A.C. 6A:4-1.9(b). We note in so doing, however, that, consideration of those documents, including the appellant's affidavit in which he avers that he has not served in any position at any institution of higher education since 2005, would not in any way alter our concurrence with the Board of Examiners' conclusion that the appellant had engaged in unbecoming conduct and that revocation of his certification is warranted.

The appellant's motion for a stay of the Board of Examiners' decision is rendered moot by our decision herein. Accordingly, his motion for a stay is denied.

Maud Dahme and Kathleen Dietz abstained.

September 5, 2007

Date of mailing _____