

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE LICENSE OF : STATE BOARD OF EXAMINERS
ROBERT MATTIA : ORDER OF REVOCATION

DOCKET NO. 438-04/97-119

At its meeting of April 3, 1997, the State Board of Examiners reviewed the information received from the Office of Criminal History Review indicating that Robert Mattia was convicted in January, 1972 on charges of possession of marijuana for which he was fined \$35.00. Pursuant to N.J.S.A. 18A:6-7.1 *et seq.*, Mr. Mattia was disqualified from service in the public schools of New Jersey based on his drug offense. Mr. Mattia did not appeal his disqualification from public school employment. Currently, Mr. Mattia holds a part-time Teacher of Electronic Technology license in New Jersey.

At that meeting, the State Board of Examiners voted that the above stated information constituted sufficient grounds for issuing an Order to Show Cause. The Order to Show Cause was mailed to Respondent by regular and certified mail on April 23, 1997. On May 5, 1997, an Answer to the Order to Show Cause was received from him.

Pursuant to the revisions codified in N.J.A.C. 6:11-3.6, on June 26 1997 a hearing notice was mailed by regular and certified mail to Respondent. Said notice explained that, it appearing that no material facts were in dispute, Respondent was provided an opportunity to offer legal argument on the issue of whether his conviction constituted conduct unbecoming a teacher. The certified mail return receipt card was signed and returned. The regular mail copy was not returned. No response was received from or on behalf of Respondent. Thereafter, on August 15, 1997, Respondent was advised by certified and regular mail that he was being provided an additional ten (10) days to file a response to the initial hearing notice. The certified mail was

returned unclaimed. The regular mail copy was not returned. Respondent has, therefore, waived his right to participate in the hearing process. Thus, the State Board of Examiners will consider his Answer to the Order to Show Cause as his sole submission to counter the charges brought against him.

Respondent's Answer to the Order to Show Cause admits that he pled guilty to the charge at issue. He claims, however, that he was instructed by his lawyer to plead guilty notwithstanding that the drugs were found in a car he did not own, but rather one he was driving. He claims he did not appeal his disqualification because he had already resigned from full and part-time teaching when he received notice to appeal. As to why he failed to report on his application for licensure that he had a conviction, Respondent submits that the matter occurred 25 years ago, so long ago that he forgot about it. He adds that he was told it was a minor offense by his lawyer and that it would not affect him in any way. He summarizes by stating that he had never been in any trouble with the law before this incident and was instructed by his lawyer to plead guilty and accept the fine.

At its meeting of October 9, 1997, the State Board of Examiners reviewed the charges against Respondent as well as his response to the Order to Show Cause. After review of his response, the State Board of Examiners determined that no material facts related to Respondent's drug offense were in contest. Respondent does not deny that he has a conviction for illegal drug possession, nor that he failed to indicate on his application for licensure that he had a conviction on his record. The matter could, therefore, proceed to a determination as to whether his disqualification pursuant to N.J.S.A. 18A:6-7.1, which was predicated on his drug conviction, requires suspension or forfeiture of his teaching license pursuant to N.J.A.C. 6:11-3.6(a)1.

In enacting that The Criminal History Review Statute, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be a danger to them. That strong policy statement on the part of the Legislature offers guidance to the State Board of Examiners as to the appropriate sanction in this matter.

Mr. Mattia has been disqualified from employment in public schools because of his drug offense. Accordingly, in light of this State's strong policy opposing the use of illegal drugs, Respondent's disqualification coupled with his dishonest misrepresentation of his criminal record, warrants revocation of respondent's license.

It is, therefore ORDERED that the charges set forth in the Order To Show Cause constitute sufficient cause to revoke Robert Mattia's license as a Part-time Teacher of Electronic Technology. Hence said license is hereby revoked on this 20th day of November, 1997.

It is further ORDERED that Robert Mattia return his license to the Secretary of the State Board of Examiners, Office of Licensing, CN 500, Trenton, NJ 08625-0500 within fourteen (14) days of receipt of this letter.

Secretary
State Board of Examiners

Date of Mailing: February 9, 1998

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-28.

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