

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE LICENSE OF : STATE BOARD OF EXAMINERS
GREG MOLINARO : ORDER OF REVOCATON
_____: DOCKET NO. 335 - 03/96 - 98

At its meeting of March 28, 1996, the State Board of Examiners reviewed the results of tenure charges forwarded to it from the Commissioner pursuant to N.J.A.C. 6:11-3.6 concerning Greg Molinaro, who holds a Secondary Teacher of General Science license. The tenure charges found Mr. Molinaro guilty of incapacity, incompetence and conduct unbecoming a teaching staff member including chronic absenteeism, inability to perform his teaching function and making sexually harassing telephone calls to a stranger. Having reviewed the findings of the tenure hearing against Gregory Molinaro, at the meeting of March 28, 1996, the State Board of Examiners voted that said charges constituted sufficient grounds for issuing an Order to Show Cause.

Greg Molinaro was served with said Order to Show Cause by regular and certified mail on or about April 19, 1996. Said Order provided that if Greg Molinaro desired to file an Answer to said Order such answer must be filed within twenty (20) days. Such Answer was received from David B. Friedman, Esq. on behalf of his client Greg Molinaro on May 7, 1996.

Thereafter, the State Board of Education decided two cases which impacted on the hearing process conducted by the State Board of Examiners. The first case is captioned, In the Matter of the Certificates of Sheridan. The other is captioned, In the Matter of the Certificates of Vitola. Within these two cases, the State Board of Education determined that the State Board of Examiners was required to amend its regulation in order to permit it to hear directly legal matters in which material facts are not in dispute. During the pendency of the revisions to the State

Board of Examiner' regulations regarding its hearing process, all such hearings were held in abeyance. Said regulatory amendments were finally codified in May of 1997.

Pursuant to the newly codified N.J.A.C. 6:11-3.6, on July 21, 1997 a hearing notice was mailed by certified mail to Mr. Friedman. A regular mail copy was forwarded to Mr. Molinaro. Pursuant to N.J.A.C. 6:11-3.6(a)1, said notice explained that, it appearing that no material facts were in dispute, Mr. Molinaro was provided an opportunity to offer legal argument on the issue of whether his conviction constituted conduct unbecoming a teacher. On July 28, 1997, a response to the hearing notice was received from Mr. Friedman on behalf of Mr. Molinaro.

Mr. Molinaro's response to the hearing notice admits that Mr. Molinaro pled guilty to a petty disorderly persons offense of making telephone calls to an unknown adult female that contained explicit sexually oriented comments in violation of N.J.S.A. 2C:33-4. Mr. Molinaro claims that the phone communications occurred entirely outside of the scope of his employment as a teaching staff member, did not touch his employment in any way and as such does not constitute conduct unbecoming a teacher. While he regrets his actions, he claims he testified at the tenure proceeding against him that he never intended to harm his victim nor anyone else.

He testified further, he claims, that he made these calls because he was having serious personal problems especially in terms of his marriage and was having difficulty coping with his loneliness. Mr. Molinaro claims the counseling he received before the Court proceeding has been of great help to him and that he has every intention of continuing beyond what was ordered by the Stanhope Municipal Court Judge. He summarizes by suggesting that while his conduct was perhaps unfortunate, it fails to constitute conduct unbecoming a teaching staff member.

The Answer to the Order to Show Cause notes that since March 20, 1995, the date of his petty disorderly persons offense, he has successfully completed his probation, paid all fines and

has been officially discharged from probation by the Court. He notes he received excellent evaluations during the last three years of his employment with the Parsippany-Troy Hills Board of Education.

In terms of the issue of Mr. Molinaro's absenteeism forming the basis for revocation and or suspension of his teaching license, Mr. Molinaro submits that his absences, generally speaking, were caused, almost exclusively, by his very severe and protracted marital difficulties, which he avers he is in the process of remedying through his divorce and his new relationship with a girlfriend. He notes additionally that the absences of his last school year were the result of a leave of absence granted by his employer. Thus, he submits, this cannot form the basis of any revocation and or suspension of his licensure. He summarizes his Answer to the Order to Show Cause by requesting that he State Board of Examiners not revoke or suspend his Teacher of General Science license.

At its meeting of October 9, 1997, the State Board of Examiners reviewed the charges against Mr. Molinaro as well as his responses to the Order to Show Cause and the hearing notice. It determined that no material facts related to his offense were in contest, and that the matter could, therefore, proceed to a determination as to whether the charges levied against Mr. Molinaro in the Order to Show Cause constitute conduct unbecoming a license holder pursuant to N.J.A.C. 6:11-3.6(a)1.

Upon consideration of the responsive pleadings of respondent and the Commissioner of Education decision captioned, In the Matter of the Tenure Hearing of Greg Molinaro, School District of the Township of Parsippany-Troy Hills, Morris County, Agency Dkt. No. 438-11/94, decided by the Commissioner December 6, 1995, the State Board of Examiners finds that the charges found to be fact in the Commissioner's decision constitute conduct unbecoming a

teaching staff member, sufficient to warrant revocation of respondent's teaching licensure. The Board so finds for the reasons well articulated in the initial decision of the Office of Administrative Law. It is noted that the responsive pleading tendered on behalf of Mr. Molinaro in this proceeding mirror those submitted before the Commissioner and the Office of Administrative Law in response to the tenure proceedings. The State Board of Examiners specifically adopts the ALJ's findings and conclusions in regard to such arguments as its own in response to Mr. Molinaro's presentations in this proceeding.

Accordingly, the State Board of Examiners finds that the charges proven against Greg Molinaro in the tenure proceedings against him which led to a Commissioner decision dated December 6, 1995 warrant revocation of Greg Molinaro's license as a Secondary School Teacher of General Science. Said license is hereby revoked on this 9th day of October, 1997.

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

Secretary
State Board of Examiners

Date of Mailing: November 19, 1997

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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