

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
PETER BELLOMO : ORDER OF REVOCATION
_____ : DOCKET NO: 546-02/00-241

At its meeting of February 24, 2000, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that Peter Bellomo was convicted in November 1997 on charges of possession of marijuana or hash. As a result of such conviction, Bellomo was disqualified from public service pursuant to N.J.S.A. 18A:6-7.1 *et seq.* Bellomo did not appeal such disqualification before the Commissioner of Education. Upon review of the above information, at that meeting the State Board of Examiners voted to issue an Order to Show Cause to Respondent. Bellomo currently holds a Teacher of Music Certificate of Eligibility with Advanced Standing

The Order to Show Cause was mailed to Bellomo by regular and certified mail on April 3, 2000. The Order provided that an Answer had to be filed within 20 days. Bellomo filed his Answer on August 7, 2000. In that Answer, he admitted the charges in the Order to Show Cause. He stated that he did not challenge his criminal history record because “we are all young and stupid at one point in our lives.” (Answer, ¶ 5). Bellomo also stated that he did not see any reason why his certificate should be revoked or suspended and that he did not have money for a good lawyer to get his record expunged. (Answer, ¶ 7).

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on April 28, 2000, Bellomo was sent a hearing notice by regular and certified mail. The notice explained that since it appeared no material facts were in dispute regarding Bellomo’s conviction, he was offered an opportunity to submit written arguments on the issue of whether the conduct addressed in the Order to Show

Cause constituted conduct unbecoming a certificate holder. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the State Board of Examiners would determine if his disqualifying offense warranted action against his certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Bellomo did not respond to the Hearing Notice. The certified mail was returned unclaimed and the regular mail copy was not returned. On August 8, 2000, Bellomo was advised by certified and regular mail that he was being provided an additional ten days to file a response to the initial hearing notice. The certified mail return receipt was signed and returned. The regular mail copy was not returned. Bellomo did not respond to the second Hearing Notice either. Since Bellomo failed to respond to the hearing notices, the State Board of Examiners considered his Answer as the only responsive pleading in the hearing process.

At its meeting of December 7, 2000, the State Board of Examiners reviewed the charges and papers Bellomo filed in response to the Order to Show Cause. After reviewing that response, the Board of Examiners determined that no material facts related to Bellomo's offense were in dispute since he admitted that he had been convicted of the drug offense mentioned in the Order to Show Cause.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Bellomo's disqualification, which was predicated on the same offense as was set forth in the Order to Show Cause, represents just cause to act against his certificate pursuant to N.J.A.C. 6:11-3.6(a)1. We find that it does.

In enacting the Criminal History Review statute, N.J.S.A. 6-7.1 et seq. in 1986, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be a danger to them. In 1989 the Legislature specifically amended the statute to include all

convictions concerning controlled dangerous substances as disqualifying offenses. See, N.J.S.A. 18A:6-7.1b. This amendment was a clear recognition on the part of the Legislature that individuals with such drug convictions should not be permitted to be in contact with school-aged children. The consistent and long-standing policy of this State is to eliminate the use of illegal drugs. See, In the Matter of the Tenure Hearing of David Earl Humphreys, 1978 S.L.D. 689. To that end, the State and the schools herein have engaged in extensive educational efforts to warn the citizenry of the perils of illicit drugs. See, In the Matter of the Certificate of Barbara Corwick, OAL Dkt. No. EDE 3562-87, State Board of Examiners decision (March 24, 1988). Those who violate this deep-rooted policy, *whether by the use of drugs or their manufacture and distribution*, endanger the public welfare; they cannot be entrusted with the responsibility of caring for school aged pupils. Accordingly, the State Board of Examiners finds that Bellomo's disqualification from service in the public schools of this State because of his conviction for possession of marijuana or hash provides just cause to take action against Bellomo's certificate.

That strong policy statement on the part of the Legislature set forth in N.J.S.A. 18A:6-7.1b also offers guidance to the State Board of Examiners as to the appropriate sanction in this matter. An individual whose offense is so great that he or she is barred from service in public schools should not be permitted to retain the license that authorizes such service. Nor should a person who has been disqualified from teaching in a public school be permitted to continue to hold himself out as a teacher. Because the Legislature considers Bellomo's offense so significant, the State Board of Examiners in this matter believes that the appropriate sanction for his disqualification is the revocation of his certificate to teach.

Accordingly, it is therefore ORDERED that Peter Bellomo's Teacher of Music Certificate of Eligibility with Advanced Standing be revoked on this 7th day of December 2000.

It is further ORDERED that Bellomo return his certificate to the Secretary of the State Board of Examiners, Office of Licensing, CN 500, Trenton, NJ 08625-0500 within fifteen (15) days of receipt of this decision.

Secretary
State Board of Examiners

Date of Mailing: March 29, 2001

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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