

IN THE MATTER OF THE : NEW JERSEY DEPARTMENT OF EDUCATION
CERTIFICATE OF ELIGIBILITY : STATE BOARD OF EXAMINERS
OF JOHN GODINSKY : ORDER OF REVOCATION
_____ : DOCKET NO: 580-09/00-268

At its meeting of September 21, 2000, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that John Godinsky was convicted in December 1973 on charges of possession of marijuana. As a result of such conviction, Godinsky was disqualified from public service pursuant to N.J.S.A. 18A:6-7.1 et seq. Godinsky did not appeal the accuracy of his criminal history record before the Commissioner of Education. Upon review of the above information, at that September meeting the State Board of Examiners voted to issue an Order to Show Cause to Godinsky. Godinsky currently holds a Teacher of Mathematics Certificate of Eligibility.

The Board of Examiners mailed the Order to Show Cause to Godinsky by regular and certified mail on October 31, 2000. The Order provided that an Answer must be filed within 20 days. No response was received from Godinsky. On February 6, 2001, Godinsky was provided an additional 10 days to file a response to the Order to Show Cause. He was advised that if no response was received, the allegations in the Order to Show Cause would be deemed admitted and the Board of Examiners would proceed to a decision as to revocation or suspension based on the evidence before it.

Godinsky responded to the Order to Show Cause on February 12, 2001. In that response he admitted that he had a 1973 conviction for possession of marijuana. (Answer, p.1.) He also recounted his employment and educational history since that conviction and indicated that he held a medical license in New York State. (Answer, p.1.) Godinsky also indicated that in 1987 he had

engaged an attorney to expunge his record, but that that attorney had not accomplished the task. (Answer, p.2.) Godinsky also stated that he was still trying to pursue an expungement and believed that “how I have lived my life for the last 30 years is the best prognostic indicator of my fitness to ... teach.” (Answer, p.2.)

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on March 13, 2001, The Board mailed a hearing notice to Godinsky by regular and certified mail. The notice explained that since it appeared no material facts were in dispute regarding his conviction, Godinsky 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. Godinsky did not respond to the Hearing Notice.

At its meeting of June 14, 2001, the State Board of Examiners reviewed the charges and Answer filed by Godinsky in response to the Order to Show Cause. Since Godinsky failed to respond to the hearing notices, the State Board of Examiners considered his Answer as the only responsive pleading in the hearing process. After review of the response, the Board of Examiners determined that no material facts related to Godinsky’s offense were in dispute.

The issue before the State Board of Examiners in this matter, therefore, is to determine whether Godinsky’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 Godinsky’s certificate pursuant to N.J.A.C. 6:11-3.6(a)1. We believe 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 Godinsky's disqualification from service in the public schools of this State because of his conviction for possession of marijuana provides just cause to take action against his 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 Godinsky'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. See In the Matter of the Revocation of the Teaching Certificate of Patricia Rector, Agency Dkt. No. 19-02 (St Bd. of Education, August 7, 2002) (affirming the decision of the State Board of Examiners to revoke Rector's teaching certificate on the basis of her disqualification pursuant to N.J.S.A. 18A:6-7.1.)

Accordingly, it is therefore ORDERED that John Godinsky's Teacher of Mathematics Certificate of Eligibility be revoked on this 14th day of June 2001. It is further ORDERED that Godinsky return his certificate to the Secretary of the State Board of Examiners, Office of Licensing, PO Box 500, Trenton, NJ 08625-0500 within 15 days of receipt of this decision.

Joan E. Brady, Secretary
State Board of Examiners

Date of Mailing: February 20, 2003

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

IBG:MZ:es:Godinsky, John