

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
FRANK LIETO : ORDER OF REVOCATION
_____ : DOCKET NO: 0304-187

At its meeting of June 14, 2001, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that on March 23, 2000, Frank Lieto had pled guilty to charges of aggravated sexual assault, sexual assault, criminal sexual contact and endangering the welfare of a child. On February 22, 2001, Lieto was sentenced to 10 years' imprisonment. Lieto is currently the holder of a Teacher of Social Studies certificate, issued in February 1999. Upon review of the above information, at its June 2001 meeting, the State Board of Examiners voted to issue Lieto an Order to Show Cause.

The Board sent Lieto the Order to Show Cause by regular and certified mail on March 22, 2002. The Order provided that an Answer must be filed within 20 days. The certified mail receipt was returned, but the regular mail copy was not. Lieto did not respond. The Order to Show Cause was re-sent on October 9, 2003. Once again, Lieto did not answer. Finally, on December 23, 2003, the Board sent Lieto a second notice by regular and certified mail, allowing him ten additional days to file a response. The certified mail card was returned and the regular mail was not. Once again, Lieto did not file a response.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Lieto's conviction gives the Board just cause to act against his certificate pursuant to N.J.A.C. 6A:9-17.5. Since Lieto did not respond to the Order to Show Cause, the State Board of Examiners had no responsive pleading to consider in the hearing process. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding. N.J.A.C. 6A:9-17.7(c). Since Lieto's conviction is admitted, the Board of

Examiners must now decide whether it constitutes a sufficient basis to act against his certificate pursuant to N.J.A.C. 6:A:9-17.5. We find that it does.

The State Board of Examiners may revoke or suspend the certification of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher or other just cause. N.J.A.C. 6A:9-17.5. “Teachers... are professional employees to whom the people have entrusted the care and custody of ... school children. This heavy duty requires a degree of self-restraint and controlled behavior rarely requisite to other types of employment.” Tenure of Sammons, 1972 S.L.D. 302, 321. Lieto’s repeated acts of sexual conduct with seven different students are inexcusable for any individual, teacher or not. His behavior negates any claim he can have to being a role model for children.

Furthermore, unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. Redcay v. State Board of Education, 130 N.J.L. 369, 371 (S. Ct. 1943), aff’d. 131 N.J.L. 326 (E & A 1944). In this instance, Lieto’s crime, which was habitual and ongoing, serves as a more than sufficient predicate to bar him permanently from all of New Jersey’s classrooms, not just one school.

Accordingly, it is therefore ORDERED that Frank Lieto’s Teacher of Social Studies certificate be revoked on this 1st day of April 2004. It is further ORDERED that Lieto return his certificate to the Secretary of the State Board of Examiners, Office of Licensing, PO Box 500, Trenton, NJ 08625-0500 within 20 days of receipt of this decision.

Michael K. Klavon, Acting Secretary
State Board of Examiners

Date of Mailing: October 14, 2004

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