

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
DANIEL GRECO : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0304-167

At its meeting of December 11, 2003, the State Board of Examiners reviewed information the Division of Criminal Justice had forwarded indicating that on March 17, 2003, Daniel Greco had pled guilty to charges of theft by deception. On September 26, 2003, Greco was sentenced to a six-year prison term and ordered to divest himself of all interest in the Windsor Schools. Greco also had to pay restitution and forfeit all professional licenses he held in the educational field. Greco currently holds a Teacher of Health and Physical Education certificate issued in March 1979, a Teacher of the Handicapped certificate issued in August 1982, a Principal/Supervisor certificate issued in October 1985, and a School Administrator certificate issued in July 1992. Upon review of the above information, at its December 11, 2003, meeting, the State Board of Examiners voted to issue Greco an Order to Show Cause.

The Board sent Greco the Order to Show Cause by regular and certified mail on March 12, 2004. The Order provided that Greco must file an Answer within 30 days. The certified mail receipt was signed for and returned and the regular mail copy was not returned. As Greco did not file an Answer, the Board sent him a second notice by regular and certified mail on April 19, 2004. In response to the second notice, Greco's attorney submitted a copy of an Order signed by a Superior Court judge ordering Greco to forfeit his teaching certificates. The Board of Examiners then sent the attorney a letter informing him of the Board's authority in certification matters. Neither Greco nor his attorney filed an Answer or affidavit surrendering his certificates.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Greco's conviction for theft by deception constitutes conduct unbecoming a certificate holder. Since Greco 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 Greco's conduct, which was predicated on the same conviction as was set forth in the Order to Show Cause, is admitted, the Board of Examiners must now decide whether that constitutes a sufficient basis to act against his certificates pursuant to N.J.A.C. 6A:9-17.7(c). 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. Greco's acts of theft are inexcusable for any individual, teacher or not.

Furthermore, unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. Redcay v. State Bd. of Educ., 130 N.J.L. 369, 371 (Sup. Ct. 1943), aff'd., 131 N.J.L. 326 (E & A 1944). In this instance, there can be no dispute that Greco is unfit to serve as a role model for children. Indeed, the Superior Court recognized Greco's unfitness when it ordered him to forfeit all of his certificates.

Accordingly, it is therefore ORDERED that Daniel Greco's Teacher of Health and Physical Education, Teacher of the Handicapped, Principal/Supervisor and School Administrator

certificates be revoked on this 28th day of October 2004. It is further ORDERED that Greco return his certificates to the Secretary of the State Board of Examiners, Office of Licensing, PO Box 500, Trenton, NJ 08625-0500 within 20 days of the mailing date of this decision.

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Michael K. Klavon, Acting Secretary  
State Board of Examiners

Date of Mailing: December 29, 2004

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