

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
JAMIE RICCARDI : ORDER OF SUSPENSION  
\_\_\_\_\_ : DOCKET NO: 0506-304

At its meeting of June 8, 2006, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that respondent Jamie Riccardi was arrested and charged with criminal sexual contact/lewdness. As a result of this arrest, Riccardi faced potential disqualification from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Riccardi currently holds a Teacher of Health and Physical Education Certificate of Eligibility with Advanced Standing, issued in June 2002, a Teacher of Driver Education Certificate of Eligibility with Advanced Standing, issued in June 2002, and a Teacher of Health and Physical Education certificate, issued in June 2005.

Riccardi did not challenge the accuracy of his criminal history record before the Commissioner of Education. Upon review of the above information, the State Board of Examiners voted to issue Riccardi an Order to Show Cause at its meeting of June 8, 2006. On July 20, 2006 the Board formally adopted its written Order to Show Cause.

The Board sent Riccardi the Order to Show Cause by regular and certified mail on July 26, 2006. The Order provided that Riccardi must file an Answer within 30 days. Riccardi responded on September 22, 2006. In that Answer, Riccardi stated that he did not contest the suspension of his certificates pending the resolution of the criminal proceedings against him. (Answer, p. 1).

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Riccardi's disqualifying offense constitutes conduct unbecoming a certificate holder. Since Riccardi did not contest the proceeding, the State Board of Examiners considered his Answer as the only responsive pleading in the hearing process.

At its meeting of November 2, 2006, the State Board of Examiners reviewed the charges and papers Riccardi filed in response to the Order to Show Cause. After review of the response, the Board of Examiners determined that no material facts related to Riccardi's offense were in dispute since he had never denied that he had been charged with the offense nor did he deny the resulting potential disqualification in the event of a conviction. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*.

The issue before the State Board of Examiners in this matter, therefore, is whether Riccardi's arrest and possible resultant disqualification for criminal sexual contact/lewdness, as set forth in the Order to Show Cause, represent just cause to act against his certificates pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that they do.

In enacting the Criminal History Review statute, *N.J.S.A. 18A: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. Individuals convicted of a crime of criminal sexual contact/lewdness fall squarely within this category. This strong legislative policy statement is in accord with the Commissioner's long-held belief that teachers should serve as role models for their students. "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.

In this case, Riccardi has an arrest for criminal sexual contact/lewdness. A teacher's behavior outside the classroom may be relevant in determining that person's qualifications and continued fitness to retain his certificate. *In re Grossman*, 127 *N.J. Super.* 13, 30 (Sup. Ct. 1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). 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). Accordingly, the State Board of Examiners finds that Riccardi's potential disqualification from service in the public schools of

this State because of his arrest for criminal sexual contact/lewdness provides just cause to take action against his certificates.

That strong policy statement on the part of the Legislature set forth in *N.J.S.A.* 18A:6-7.1(b) 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 would be barred from service in public schools if convicted of that offense, should not be permitted to retain the license that authorizes such service while the courts determine his or her culpability. Thus, because the Legislature considers Riccardi's offense so significant, the State Board of Examiners in this matter believes that the appropriate sanction pending resolution of the criminal charges against him is the suspension of his certificate to teach.

Accordingly, on November 2, 2006, the Board of Examiners voted to suspend Riccardi's certificate pending resolution of the criminal charges against him. On this 7<sup>th</sup> day of December 2006 the Board formally adopted its written decision to suspend and it is therefore ORDERED that Jamie Riccardi's Teacher of Health and Physical Education Certificate of Eligibility with Advanced Standing, Teacher of Driver Education Certificate of Eligibility with Advanced Standing, and Teacher of Health and Physical Education certificate be suspended effective this day. If the charges are resolved in his favor, he shall notify the Board of Examiners for appropriate action regarding the suspension order. It is further ORDERED that Riccardi return his certificate to the Secretary of the State Board of Examiners, Office of Licensure and Credentials, PO Box 500, Trenton, NJ 08625-0500 within 20 days of the mailing date of this decision.

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Robert R. Higgins, Acting Secretary  
State Board of Examiners

Date of Mailing: DECEMBER 13<sup>th</sup>, 2006

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