

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
JAMES KAZANJIAN : ORDER OF REVOCATION
_____ : DOCKET NO: 0809-145

At its meeting of October 16, 2008, the State Board of Examiners (Board) reviewed information received from the United States District Court for the District of New Jersey indicating that on April 26, 2007, James Kazanjian pled guilty to Possession of Child Pornography. On September 13, 2007, Kazanjian was sentenced to 41 months' imprisonment in federal prison and fined. Kazanjian currently holds a Teacher of Physical Education certificate, issued in October 1982, a Teacher of Driver Education certificate, issued in January 2001, a Supervisor certificate, issued in March 2005 and a Principal Certificate of Eligibility, issued in March 2005. Upon review of the above information, at its January 13, 2009 meeting, the Board voted to issue Kazanjian an Order to Show Cause.

The Board sent Kazanjian the Order to Show Cause by regular and certified mail on January 14, 2009. The Order provided that Kazanjian's Answer was due within 30 days. Kazanjian filed a response on April 28, 2009. In that response Kazanjian admitted that he had pled guilty to one count of Possession of Child Pornography, but added that he received the images unsolicited and never intended to receive them. (Answer, p. 1.) Kazanjian also listed his accomplishments over the years as a teacher and a coach. (Answer, p. 1.) Finally, he stated that he deserved a second chance to contribute to his community and to "the youth of this great nation." (Answer, p. 2.)

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on December 11, 2009, the Board sent Kazanjian a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Kazanjian 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 as well as arguments with regard to the appropriate sanction in the event that the Board determined to take action against his certificates. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if Kazanjian's offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Kazanjian was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. On December 31, 2009, Kazanjian responded and requested an extension of time in which to submit a brief in response to the Hearing Notice. The Board granted his request and on January 7, 2010, Kazanjian filed his brief.

In that brief, Kazanjian argued that the Board should not revoke his certificates because he had a stellar, unblemished and distinguished teaching career. (Hearing Response, p. 1.) Kazanjian claimed that his offense was unrelated to his teaching duties and was "an isolated, aberrational event." (Hearing Response, p. 1.) He added that in his thirty-plus year teaching and coaching career there had never been any complaints against him by any student, athlete, parent, teacher, administrator or community member. (Hearing Response, p. 2.) Kazanjian noted that the nature of his offense did not justify the revocation of his certificates because although he was convicted of possession of child pornography, he did not seek out or intend to possess the video clips found on his computer. (Hearing Response, p.3.) He added that he "was never charged with or even accused of producing or distributing any such illegal materials, or with having, or even attempting to have, any inappropriate conduct of any nature with a young person, and he has never done such a thing." (Hearing Response, p. 3, emphasis in original.) In his brief, Kazanjian also cited various studies which he claimed debunked the myths that viewers of child

pornography were pedophiles or posed an elevated risk to children. (Hearing Response, pp. 5-8.) Finally, Kazanjian stated that he posed “only a very, very small risk of ever harming a child.” (Hearing Response, p. 8.) He argued that if the Board decided to impose sanctions, it should order him to perform community service working with agencies that increase public awareness of the horrors of child pornography. (Hearing Response, p. 9.) Kazanjian believed that would allow him to demonstrate his sincerity and remorse and “devote his knowledge, skills, talents and energies to making a difference here, as he has done so many times in many other areas.” (Hearing Response, p. 9.)

On March 16, 2010, Kazanjian submitted copies of the research studies he cited to in his Hearing Response as well as copies of character reference letters he had submitted to the court in his criminal case. He also testified at the Board’s meeting of July 22, 2010. In his testimony Kazanjian acknowledged that the crime he was convicted of was reprehensible, heinous and unacceptable. He reiterated that the pornographic video clips he received were unsolicited and that his mistake was not turning them over to the police. He stated that he accepted a plea deal because it was in the best interest of his family. Kazanjian added that the judge allowed him to keep teaching until the trial, but because the record was not sealed, the media attention forced him to resign. He stated that he had participated in group therapy and scored a “0” on the test for pedophilia. Kazanjian added that research shows that individuals convicted of his crime present a less than 1% chance of molesting a child. Finally, Kazanjian talked about his many contributions to the community including coaching football, feeding the poor for Thanksgiving and starting a SADD program. He asked the Board to give him a second chance to help others.

The threshold issue before the Board in this matter is whether Kazanjian’s conviction constitutes conduct unbecoming a certificate holder. At its meeting of July 22, 2010, the Board

considered the allegations in the Order to Show Cause, Kazanjian's responsive pleadings and his testimony. The Board determined that no material facts related to Kazanjian's offense were in dispute since he admitted that he had been convicted and sentenced accordingly. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The Board must now determine whether Kazanjian's conviction, as set forth in the Order to Show Cause, provides just cause to act against his certificates pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that it does.

The Board 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. Kazanjian's act of Possession of Child Pornography is inexcusable for any individual, teacher or not. Moreover, the Commissioner has long held that teachers serve as role models for their students. Clearly, Kazanjian cannot lay claim to that status.

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 (1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). In this instance, Kazanjian's conviction for Possession of Child Pornography resulted in a prison term and supervised release for five years thereafter. Moreover, his statement that he poses "only a very, very small risk of ever harming a child," does not offer this Board comfort. The Board is charged with protecting the school children of New Jersey from

individuals who might be a danger to them. Any risk more than zero is unacceptable. Clearly, Kazanjian's offense demonstrates egregious behavior that warrants revocation.

Accordingly, on July 22, 2010, the Board voted to revoke Kazanjian's Principal Certificate of Eligibility and his Teacher of Physical Education, Teacher of Driver Education, and Supervisor certificates. On this 16th day of September 2010 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of James Kazanjian's certificates be effective immediately. It is further ORDERED that Kazanjian return his certificates to the Secretary of the State Board of Examiners, Office of Licensure, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Secretary
State Board of Examiners

Date of Mailing:

Appeals may be made to the Commissioner of Education pursuant to the provisions of *N.J.S.A.* 18A:6-38.4.

RRH:MZ:th