

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
JAMES SQUICCIARINI : ORDER OF REVOCATION
_____ : DOCKET NO: 0910-140

At its meeting of January 7, 2010, the State Board of Examiners (Board) reviewed a decision issued by the Commissioner of Education approving the settlement of tenure charges certified against James Squicciarini. *In the Matter of the Tenure Hearing of James Squicciarini*, Dkt. No. 58-3/09 (Commissioner’s Decision, October 8, 2009). The State-Operated School District of the City of Paterson had alleged that Squicciarini had engaged in unbecoming conduct, including harassment of staff. As part of the approved settlement, Squicciarini agreed to surrender his teaching certificates. The Commissioner’s decision provided that she was approving the settlement proposal and dismissing the tenure charges “subject to compliance with *N.J.A.C. 6A:9-17.11* with respect to respondent’s relinquishment of his certificate(s) and the remaining terms of the settlement.” Commissioner’s Decision, slip op. at 1. The Commissioner forwarded her decision to the Board “to ensure effectuation of respondent’s certificate(s) relinquishment.” *Ibid.* On October 15, 2009, Squicciarini’s attorney was sent an affidavit for his client’s signature consenting to the relinquishment of his certificates, pursuant to the provisions of *N.J.A.C. 6A:9-17.11*. That affidavit was never returned. Squicciarini currently holds Teacher of Elementary School and Teacher of Social Studies Certificates of Eligibility, both issued in February 2002 and Teacher of Elementary School and Teacher of Social Studies certificates, both issued in May 2003. Upon review of the above information, at its March 25, 2010, meeting, the Board voted to issue Squicciarini an Order to Show Cause.

The Board sent Squicciarini’s counsel, Ronald Ricci, the Order to Show Cause by regular and certified mail on April 8, 2010. By letter dated April 12, 2010, Ricci replied that he had never received the affidavit sent in October 2009. He requested an additional copy and advised

that he would have Squicciarini sign and return the affidavit. On May 7, 2010, Squicciarini filed a *pro se* response to the Order to Show Cause. In that Answer, Squicciarini claimed that he agreed to surrender his certificates as part of the settlement but never agreed to their revocation. (Answer, ¶¶ 13, 15a.) He noted that he had given his original certificates to his attorney, Ronald Ricci. (Answer, ¶ 24.) Squicciarini also noted that Ricci, who quit because he refused to follow Squicciarini's directive to challenge the Order to Show Cause, asserted that he did not have a copy of the affidavit or Squicciarini's original certificates. (Answer, ¶ 23.) Squicciarini stated that he did not have possession of his certificates. (Answer, ¶ 26.) Squicciarini also claimed that he had no knowledge "of the Commissioner's decision and I have never received a copy of such a decision in the timely manner required so that I may object." (Answer, ¶4.)

On June 4, 2010, Squicciarini filed an Amended Answer to the Order to Show Cause. Although that Answer was nearly identical to the first Answer Squicciarini had submitted, he included a signed affidavit surrendering his certificates pursuant to the terms of *N.J.A.C. 6A:9-17.12*, which allows a certificate-holder to voluntarily surrender a certificate if he or she has not been employed under that certificate in the ten years preceding the proposed surrender. In the Affidavit, Squicciarini averred that he was waiving the ten-year requirement.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on June 23, 2010, the Board sent Squicciarini a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Squicciarini 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 Squicciarini's conduct warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Squicciarini was also offered the opportunity

to appear before the Board to provide testimony on the sanction issue. By letter dated July 23, 2010, Squicciarini requested an extension until August 6, 2010, to submit a response to the Hearing Notice. The Board granted his request but he did not file a response or request to appear before the Board.

The threshold issue before the Board in this matter is whether Squicciarini's conduct, as set forth in the Order to Show Cause, constitutes conduct unbecoming a certificate holder. At its meeting of September 16, 2010, the Board considered the Order to Show Cause and Squicciarini's responses. The Board determined that no material facts related to Squicciarini's offense were in dispute since he admitted submitting his certificates in compliance with the settlement agreement he had signed. 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 Squicciarini's conduct, as set forth in the Order to Show Cause, represents just cause to act against his certificates pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that it does.

The Commissioner's decision in this matter expressly required Squicciarini to relinquish his certificates pursuant to *N.J.A.C. 6A:9-17.11*, which authorizes relinquishment of certificates by a certificate-holder without issuance of an Order to Show Cause by the Board. A relinquishment under that provision has the force and effect of a revocation and prohibits the certificate-holder from applying for certification in the future. Thus, although Squicciarini proclaims to have complied with the settlement agreement by turning in his certificates, by failing to sign the affidavit sent to him pursuant to *N.J.A.C. 6A:9-17.11*, he has failed to comply with the Commissioner's decision of October 8, 2009. Moreover, he has not requested reconsideration of the Commissioner's decision or appealed that decision to the Superior Court of New Jersey, Appellate Division.

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*. In this case, Squicciarini's repeated refusal to comply with the Commissioner's directive regarding the relinquishment of his certificates demonstrates conduct unbecoming that warrants revocation.

Accordingly, on September 16, 2010, the Board voted to revoke James Squicciarini's Teacher of Elementary School and Teacher of Social Studies Certificates of Eligibility and his Teacher of Elementary School and Teacher of Social Studies certificates. On this 28th day of October 2010 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Squicciarini's certificates be effective immediately. It is further ORDERED that Squicciarini 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 *N.J.S.A. 18A:6-38.4*.

RRH:MZ:th