

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
STEVEN ARPAIA : ORDER OF SUSPENSION (**Amended April 12, 2013**)
_____ : DOCKET NO: 1011-127

At its meeting of June 16, 2011, the State Board of Examiners (Board) reviewed information received from the Monmouth County Prosecutor's Office regarding Steven Arpaia. Arpaia was accepted into a Pretrial Intervention program (PTI) for two years commencing on October 8, 2010. Arpaia currently holds a Teacher of English Certificate of Eligibility, issued in October 2008. Upon review of the above information, at its meeting of July 28, 2011, the Board voted to issue Arpaia an Order to Show Cause as to why his certificate should not be suspended pending the submission of proof of his successful completion of PTI.

The Board sent Arpaia the Order to Show Cause by regular and certified mail on August 1, 2011. The Order provided that Arpaia must file an Answer within 30 days. The certified mail receipt was signed and returned and the regular mail copy was not returned. Arpaia did not file a response. Thereafter, on October 7, 2011, the Board sent Arpaia another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. Neither the certified mail copy nor the regular mail copy was returned. Arpaia did not respond to the second notice.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on November 4, 2011, the Board sent Arpaia a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Arpaia 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 found just cause to take action against his certificate. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if his offense warranted action against his certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Arpaia was also offered the opportunity to appear before the Board to provide testimony on the sanction

issue. The certified mail receipt was signed and returned and the regular mail copy was not returned. Once again, Arpaia did not respond.

The threshold issue before the Board in this matter, therefore, is whether the conduct underlying Arpaia's conviction constitutes conduct unbecoming a certificate holder. Since Arpaia failed to respond to the Order to Show Cause or the hearing notice, at its meeting of January 19, 2012, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Arpaia's offense were in dispute since he never denied that he had been convicted for the offense charged. 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 the conduct underlying Arpaia's conviction, as set forth in the Order to Show Cause, represents just cause to act against his certificate 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. Moreover, the Commissioner has long held that teachers serve as role models for their students. Arpaia's conviction demonstrates behavior that falls far short of the role model status expected of teachers. Clearly, Arpaia cannot lay claim to that status.

Furthermore, a teacher's behavior outside the classroom may be relevant in determining that person's qualifications and continued fitness to retain her certificate. *In re Grossman*, 127 *N.J. Super.* 13, 30 (Sup. Ct. 1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). Moreover, 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 Board finds that

Arpaia's conviction provides just cause to take action against his certificate. However, because the court saw fit to allow Arpaia entry into PTI, with a resulting dismissal of his conviction upon its successful completion, the Board believes that a suspension of his teaching certificate until that time is appropriate.

Accordingly, on January 19, 2012, the Board voted to suspend Arpaia's certificate pending proof of his successful completion of PTI. On this 1st day of March 2012 the Board formally adopted its written decision to suspend and it is therefore ORDERED that Steven Arpaia's Teacher of English Certificate of Eligibility be suspended effective this day. Once Arpaia has successfully completed PTI, he shall notify the Board for appropriate action regarding the suspension order. It is further ORDERED that Arpaia return his certificate to the Secretary of the State Board of Examiners, Office of Licensure and Certificates, PO 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:Arpaia,Steven

* Arpaia's record was expunged by an Order of Expungement issued by the New Jersey Superior Court on December 13, 2012.