

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS  
MANUEL PORTALATIN : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1112-102

At its meeting of November 1, 2011, the State Board of Examiners (Board) reviewed information regarding Manuel Portalatin. On March 24, 2005 Portalatin pled guilty in New York to one count of Attempted Rape-3<sup>rd</sup> Degree. Portalatin was sentenced to six years' probation. In January 2005, Portalatin surrendered his New York teaching certificates in lieu of further discipline. In New Jersey, Portalatin currently holds a Teacher of the Handicapped certificate, issued in August 1996. Upon review of the above information, at its December 16, 2011 meeting, the Board voted to issue Portalatin an Order to Show Cause.

The Board sent Portalatin the Order to Show Cause by regular and certified mail on April 17, 2012. The certified mail receipt was signed and returned. The regular mail copy was not returned. The Order provided that Portalatin must file an Answer within 30 days. Portalatin did not file an Answer. Thereafter, on May 23, 2012, the Board sent Portalatin another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail receipt was signed and returned. The regular mail copy was not returned. Portalatin did not respond to the second notice.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on June 12, 2012, the Board sent Portalatin a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Portalatin 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 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 Portalatin's conduct warranted action against his certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Portalatin 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, Portalatin did not file a response.

The threshold issue before the Board in this matter, therefore, is whether Portalatin's conviction and the surrender in lieu of discipline of his New York licenses constitute conduct unbecoming a certificate holder. Since Portalatin failed to respond to the Order to Show Cause or the hearing notice, at its meeting of July 26, 2012, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Portalatin's offense were in dispute since he never denied that he had been convicted of the offense charged and had been sentenced accordingly. Nor did he deny that his New York teaching certificates had been surrendered in lieu of discipline. 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 Portalatin's conviction and the surrender in lieu of discipline of his New York certificates, as set forth in the Order to Show Cause, provide just cause to act against his New Jersey certificate pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that they do.

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. Portalatin's act of Attempted Rape is inexcusable for any individual, teacher or not.

The Commissioner has long held that teachers serve as role models for their students. Clearly, a teacher convicted of Attempted Rape cannot claim status as a role model to anyone. Portalatin's conviction therefore warrants revocation. *In the Matter of the Certificates of Kevin Jordan*, Dkt. No. A-0155-08T3 (App. Div. October 5, 2009) (Unpublished Opinion).

Accordingly, on July 26, 2012, the Board voted to revoke Manuel Portalatin's Teacher of the Handicapped certificate. On this 21st day of September 2012 the Board voted to adopt its formal written

decision and it is therefore ORDERED that the revocation of Portalatin's certificate be effective immediately. It is further ORDERED that Portalatin return his certificate 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.

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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.