

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
JOSEPH PANZICA : ORDER OF REVOCATION
_____ : DOCKET NO: 1112-222

At its meeting of June 21, 2012, the State Board of Examiners (Board) reviewed information it had received from the Medford Township Municipal Prosecutor (MTMP) regarding Joseph Panzica. The MTMP informed the Board that on May 9, 2012, Panzica was convicted of Harassment By Offensive Touching and fined. The court also ruled that Panzica should forfeit his public office pursuant to *N.J.S.A. 2C:51-2*. Panzica currently holds a Teacher of Social Studies Certificate of Eligibility With Advanced Standing, issued in October 2007, a Teacher of Elementary School in Grades K-5 Certificate of Eligibility With Advanced Standing, issued in October 2010 and a Teacher of Elementary School with Subject Matter Specialization: Science in Grades 5-8 Certificate of Eligibility With Advanced Standing, issued in April 2011. Upon review of the above information, at its July 26, 2012 meeting, the Board voted to issue Panzica an Order to Show Cause.

The Board sent Panzica the Order to Show Cause by regular and certified mail on August 2, 2012. The Order provided that Panzica must file an Answer within 30 days. Panzica filed an Answer on August 29, 2012.

In that Answer, Panzica argued that there was not just cause to revoke his certificates because the state did not have enough evidence “to prove beyond a reasonable doubt that the intent to harass did, in truth occur.” (Answer, ¶ 4). He stated that he was ashamed and embarrassed at having damaged his name and reputation as a law abiding citizen. (Answer, ¶ 5). Panzica also regretted having others believe he was unworthy of their trust and respect. (Answer, ¶ 5). He added that he inadvertently touched his victim as he was turning to leave her room in his hurry to get to his next class. (Answer, ¶ 5-1). He argued that his clean record for over 60 years and his 12 years of substitute teaching with no incidents should demonstrate that he was no threat to anyone. (Answer, ¶5-2). Panzica stated that he had cooperated fully with law enforcement, had not been ordered to undergo psychological counseling by the

court and was never involved in organized crime. (Answer, ¶¶ 5-4, 5-5, 5-6). Finally, Panzica noted that the entire ordeal guaranteed that “I will never forget this legal matter and that no chance for a repeat of this kind of misdeed, or another exists.” (Answer, ¶ 5-7).

Thereafter, pursuant to *N.J.A.C.* 6A:9-17.7(e), on September 19, 2012, the Board sent Panzica a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Panzica 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 Panzica’s conduct warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Panzica 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. Panzica did not file a response.

The threshold issue before the Board in this matter, therefore, is whether Panzica’s conviction constitutes conduct unbecoming a certificate holder. At its meeting of December 13, 2012, the Board considered the allegations in the Order to Show Cause as well as Panzica’s Answer. The Board determined that no material facts related to Panzica’s offense were in dispute since he never denied that he had been convicted of the offense charged and had been 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 Panzica’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. Panzica’s act of Harassment By Offensive Touching 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 Harassment By Offensive Touching cannot lay claim to that status. Panzica’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 December 13, 2012, the Board voted to revoke Joseph Panzica’s Teacher of Social Studies, Teacher of Elementary School in Grades K-5, and Teacher of Elementary School with Subject Matter Specialization: Science in Grades 5-8 Certificates of Eligibility With Advanced Standing. On this 25th day of January 2013 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Panzica’s certificates be effective immediately. It is further ORDERED that Panzica 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*.