

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
JOSE MATA : ORDER OF REVOCATION
_____ : DOCKET NO: 1314-212

At its meeting of May 22, 2014, the State Board of Examiners (Board) reviewed information the Atlantic County Prosecutor's Office (ACPO) had forwarded regarding Jose Mata. In 2013, Mata was accepted into a Pretrial Intervention (PTI) program for 3 years after being charged with Sexual Assault with Force and Impersonating a Law Enforcement Officer for allegedly assaulting a prostitute in Atlantic City and claiming he was a State Trooper. Mata currently holds a Teacher of English Certificate of Eligibility, issued in May 2010 and a Teacher of English certificate, issued in October 2011. Upon review of the above information, at its July 15, 2014 meeting, the Board voted to issue Mata an Order to Show Cause.

The Board sent Mata the Order to Show Cause by regular and certified mail on July 18, 2013. The Order provided that Mata had 30 days to respond. The certified mail copy was returned as "Unclaimed" and the regular mail copy was not returned. Mata did not respond. Thereafter, on August 22, 2014, the Board sent Mata another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail copy was returned as "Unclaimed" and the regular copy was not returned. Mata did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.7(e)*, on September 22, 2014, the Board sent Mata a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Mata 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 Mata's offenses warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Mata was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy was returned as "Unclaimed" and the regular mail copy was not returned. Once again, Mata did not respond.

The threshold issue before the Board in this matter is whether Mata's conduct constitutes conduct unbecoming a certificate holder. Since Mata failed to respond to the Order to Show Cause or the hearing notice, at its meeting of December 12, 2014, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Mata's offense were in dispute since he never denied that he had engaged in the alleged behavior. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.7(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 Mata's conduct, as set forth in the Order to Show Cause, provides just cause to act against his certificates pursuant to *N.J.A.C. 6A:9B-4.5*. 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:9B-4.5*. "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, 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 matter, Mata's conduct in assaulting a prostitute and falsely claiming to be a State Trooper is not merely inappropriate, it is egregious. His behavior falls so far short of a role model that the Board believes that the only appropriate sanction in this case is the revocation of Mata's certificates.

Accordingly, on December 12, 2014, the Board voted to revoke Jose Mata's Teacher of English Certificate of Eligibility and his Teacher of English certificate. On this 23rd day of January 2015 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Mata's certificates be effective immediately. It is further ORDERED that Mata 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