

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
NELSON OLIVO : ORDER OF REVOCATION
_____ : DOCKET NO: 1314-220

At its meeting of May 22, 2014, the State Board of Examiners (Board) reviewed information the Princeton Municipal Court and the D.U.E. Season Charter School (D.U.E.) had forwarded regarding Nelson Olivo. D.U.E. reported that Olivo resigned from his position with the charter school in January 2012 following allegations of inappropriate conduct with students. Specifically, on different occasions, witnesses had observed Olivo rubbing the top of a female student's ear, pulling different students' hair into a ponytail, having a female student lay on top of him, holding hands with fingers interlocked with some female students and holding hands with a student and caressing her hand with his thumb. In June 2012, Olivo pled guilty to Harassment – Communication Likely to Cause Annoyance or Alarm and was sentenced to two years' probation. In that case, the Complaint charged Olivo with “continuing to contact a fifteen year old child, L.C., via email three additional times after being advised by the child that she did not feel comfortable with the direction his conversation was going and advising him she was ending the communication with him.”

Olivo currently holds a School Library Media Specialist Certificate of Eligibility, issued in October 2006, a School Library Media Specialist Certificate of Eligibility With Advanced Standing, issued in September 2009 and a School Library Media Specialist certificate, issued in September 2010. Upon review of the above information, at its July 15, 2014 meeting, the Board voted to issue Olivo an Order to Show Cause.

The Board sent Olivo the Order to Show Cause by regular and certified mail on July 18, 2013. The Order provided that Olivo had 30 days to respond. The certified mail copy was returned as “Unclaimed” and the regular mail copy was not returned. Olivo did not respond. Thereafter, on August 22, 2014, the Board sent Olivo 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 “Unable to Forward” and the regular copy was not returned. Olivo did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.7(e)*, on September 18, 2014, the Board sent Olivo a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Olivo 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 Olivo’s offenses warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Olivo was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy was returned as “Unable to Forward” and the regular mail copy was not returned. Once again, Olivo did not respond.

The threshold issue before the Board in this matter is whether Olivo’s conduct and conviction constitute conduct unbecoming a certificate holder. Since Olivo 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 Olivo's offense were in dispute since he never denied that he had engaged in the alleged behavior or had been convicted. 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 Olivo's conduct and conviction, as set forth in the Order to Show Cause, provide just cause to act against his certificates pursuant to *N.J.A.C.* 6A:9B-4.5. 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: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, Olivo's conduct in inappropriately touching students, standing alone, is wholly inappropriate. The addition of his conviction for harassment of a 15-year-old student takes his conduct from inappropriate to 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 Olivo's certificates.

Accordingly, on December 12, 2014, the Board voted to revoke Nelson Olivo's School Library Media Specialist Certificate of Eligibility, his School Library Media Specialist Certificate of Eligibility With Advanced Standing and his School Library Media Specialist

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 Olivo's certificates be effective immediately. It is further ORDERED that Olivo 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