

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
WILLIAM T. MUZZIO, JR. : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1213-106

At its meeting of October 23, 2014, the State Board of Examiners (Board) reviewed information received from the Criminal History Review Unit (CHRU) and the Division of Criminal Justice regarding William T. Muzzio, Jr. On March 10, 2014, Muzzio pled guilty to Release/Abandonment of Hazardous/Toxic Waste and Violation of Asbestos Control and Licensing Act. On August 22, 2014, Muzzio was sentenced to five years in prison and ordered to pay restitution in the amount of \$19,848. The CHRU notified the Board that, as a result of his conviction, Muzzio was also disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Muzzio currently holds a School Business Administrator Certificate of Eligibility, issued in July 2003, a School Business Administrator certificate, issued in February 2005 and a School Administrator Certificate of Eligibility, issued in April 2011.

Muzzio did not challenge the accuracy of his criminal history record before the Commissioner of Education. Upon review of the above information, the Board voted at its meeting of December 12, 2014 to issue Muzzio an Order to Show Cause why his certificates should not be revoked.

The Board sent Muzzio the Order to Show Cause by regular and certified mail on December 17, 2014. The Order provided that Muzzio must file an Answer within 30 days. The certified and regular mail copies were both returned as "Undeliverable as Addressed." After securing a correct address for Muzzio, the Board re-sent the Order to Show Cause by regular and certified mail on February 5, 2015. The certified mail receipt was signed and returned and the

regular mail copy was not returned. Muzzio did not file a response. Thereafter, on March 10, 2015, the Board sent Muzzio 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 and the regular mail copy was not returned. Muzzio did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.7(e)*, on March 27, 2015, the Board sent Muzzio a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Muzzio 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 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 his disqualifying offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Muzzio 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, Muzzio did not respond.

The threshold issue before the Board in this matter is whether Muzzio's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. Since Muzzio failed to respond to the Order to Show Cause or the hearing notice, at its meeting of June 26, 2015, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Muzzio's offense were in dispute since he never denied that he had been convicted of the offense charged and been subsequently disqualified. 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 Muzzio's conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against his certificates pursuant to *N.J.A.C.* 6A:9B-4.5. The Board finds that they do.

In enacting the Criminal History Review statute, *N.J.S.A.* 18A:6-7.1 *et seq.* in 1986, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be a danger. Individuals convicted of crimes such as Release/Abandonment of Hazardous/Toxic Waste and Violation of Asbestos Control and Licensing Act fall squarely within this category. The strong legislative policy statement is also in accord with the Commissioner's long-standing belief that teachers must serve as role models for their students. "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 instance, Muzzio's conviction for Release/Abandonment of Hazardous/Toxic Waste and Violation of Asbestos Control and Licensing Act resulted in a lengthy prison term and demonstrates behavior that falls far short of a role model.

The strong policy statement on the part of the Legislature set forth in *N.J.S.A.* 18A:6-7.1(b) also offers guidance to the Board as to the appropriate sanction in this matter. An individual whose offense is so great that he or she is barred from service in public schools should not be permitted to retain the certificate that authorizes such service. Nor should a person who

has been disqualified from teaching in a public school be permitted to continue to hold himself out as a teacher. Thus, because the sentencing court, Legislature and the Commissioner consider Muzzio's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of his certificates.

Accordingly, on June 26, 2015, the Board voted to revoke William T. Muzzio Jr.'s School Business Administrator and School Administrator Certificates of Eligibility and his School Business Administrator certificate. On this 30th day of July 2015 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Muzzio's certificates be effective immediately. It is further ORDERED that Muzzio 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.

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Robert R. Higgins, Secretary  
State Board of Examiners

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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.