

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
BRIAN L. MIELE : ORDER OF REVOCATION
_____ : DOCKET NO: 1415-112

At its meeting of September 19, 2014, the State Board of Examiners (Board) reviewed information the Rockland County, NY District Attorney’s Office had provided regarding Brian L. Miele. In May 2014, Miele pled guilty to one count of Offering a False Instrument for Filing and was ordered to reimburse the Ramapo Central School District in the amount of \$50,000 and surrender his New York administrative certificate. In New Jersey, Miele currently holds a Principal Certificate of Eligibility, issued in April 2005 and a School Administrator Certificate of Eligibility, issued in February 2006. Upon review of the above information, at its October 23, 2014 meeting, the Board voted to issue Miele an Order to Show Cause.

The Board sent Miele the Order to Show Cause by regular and certified mail on July 15, 2015.¹ The Order provided that Miele had 30 days to respond. Miele filed an Answer in August 2015.

In that Answer, Miele stated that he had accepted a settlement of the criminal case after being accused of “many false charges in regard to the interpretation and administration of the collective Bargaining agreement between the Ramapo Central school District and the Ramapo Teachers’ Association.” (Answer, ¶ 3). He added that after a four-year investigation he was only charged with a misdemeanor: failing to file a Basic Educational Data System form with the New York State Education Department. (Answer, ¶ 3). Miele explained that he failed to file an

¹ The Board had originally mailed Miele the Order to Show Cause on October 27, 2014. After complying with all notice regulations, and never having received a reply from Miele, the Board ultimately revoked his certificates on June 26, 2015. The Board subsequently learned that Miele’s Post Office Box had been closed and that he had not received the Order to Show Cause or any other notice. The Board vacated its original revocation decision on July 30, 2015.

accurate update on three teachers who had allowed their provisional certificates to lapse because they did not obtain a master's degree within five years. (Answer, ¶ 3). He noted that he settled the case based upon his attorney's recommendation. (Answer, ¶ 3). Miele added that he had had 38 years of exemplary service in his entire career as a teacher, assistant principal and assistant superintendent. (Answer, ¶ 3). He noted that all of his actions were approved and signed by the Superintendent of Schools and the Board of Education. (Answer, ¶ 3). Finally, Miele claimed that he was in the process of commencing a civil lawsuit against the Ramapo Central School District, the Board of Education, the school attorney, auditor and the former Superintendent of Schools and that, if he prevailed, his New York State certifications would be restored. (Answer, ¶ 3).

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.7(e)*, on September 15, 2015, the Board sent Miele a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Miele 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 Miele's offenses warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Miele was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Miele responded on November 6, 2015.

In his response, Miele stated that he wanted to appear before the Board to "review the politics and complexities of [his] situation...." (Hearing Response, p. 1). He maintained that

with his 38 years as an educator with an outstanding record, he could be a valuable asset to any school district in New Jersey. (Hearing Response, p. 1). Although Miele was provided with the opportunity to appear before the Board, he did not appear on his scheduled hearing date.

The threshold issue before the Board in this matter is whether Miele's conduct and crime and the court-ordered surrender of his New York certificate constitute conduct unbecoming a certificate holder. At its meeting of January 21, 2016, the Board considered the allegations in the Order to Show Cause, Miele's Answer and his Hearing Response. The Board determined that no material facts related to Miele's offense were in dispute since he never denied that he had been convicted or that he had been ordered to surrender his New York certificate. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.7(h)*.

The Board must now determine whether Miele's conduct and conviction and the surrender of his New York certificate, as set forth in the Order to Show Cause, provide just cause to act against his New Jersey 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, Miele has a conviction for Offering a False Instrument for Filing. Moreover, he was ordered to pay restitution in the

amount of \$50,000 and ordered to surrender his New York administrative certificate. His conviction and his conduct leave no doubt that he is unfit to be an educator. The Board agrees with the New York court that Miele's conduct demonstrates behavior that falls so far short of a role model that the only appropriate sanction in this case is the revocation of Miele's certificates.

Accordingly, on January 21, 2016, the Board voted to revoke Miele's Principal and School Administrator Certificates of Eligibility. On this 3rd day of March 2016 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Brian L. Miele's certificates be effective immediately. It is further ORDERED that Miele return his certificates to the Secretary of the State Board of Examiners, Office of Certification and Induction, 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

RRH:MZ:th

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.