

July 17, 1998

Mr. Paul Porto
413 Lawrence Street
Burlington, NJ 08016 RE:

Re: IN THE MATTER OF
THE APPLICATION FOR
LICENSURE OF
PAUL PORTO

Dear Mr. Porto:

At its meeting of March 28, 1996, the State Board of Examiners voted to block issuance of a Teacher of Skilled Trades/Auto Body Repair Certificate of Eligibility to you. In applying for licensure you had self-reported your 1986 conviction on charges of conspiracy to distribute a controlled dangerous substance, (cocaine) for which you were sentenced to a twenty (20) year prison term with a ten (10) year mandatory minimum. The Board's determination to block issuance at that time was based upon the level and nature of your crime, which involved drugs. The Board also took into account that you had been in the community an insufficient length of time to demonstrate rehabilitation under the Rehabilitated Convicted Offenders Act, N.J.S.A. 2A:168A, although it advised that you might reapply anew for licensure in the future.

At its meeting of June 18, 1998, the State Board of Examiners considered your new application for a Teacher of Skilled Trades/Auto Body Repair Certificate of Eligibility, along with your letters of reference. Upon careful review of the record of this

matter, the Board voted to block issuance of such certificate of eligibility to you for the reasons that follow.

The Board commented that your offense and the prison term accompanying it are extremely serious and contrary to the consistent and long-standing policy of this State to eliminate the use of illegal drugs. See, In the Matter of the Tenure Hearing of David Earl Humphreys, 1978 S.L.D. 689. To that end, the State and the schools herein have engaged in extensive educational efforts to warn the citizenry of the perils of illicit drugs. See, In the Matter of the Certificate of Barbara Corwick, OAL Dkt. No. EDE 3562-87, State Board of Examiners decision (March 24, 1988). Those who violate this deep-rooted policy, whether by the use of drugs or their manufacture and distribution, endanger the public welfare. Such individuals certainly cannot be entrusted with the responsibility of caring for school-aged pupils.

Misuse of dangerous drugs by students themselves, or by the role models to whom students look for guidance, will not be tolerated under any circumstances. In the Matter of the Certificate of Barbara Corwick, OAL Docket No. EDE 3562-87, State Board of Examiners decision (March 24, 1988). Similarly, the State Board of Examiners is assiduous to assure that those who apply for licensure are worthy of the trust bestowed upon them. See, e.g., In the Matter of the Licensure of Donald Bliss, decided by the State Board of Examiners April 2, 1998.

The State Board of Examiners also found troubling what it perceived as inconsistencies in your recitation of the facts underlying your conviction and the record brought before the Board. In a February 23, 1996 addendum to your 1996 application for licensure you described your criminal conviction as follows:

“I lent him [James Stack, a neighbor] the money which he used to buy some cocaine. Since I lent him the money, I was found guilty of conspiracy. At no time did I know that he was going to use the money to buy drugs, nor did I have any drugs in my possession.”

However, at page 2 of a confidential psychological evaluation filed by Dennis H. Siegel, M.A., Psychologist, which you submitted to the State Board of Examiners as part of your letters of reference it is stated:

“He [Mr. Porto] indicated that he was approached by the officer for a loan of \$1,000. and was told by the officer that it was to be used for purchasing ten ounces of cocaine that the officer was going to resell. Mr. Porto said that he was offered a share of the resale profits, but he wished no part of that. However, Mr. Porto admitted that he should not have given him the money, knowing that it was to be used in illegal activity. He had rationalized then (sic) of the minimal seriousness of the drug purchase and denied knowledge of any ‘conspiracy’ aspects of the crime.”

Such inconsistency creates question regarding your rehabilitation and sincerity in reapplying for licensure. These factors, combined with the seriousness of your offense, militate against granting licensure to you now under the Rehabilitated Convicted Offenders Act.

Accordingly, in light of this State’s strong policy opposing the use of illegal drugs, the State Board of Examiners finds your drug conviction and the inconsistencies in your account of the events that led to your conviction and imprisonment sufficiently serious that it has grave doubts about permitting you to become a teacher. Accordingly, the State Board of Examiners must block your application for a Teacher of Skilled Trades/Auto Body Repair Certificate of Eligibility.

It is, therefore ORDERED that Paul Porto’s application for Teacher of Skilled Trades/Auto Body Repair Certificate of Eligibility is hereby blocked on this 18th day of June, 1998.

Appeal of this decision is made before the Commissioner of Education pursuant to N.J.A.C. 6:24-1 *et seq.*

Very truly yours,

Ida B. Graham, Secretary
State Board of Examiners

Date of Mailing: July 17, 1998
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