

IN THE MATTER OF : :NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : : STATE BOARD OF EXAMINERS
ANTHONY J. PUCA : ORDER OF REVOCATION
_____ : DOCKET NO: 496-01/99-208

At its meeting of January 21, 1999, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that on July 17, 1997, Anthony J. Puca was found guilty of one count of endangering the welfare of a child in the second degree. On August 8, 1997, Puca was sentenced to eight years' incarceration and ordered to pay various fines. He was also ordered to comply with all of the registration and notification requirements of Megan's Law, N.J.S.A. 2C:7-1 et seq., and subjected to community supervision for life. As a result of the conviction, Puca was also forever disqualified from holding any office or position of honor, trust or profit under this state or any of its administrative or political subdivisions pursuant to N.J.S.A. 2C:51-2c. Puca is currently the holder of a Teacher of Elementary School certificate. Upon review of the above information, at that January meeting, the State Board of Examiners voted to issue an Order to Show Cause to Respondent.

The Board sent Puca the Order to Show Cause by regular and certified mail on February 24, 1999. The Order provided that if Respondent desired to file an Answer to the Order that Answer must be filed within 20 days. On March 10, 1999 Puca filed an Answer. In that Answer, he admitted all of the charges in the Order to Show Cause regarding his conviction and sentence. (Answer, p.1). Puca also stated that he was appealing his criminal conviction and was innocent of the criminal charges. He added that he had an unblemished record for 17 years and that this charge, although untrue, was unrelated to his teaching career (Answer, p. 2-3).

On May 14, 1999 the Board Secretary asked Puca to supply information regarding the status of his appeal. On May 24, 1999, Puca responded indicating that his appeal had been denied and his conviction upheld. (Letter from Anthony J. Puca to Ida Graham, dated May 24, 1999, p.1). Puca reiterated that his conviction was unrelated to his job as a teacher and asked that he be allowed to retain his certificate so that he might teach while in prison. (Letter from Anthony J. Puca to Ida Graham, dated May 24, 1999, p.2).

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on July 26, 1999, the Board of Examiners sent Puca a hearing notice by regular and certified mail. The notice explained that since it appeared no material facts were in dispute, respondent 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. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the State Board of Examiners would determine if Puca's offense warranted action against his certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. On July 31, 1999, Puca submitted his reply.

In that response, Puca told the Board of Examiners that his conviction was based solely on his stepdaughter's testimony. He also stated that one of the initial charges was dropped and that the charges had nothing to do with his 16-year unblemished teaching career. (Hearing Response, p. 1). He added that his case was on appeal, but the appeal number he submitted was for the Appellate Division decision dated April 26, 1999. State of New Jersey v. A.J.P., Docket No. A-523-97T2 (April 26, 1999)(slip op.). That decision upheld Puca's conviction. It also discounted his version of events and supported the testimony of the witnesses against him. Finally, the decision held that Puca's sentence was not excessive. Id. at 3-4.

The threshold issue before the State Board of Examiners in this matter, therefore, is to determine whether Puca's conviction for endangering the welfare of a child constitutes conduct unbecoming a certificate holder. At its meeting of February 24, 1999, the State Board of Examiners reviewed the charges and papers filed by respondent in response to the Order to Show Cause. After its review of Puca's submissions, the Board of Examiners determined that no material facts related to his offense were in dispute since Puca admitted that he had been convicted of the offense charged and had been sentenced accordingly. Accordingly, the Board of Examiners determined that Puca had engaged in conduct unbecoming a certificate holder.

The State Board of Examiners must now determine whether Puca's offense as set forth in the Order to Show Cause, provides just cause to act against his certificate pursuant to N.J.A.C. 6:11-3.6(a)1. After an independent review of the record, we find that it does.

The State Board of Examiners 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. 6:11-3.4. "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. Puca's acts of endangering the welfare of a child are inexcusable for any individual, teacher or not. While Puca may have been an exceptional teacher in the classroom, he has not demonstrated like behavior outside that arena.

Puca argues that he should retain his certificate since the incident did not touch upon his teaching responsibilities. It is well established that the State Board of Examiners has the right to revoke a certificate where the teacher was involved in criminal activities, even if the activities were unrelated to the classroom. See Cox v. State Board of Examiners, (App. Div.

Docket No. A-3527-81T3) (November 18, 1983); State Board of Examiners v. Krupp, 3 N.J.A.R. 285 (1981).

Moreover, the Commissioner has long held that teachers serve as role models for their students. Therefore, a teacher's whole life is subject to scrutiny, not just his actions within the schoolhouse doors:

[R]espondent's argument that, because the occurrence happened in the evening away from school premises, both the Board and the Commissioner have no authority to act, is without merit. Individuals who must comport themselves as models for young minds to emulate choose the teaching profession. This heavy responsibility does not begin at 8:00 a.m. and conclude at 4:00 p.m., Monday through Friday, only when school is in session. Being a teacher requires, *inter alia*, a consistently intense dedication to civility and respect for people as human beings. The Commissioner has, on past occasions, determined tenure charges arising from incidents which happened in the evening both on and off school property. See, In the Matter of the Tenure Hearing of Thomas Appleby, School District of Vineland, Cumberland County, 1965 S.L.D. 159, aff'd State Board of Education 1970 S.L.D. 448; In the Matter of the Tenure Hearing of John H. Stokes, School District of the City of Rahway, Union County, 1971 S.L.D. 623. [In the Matter of the Tenure Hearing of Robert H. Beam, 1973 S.L.D. 157, 163.]

Puca therefore cannot exclude his "out-of-school" behavior from this tribunal's examination.

Furthermore, unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. Redcay v. State Board of Education, 130 N.J.L. 369, 371 (S. Ct. 1943), aff'd. 131 N.J.L. 326 (E & A 1944). In this instance, no one can dispute that Puca's crime was heinous. At a minimum, he violated the trust of a child in his care. Where that violation occurred is immaterial. Puca is clearly an individual who should not be around children. The Superior Court of New Jersey has made that determination and this tribunal cannot ignore those findings in fulfilling its responsibilities to all public schoolchildren in New Jersey. The only appropriate response in this case is revocation.

Accordingly, it is therefore ORDERED that Anthony J. Puca's Teacher of Elementary School certificate be revoked on this 24th day of February, 2000. It is further ORDERED that Puca return his certificates to the Secretary of the State Board of Examiners, Office of Licensing, CN 500, Trenton, NJ 08625-0500 within fifteen (15) days of receipt of this decision.

Secretary
State Board of Examiners

Date of Mailing: May 17, 2000

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-28.

IBG:MZ:KB: Anthony J.Puca