

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
ANDREW CANGELOSI : ORDER OF REVOCATION
_____ : DOCKET NO: 537-09/99-224

At its meeting of September 23, 1999, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that on January 11, 1999, Andrew Cangelosi had pled guilty to witness tampering in the 3rd degree. On May 7, 1999, Cangelosi was sentenced to one year of probation and ordered to perform 100 hours of community service. As a result of his conviction, Cangelosi was also forever disqualified from holding any office or position of honor, trust or profit in this state or any of its administrative or political subdivisions pursuant to N.J.S.A. 2C:51-2c. Cangelosi is currently the holder of Secondary School Teacher of Social Studies and Teacher of the Handicapped certificates. Upon review of the above information, at that September meeting, the State Board of Examiners voted to issue an Order to Show Cause to Respondent.

The Board sent Cangelosi the Order to Show Cause by regular and certified mail on November 5, 1999. The Order provided that an Answer must be filed within 20 days. Cangelosi did not respond to the Order to Show cause although the certified mail return receipt was signed and returned.

Thereafter, on December 28, 1999, the Board of Examiners provided Cangelosi with an additional ten days to file a response to the Order to Show Cause. He was advised that if he did not respond, the allegations in the Order to Show Cause would be deemed admitted and the State Board of Examiners would proceed to a decision on revocation or suspension based on the evidence before it. Once again although the certified mail receipt was returned, Cangelosi did not respond to the Order to Show Cause.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Cangelosi's guilty plea to witness tampering constitutes conduct unbecoming a certificate holder. Since Cangelosi did not respond to the Order to Show Cause, the State Board of Examiners had no responsive pleading to consider in the hearing process. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding. N.J.A.C. 6:11-3.6(a)1. Since Cangelosi's conviction is admitted, the Board of Examiners must now decide whether that constitutes a sufficient basis to act against Cangelosi's certificates pursuant to N.J.A.C. 6:11-3.6(a)1. 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 in the State of New Jersey "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. Cangelosi's act of witness tampering was serious enough to warrant probation and led the prosecutor and the Court to seek the permanent forfeiture of Cangelosi's ability to hold public office. His actions are not those of an individual who should be entrusted with instructing children or serving as a role model. Obviously, the prosecutor and the sentencing judge agreed.

Furthermore, 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 (S. Ct. 1943), aff'd. 131 N.J.L. 326 (E & A 1944). In this instance, in addition to probation and community service, Cangelosi's act of witness tampering was so egregious as to warrant his removal and permanent bar from public office. Although the State Board of Examiners is the sole

administrative authority with the power to revoke teaching certificates, N.J.S.A. 18A:6-38, the judge's order in this regard further demonstrates the necessity of keeping Cangelosi out of a classroom forever.

Accordingly, it is therefore ORDERED that Andrew Cangelosi's Secondary School Teacher of Social Studies and Teacher of the Handicapped certificates be revoked on this 11th day of May, 2000. It is further ORDERED that Cangelosi 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:

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

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