

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
DANIEL PAPADANIIL : ORDER OF REVOCATION
_____ : DOCKET NO: 559-04/00-263

At its meeting of May 9, 2002, the State Board of Examiners reviewed a decision forwarded by the Office of Administrative Law (OAL) that had recommended that Daniel Papadaniil, a certified teacher, have his teaching certificate revoked due to unbecoming conduct. Papadaniil currently holds a Teacher of Health and Physical Education certificate.

Papadaniil was a soccer coach and substitute physical education teacher accused of engaging in a sexual relationship with a student. The Division of Youth and Family Services (DYFS) had investigated the charges and substantiated sexual abuse. On April 6, 2000, the Board of Examiners voted to issue an Order to Show Cause to Papadaniil as to why his teaching certificate should not be revoked or suspended. The Board of Examiners' Order was predicated on DYFS' substantiated findings of sexual abuse.

The Board mailed the Order to Show Cause to Papadaniil by regular and certified mail on June 22, 2000. The Order provided that an Answer to the Order must be filed within 20 days. On July 13, 2000, Papadaniil filed his Answer to the Order to Show Cause. In that Answer Papadaniil admitted that DYFS had substantiated the allegations of sexual abuse but denied that he had had sexual relations with one of his students. (Answer, ¶3). He also stated that he had never admitted to having had sexual relations with one of his students. (Answer, ¶4). In the remainder of his Answer, Papadaniil requested a hearing on the issue and denied that he had ever engaged in any conduct that provided just cause for the suspension or revocation of his certificate. (Answer, ¶¶5-6).

Thereafter, the Order to Show Cause proceeding was transferred to the OAL. Administrative Law Judge (ALJ) Bruce R. Campbell conducted a hearing on the papers and closed the record on October 29, 2001. The ALJ issued his Initial Decision on March 13, 2002. In the Matter of the Certificate of Daniel Papadaniil, OAL Dkt. No. EDE 8821-00 (St. Bd. of Examiners, March 13, 2002).

In that decision the ALJ concluded that the Board of Examiners had proven its allegation that Papadaniil had engaged in sexual relations with a student. In fact, as Judge Campbell noted, Papadaniil “has never denied having had sexual relations with S.W.” Id. at 4. Instead, Papadaniil argued that the sexual relations were voluntary and that he was never in a supervisory capacity over S.W. since he never asked her to become involved with the soccer team or had her as a student in any class. Id. at 4. ALJ Campbell rejected Papadaniil’s arguments regarding the context of his relationship with S.W., finding that “this teacher–student relationship in the co-curricular context is no different from the student-teacher relationship in the regular classroom.” Id. at 5. Thus, the ALJ concluded that, based on Papadaniil’s admitted behavior, the only possible penalty was revocation of his teaching certificate. Id. at 5-6.

As noted earlier, the ALJ’s Initial Decision was filed with the Board of Examiners for consideration on March 13, 2002. Neither party filed exceptions to the decision. Thus, it is now up to the Board of Examiners to adopt, modify or reject the Initial Decision. N.J.S.A. 52:14B:10.

The Board of Examiners has thoroughly reviewed the Initial Decision in this case. After full consideration, the Board of Examiners adopts the Initial Decision in this matter.

The Board of Examiners agrees with the ALJ that Papadaniil’s argument differentiating his supervisory authority over S.W. from that of a classroom teacher, is a distinction without a

difference. As the adult responsible for the boys' soccer team, Papadaniil was also responsible for the manager of the team, S.W. Moreover, the only distinction that matters here is that between Papadaniil, a certified teacher and S.W., a student.

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. Nothing in Papadaniil's behavior, as proven in this proceeding, demonstrates that he had even a modicum of understanding as to what is expected of a teaching professional. His actions fall so far below that standard that the Board of Examiners has no choice but to agree with the ALJ's conclusion that revocation is warranted here. Consequently, after review of the entire record, we adopt the ALJ's Initial Decision in this matter.

Accordingly, it is therefore ORDERED that Daniel Papadaniil's Teacher of Health and Physical Education certificate be revoked on this 9th day of May 2002. It is further ORDERED that Papadaniil return his certificate to the Secretary of the State Board of Examiners, Office of Licensing, CN 500, Trenton, NJ 08625-0500 within 15 days of receipt of this decision.

Acting Secretary
State Board of Examiners

Date of Mailing: May 24, 2002

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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