

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
JOSEPH FARALLO : ORDER OF REVOCATION
_____ : DOCKET NO: 0405-182

At its meeting of January 20, 2005, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that on August 30, 2004, Joseph Farallo had pled guilty to charges of attempted theft by deception. On October 29, 2004, Farallo was sentenced to one year of probation. The court also ordered him to undergo random drug testing. Farallo was also ordered to forfeit his teaching certificate and forever barred from holding any office or position of honor, trust or profit in New Jersey. Farallo currently holds a Teacher of Biological Science Certificate of Eligibility, issued in September 1996 and a Teacher of Biological Science certificate, issued in January 1998. Upon review of the above information, at its January 20, 2005 meeting, the State Board of Examiners voted to issue Farallo an Order to Show Cause.

The Board sent Farallo the Order to Show Cause by regular and certified mail on February 9, 2005. The Order provided that Farallo's Answer was due within 30 days. Farallo filed his response on March 4, 2005. In that Answer, Farallo admitted that he was convicted of attempted theft by deception. (Answer, ¶ 4). Farallo also admitted that he was ordered to forfeit his tenured position. (Answer, ¶ 5).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on March 16, 2005, the Board of Examiners sent Farallo a hearing notice by regular and certified mail. The notice explained that since it appeared no material facts were in dispute, Farallo 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 Farallo's offense warranted action against his certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Farallo's attorney signed for the Hearing Notice but he did not file a response.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Farallo's guilty plea to attempted theft by deception constitutes conduct unbecoming a certificate holder. At its meeting of June 9, 2005, the State Board of Examiners reviewed the charges and papers Farallo filed in response to the Order to Show Cause. After review of Farallo's submissions, the Board of Examiners determined that no material facts

related to his offense were in dispute since he admitted that he had pled guilty to the offense charged and had been sentenced accordingly. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*.

The State Board of Examiners must now determine whether Farallo's offense, as set forth in the Order to Show Cause, provides just cause to act against his certificates pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds 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. 6A:9-17.5*. "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 (Sup. Ct. 1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). Farallo's acts of attempted theft are inexcusable for any individual, teacher or not. While Farallo may have been an excellent teacher in the classroom, he has not demonstrated like behavior outside that arena.

Furthermore, even though the incident occurred off school grounds, 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).

Accordingly, it is therefore ORDERED that Joseph Farallo's Teacher of Biological Science Certificate of Eligibility and Teacher of Biological Science certificate be revoked on this 9th day of June 2005. It is further ORDERED that Joseph Farallo return his certificates to the Secretary of the State Board of Examiners, Office of Licensure, PO Box 500, Trenton, NJ 08625-0500 within 20 days of the mailing date of this decision.

Michael K. Klavon, Secretary
State Board of Examiners

Date of Mailing: JULY , 2005

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