

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
BART MAZZEI : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0405-151

At its meeting of October 28, 2004, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that on October 26, 1998, Bart Mazzei had pled guilty to charges of aggravated sexual assault and sexual assault. On February 19, 1999, Mazzei was sentenced to fifteen years incarceration in State prison. Mazzei currently holds a Teacher of the Handicapped certificate, issued in May 1972 and a Teacher of Elementary School certificate, issued in April 1979. Upon review of the above information, at its October 28, 2004 meeting, the State Board of Examiners voted to issue Mazzei an Order to Show Cause.

The Board sent Mazzei the Order to Show Cause by regular and certified mail on January 6, 2005. The Order provided that Mazzei's Answer was due within 30 days. The certified mail receipt was signed and returned. The regular mail copy was not returned. Mazzei did not file a response. Thereafter, on February 6, 2005, the Board sent Mazzei a second notice by regular and certified mail. The certified mail receipt was signed and returned and the regular mail copy was not returned. Once again, Mazzei did not file a response. Both notices advised him that if he did not respond to the charges, the Board would proceed based upon the information it already possessed.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Mazzei's conviction for aggravated sexual assault and sexual assault constitutes conduct unbecoming a certificate holder. At its meeting of May 5, 2005, the State Board of Examiners reviewed the charges in the Order to Show Cause. Since there was no response, the Board of Examiners determined that no material facts related to Mazzei's offense were in dispute since he never denied that he had committed the crime and had been sentenced accordingly. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The State Board of Examiners must now determine whether Mazzei's offenses 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 they do.

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. Mazzei’s acts of aggravated sexual assault and sexual assault are inexcusable for any individual, teacher or not. 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).

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 (Sup. Ct. 1943), *aff’d*, 131 *N.J.L.* 326 (E & A 1944). In this instance, one need not argue that Mazzei’s convictions for two sexual assault offenses and the resultant fifteen-year prison term form a sufficient predicate to act against his teaching certificates.

Accordingly, it is therefore ORDERED that Bart Mazzei’s Teacher of the Handicapped and Teacher of Elementary School certificates be revoked on this 5th day of May, 2005. It is further ORDERED that Mazzei 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.

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Michael K. Klavon, Acting Secretary  
State Board of Examiners

Date of Mailing: MAY 18, 2005

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