

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
ROBERT JANISZEWSKI : ORDER OF REVOCATION
_____ : DOCKET NO: 0506-218

At its meeting of March 30, 2006, the State Board of Examiners reviewed information received from the Hudson County Prosecutor indicating that on October 3, 2002, Robert Janiszewski had pled guilty to extortion under color of official law and tax evasion in federal court. On March 24, 2005, Janiszewski was sentenced to 41 months' in federal prison and fined. Janiszewski currently holds a Teacher of Social Studies certificate, issued in June 1967. Upon review of the above information, at its March 30, 2006 meeting, the State Board of Examiners voted to issue Janiszewski an Order to Show Cause. On May 4, 2006, the Board formally adopted the Order to Show Cause.

The Board sent Janiszewski the Order to Show Cause by regular and certified mail on May 10, 2006. The Order provided that Janiszewski's Answer was due within 30 days. The certified mail receipt was signed and returned. The regular mail copy was not returned. Janiszewski did not file a response. Thereafter, on June 23, 2006, the Board sent Janiszewski a second notice by regular and certified mail providing him an additional 15 days in which to file an Answer. The certified mail copy was signed and returned. The regular mail copy was not returned. The notice explained that if he did not file a response, the allegations in the Order to Show Cause would be deemed admitted and the Board of Examiners would decide the matter based on the evidence before it. Once again, Janiszewski did not file an Answer.

At its meeting of September 21, 2006, 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 Janiszewski's offense were in dispute since he had never denied that he had pled guilty to the offense 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 issue before the State Board of Examiners in this matter, therefore, is whether Janiszewski's offense, as set forth in the Order to Show Cause, represents just cause to act against his certificate 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. 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, Janiszewski's conduct is egregious and clearly demonstrates that he is unfit to be a role model to students.

Accordingly, on September 21, 2006, the Board of Examiners voted to revoke Janiszewski's certificate. On this 2nd day of November 2006, the Board voted to adopt its formal written decision and it is therefore ORDERED that Richard Janiszewski's Teacher of Social Studies certificate be revoked effective this day. It is further ORDERED that Janiszewski return his certificate 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.

Robert R. Higgins, Acting Secretary
State Board of Examiners

Date of Mailing: NOVEMBER 8, 2006

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