

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
STRATOS MANDALAKIS : ORDER OF REVOCATION
_____ : DOCKET NO: 0506-210

At its meeting of March 30, 2006, the State Board of Examiners reviewed information received from the Bergenfield Superintendent of Schools indicating that Stratos Mandalakis, a teacher in the district, was convicted of one charge of lewdness. On November 1, 2005, Mandalakis was fined and later ordered to forfeit his tenured position in Bergenfield. Mandalakis currently holds a Teacher of Elementary School Provisional certificate, issued in November 1986, Teacher of Elementary School and Teacher of Music certificates, both issued in October 1987, and a Supervisor certificate, issued in September 1994. Upon review of the above information, at its March 30, 2006 meeting, the State Board of Examiners voted to issue Mandalakis an Order to Show Cause.

The Board sent Mandalakis the Order to Show Cause by regular and certified mail on April 7, 2006. The Order provided that Mandalskis' Answer was due within 30 days. Mandalakis filed his response on April 13, 2006. In that Answer, Mandalakis stated that although he was convicted of lewdness, it was a disorderly persons offense and that he had appealed his conviction to the Superior Court of New Jersey, Appellate Division.¹ (Answer, ¶ 3). Mandalakis also argued that there was no just cause to suspend or revoke his certificates since his offense was not related to his responsibilities at school and occurred at a location "far distant from school in the evening hours when school was not in session, with no school-age children involved or even present." (Answer, ¶ 4).

¹ The Board of Examiners held the matter in abeyance pending the resolution of his appeal. On appeal, the court affirmed both Mandalakis' conviction and the forfeiture of his tenured employment with Bergenfield. *State of New Jersey and Bergenfield Bd. of Ed., v. Strtaos Mandalakis*, Dkt. No. A-1787-05T1 (App. Div. April 19, 2007) (Unreported Opinion).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on July 31, 2007, the Board of Examiners sent Mandalakis a hearing notice by regular and certified mail. The notice explained that since it appeared no material facts were in dispute, he 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 his offense warranted action against his certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. On September 6, 2007, Mandalakis submitted his reply.

In that response, Mandalakis reiterated that his offense was not a crime but rather a disorderly persons offense. (Hearing response, pp. 2-3). He also stated that he had sought and completed a psychotherapy program and that his therapist had determined that there was no impediment to his resuming a career as an educator. (Hearing Response, p. 3). He also claimed that this was the only blemish in an otherwise “praiseworthy career and record of honors, accomplishments, and responsibility” in his profession. (Hearing Response, p. 3).

On December 19, 2007, the Board sent Mandalakis correspondence allowing him the opportunity to appear before the Board and/or submit documentation to present testimony regarding the penalty phase of his hearing. On January 3, 2008, Mandalakis submitted letters attesting to his character from a variety of individuals and various certificates of commendation. In addition, Mandalakis appeared at the Board meeting on January 17, 2008, and testified as to mitigation regarding the penalty he faced. He asserted his dedication to teaching and reviewed his accomplishments over the years.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Mandalakis' conviction for lewdness constitutes conduct unbecoming a certificate holder. At its meeting of January 17, 2008, the State Board of Examiners reviewed the charges and papers Mandalakis filed in response to the Order to Show Cause. After review of Mandalakis' submissions as well as his testimony, the Board of Examiners determined that no material facts related to his offense were in dispute since he admitted that he was convicted of 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 Mandalakis' 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. Mandalakis' act of lewdness is unacceptable for any individual, teacher or not. While he may have been an exceptional teacher in the classroom, he has not demonstrated like behavior outside that arena.

Mandalakis argues that he should retain his certificates since 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).

Moreover, the Commissioner has long held that teachers serve as role models for their students. Therefore, a teacher's whole life is subject to scrutiny, not just his actions within the schoolhouse doors:

[R]espondent's argument that, because the occurrence happened in the evening away from school premises, both the Board and the Commissioner have no authority to act, is without merit. Individuals who must comport themselves as models for young minds to emulate choose the teaching profession. This heavy responsibility does not begin at 8:00 a.m. and conclude at 4:00 p.m., Monday through Friday, only when school is in session. Being a teacher requires, *inter alia*, a consistently intense dedication to civility and respect for people as human beings. The Commissioner has, on past occasions, determined tenure charges arising from incidents which happened in the evening both on and off school property. *See In the Matter of the Tenure Hearing of Thomas Appleby, School District of Vineland, Cumberland County*, 1965 *S.L.D.* 159, *aff'd*, State Board of Education 1970 *S.L.D.* 448; *In the Matter of the Tenure Hearing of John H. Stokes, School District of the City of Rahway, Union County*, 1971 *S.L.D.* 623.

[*In the Matter of the Tenure Hearing of Robert H. Beam*, 1973 *S.L.D.* 157, 163.]

Mandalakis therefore cannot exclude his "out-of-school" behavior from this tribunal's examination.

Furthermore, Mandalakis himself acknowledges that 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, Mandalakis' conviction for lewdness would disqualify him from employment in the public schools of New Jersey. In enacting the Criminal History Review statute, *N.J.S.A.* 18A:6-7.1 *et seq.* in 1986, the Legislature sought to protect public school pupils from contact with individuals

whom it deemed to be a danger to them. Individuals convicted of lewdness, at whatever level, fall squarely within this category. *N.J.S.A. 18A:6-7.1(a)*.

The strong policy statement on the part of the Legislature set forth in *N.J.S.A. 18A:6-7.1(b)* also offers guidance to the State Board of Examiners as to the appropriate sanction in this matter. An individual whose offense is so great that he or she is barred from service in public schools should not be permitted to retain the certificate that authorizes such service. Nor should a person who has been disqualified from teaching in a public school be permitted to continue to hold himself out as a teacher. Thus, because the Legislature considers Mandalakis' offense so significant, the State Board of Examiners believes that the only appropriate sanction in this case is the revocation of his certificates.

Notwithstanding Mandalakis' contentions of rehabilitation, this is not the proper context for such considerations. The purpose of this proceeding is "to permit the individual certificate holder to demonstrate circumstances or facts to counter the charges set forth in the Order to Show Cause, not to afford an opportunity to show rehabilitation." *See In the Matter of the Revocation of the Teaching Certificate of Gloria Jackson by the State Board of Examiners*, 96 *N.J.A.R. 2D (EDE) 1, 16 aff'd*, App. Div. Dkt. No. A-1246-96T5 (September 9, 1997) citing *In the Matter of the Revocation of the Teaching Certificate of James Noll*, State Bd. of Examiners decision (February 7, 1990). Thus, the fact that Mandalakis has attended and completed counseling and completed his probation, while steps in the right direction, has no bearing on the decision the Board of Examiners must make with regard to his certification.

Accordingly, on January 17, 2008 the Board of Examiners voted to revoke Mandalakis' Teacher of Elementary School Provisional certificate, and his Teacher of Elementary School, Teacher of Music and Supervisor certificates. On this 21st day of February 2008 the Board of

Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Stratos Mandalakis' certificates be effective immediately. It is further ORDERED that Mandalakis return his certificates to the Secretary of the State Board of Examiners, Office of Licensure, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Secretary
State Board of Examiners

Date of Mailing: FEBRUARY 28, 2008

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