

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS  
EDWARD MARGOTTI : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0607-168

At its meeting of February 22, 2007, the State Board of Examiners reviewed information the Office of Criminal History Review had forwarded indicating that Edward Margotti was convicted in June 2005 on charges of theft. As a result of such conviction, Margotti was disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Margotti did not challenge the disqualification before the Commissioner of Education. Margotti currently holds a Teacher of Elementary School Certificate of Eligibility, issued in September 1999. Upon review of the above information, at its March 29, 2007 meeting, the State Board of Examiners voted to issue Margotti an Order to Show Cause.

The Board sent Margotti the Order to Show Cause by regular and certified mail on April 3, 2007. The certified mail copy was signed and returned. The regular mail copy was not returned. The Order provided that Margotti must file an Answer within 30 days. Margotti did not respond to the Order. Thereafter, the Board sent Margotti a second notice by regular and certified mail providing him an additional 15 days in which to file an Answer. The certified mail receipt was signed and returned and 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, Margotti did not file an Answer. On October 5, 2007, the Board sent Margotti correspondence allowing him the opportunity to appear before the Board and/or submit

documentation to present testimony regarding the penalty phase of his hearing. Margotti did not respond.

At its meeting of November 1, 2007, 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 Margotti's offense were in dispute since he had never denied that he had been convicted of the offense nor did he deny the resulting disqualification. 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 Margotti's conviction and disqualification, which was predicated on the same offense as was set forth in the Order to Show Cause, represent just cause to act against his certificate pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that they do.

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 a crime of dishonesty, such as theft, fall squarely within this category. This strong legislative policy statement is in accord with the Commissioner's long-held belief that teachers must serve as role models for students. "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). Accordingly, the State Board of Examiners finds that

Margotti's conviction and disqualification from service in the public schools of this State because of his conviction for theft provide just cause to take action against his certificate.

That 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 Margotti's offense so significant, the State Board of Examiners believes that the only appropriate sanction in this case is the revocation of his certificate.

Accordingly, on November 1, 2007 the Board of Examiners voted to revoke Margotti's Teacher of Elementary School Certificate of Eligibility. 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 Edward Margotti's certificate be effective immediately. It is further ORDERED that Margotti return his certificate 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.

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Robert R. Higgins, Secretary  
State Board of Examiners

**Date of Mailing: FEBRUARY 27, 2008**

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