

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
ROBERT PALADINO : ORDER OF REVOCATION
_____ : DOCKET NO: 0607-225

At its meeting of May 3, 2007, the State Board of Examiners reviewed information received from the District of Cliffside Park indicating that on March 15, 2007, Robert Paladino, the district School Business Administrator had pled guilty to one charge of third degree conspiracy to commit theft by deception and one count of third degree theft. Paladino resigned his position with Cliffside Park and was also disqualified from holding any office or position of honor, trust or profit in New Jersey or under any of its administrative or political subdivisions. *N.J.S.A. 2C:-51-2c*. Paladino currently holds a Teacher of Elementary School certificate, issued in June 1969, a Student Personnel Services certificate, issued in March 1987, a Principal certificate, issued in November 1982, a School Business Administrator certificate, issued in February 1984 and a School Administrator certificate, issued in March 1987. Upon review of the above information, at its June 7, 2007 meeting, the State Board of Examiners voted to issue Paladino an Order to Show Cause.

The Board sent Paladino the Order to Show Cause by regular and certified mail on June 13, 2007. The Order provided that Paladino's Answer was due within 30 days. Paladino filed his response on July 28, 2007. In that Answer, he admitted to all of the allegations in the Order to Show Cause. (Answer, ¶¶ 1-5). In the remainder of his Answer, Paladino argued that revocation was only warranted as to his School Business Administrator certificate. (Answer, ¶ 5). He stated that he had fulfilled the community service requirement of his sentence, had made full restitution to the Cliffside Park Board and had resigned from his tenured position. (Answer, ¶ 5). Paladino explained that because of a changing demographic in Cliffside Park and his role as both School Business Administrator and Superintendent, he was overburdened with work responsibilities and that took a toll on him personally. (Answer, ¶ 5). He stated that he regretted

his lack of judgment, but that he believed that he had been punished for his crime. (Answer, ¶ 5). He added that he wished to retain his other certificates so that he could continue to work as an educator in the private sector. (Answer, ¶ 5).

Thereafter, pursuant to *N.J.A.C.* 6A:9-17.7(e), on December 20, 2007, the Board of Examiners sent Paladino a hearing notice by regular and certified mail. The notice explained that since it appeared no material facts were in dispute, Paladino was offered an opportunity to appear before the Board and/or submit written arguments on the issues of whether the conduct addressed in the Order to Show Cause constituted conduct unbecoming a certificate holder and addressing the appropriate sanction, if any. The certified mail copy was signed and returned and the regular mail was not returned. Paladino did not submit a response to the hearing notice. On December 20, 2007, the Board sent Paladino correspondence allowing him the opportunity to appear before the Board and/or submit documentation to present testimony regarding the penalty phase of his hearing. Paladino did not respond.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Paladino's guilty plea to theft and conspiracy to commit theft by deception constitutes conduct unbecoming a certificate holder. At its meeting of January 17, 2008, the State Board of Examiners reviewed the charges and papers Paladino filed in response to the Order to Show Cause. After review of Paladino'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 offenses 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 Paladino'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. Paladino’s acts of theft are inexcusable for any individual, teacher or not. While he may have been an exceptional educator in the classroom, he has not demonstrated like behavior outside that arena.

Paladino argues that he should retain his other certificates since the incident related only to his responsibilities as a School Business Administrator. 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, this case can be easily contrasted to that of Hattie Black who retained her teaching certificate while having her administrative certificates revoked for similar infractions. *In the Matter of the Revocation of the Certificates of Hattie Black*, Dkt. No. A-2635-03T1 (App. Div. March 11, 2005) (Unreported Opinion). In Black’s case, she obtained secure tests via her position as Principal, but did not share inappropriately obtained information with other staff members or students. Accordingly, the Appellate Division allowed her to retain her teaching certificate since her breach was not related to her capacity as a teacher. In this matter, Paladino committed a crime which led the court to ban him from ever holding a public position in New Jersey. That permanent bar prohibits Paladino from ever using his certificates in the public sector. See *N.J.A.C.* 6A:9-17.5.

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, even Paladino cannot dispute that his actions adversely affected the school district. His actions have relieved him of any claim that he is a role model for students.

Notwithstanding Paladino's 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 Paladino has fulfilled his community service requirement and paid his court-ordered restitution, while a step 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 Paladino's Teacher of Elementary School, Student Personnel Services, Principal, School Business Administrator, and School Administrator 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 Robert Paladino's certificates be effective immediately. It is further ORDERED that Paladino 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 27, 2008

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