

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
NELSON TRIAS : ORDER OF REVOCATION
_____ : DOCKET NO: 0910-119

At its meeting of September 9, 2009, the State Board of Examiners reviewed information received from the New Jersey Superior Court, Law Division-Criminal, Essex County indicating that on May 31, 2006, Nelson Trias pled guilty to a charge of Official Misconduct. Trias had originally been charged with five counts of Sexual Assault-Supervisory, two counts of Criminal Sexual Contact, two counts of Endangering the Welfare of a Child-Duty and two counts of Official Misconduct. On September 15, 2006, Trias was sentenced to three years imprisonment. Trias currently holds a Teacher of English Certificate of Eligibility With Advanced Standing, issued in July 1998 and a Teacher of English certificate, issued in August 1999. Upon review of the above information, at its October 22, 2009 meeting, the State Board of Examiners voted to issue Trias an Order to Show Cause.

The Board sent Trias the Order to Show Cause by regular and certified mail on October 26, 2009. The Order provided that Trias' Answer was due within 30 days. The certified mail copy was returned as unclaimed but the regular mail copy was not returned. Trias did not file a response. Thereafter, on January 14, 2010, the Board sent Trias a second notice by regular and certified mail providing him an additional 15 days to respond to the Order to Show Cause. The regular mail copy was not returned and the certified mail copy was returned as unclaimed. Trias did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on February 24, 2010, the Board of Examiners sent Trias a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Trias 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 as well as arguments with regard to the appropriate sanction

in the event that the Board determined to take action against his certificates. 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 Trias' offense warranted action against his certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Trias was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy was returned as unclaimed and the regular mail copy was not returned. Once again, Trias did not respond.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Trias' conviction constitutes conduct unbecoming a certificate holder. Since Trias failed to respond to the Order to Show Cause or the hearing notice, at its meeting of April 29, 2010, the State Board of Examiners considered only the allegations in the Order to Show Cause. The Board of Examiners determined that no material facts related to Trias' offense were in dispute since he never denied that he had pled guilty to 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)*. 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 Trias' conviction, 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. Trias' act of Official Misconduct was serious enough that the court

deemed it necessary to imprison him for three years. The Commissioner has long held that teachers serve as role models for their students. Clearly, Trias cannot claim status as a role model to anyone.

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 (1943), *aff'd*, 131 N.J.L. 326 (E & A 1944). In this instance, Trias' conviction for Official Misconduct, which led to a prison sentence, demonstrates egregious behavior that warrants revocation.

Accordingly, on April 29, 2010 the Board of Examiners voted to revoke Trias' Teacher of English Certificate of Eligibility With Advanced Standing and his Teacher of English certificate. On this 10th day of June 2100 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Nelson Trias' certificates be effective immediately. It is further ORDERED that Trias 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:

Appeals may be made to the Commissioner of Education pursuant to the provisions of N.J.S.A. 18A:6-38.4.

RRH:MZ: