

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
JOSEPH ZINKIEWICZ : ORDER OF REVOCATION
_____ : DOCKET NO: 0910-151

At its meeting of January 7, 2010, the State Board of Examiners (Board) reviewed information received from the Ocean County Prosecutor's Office indicating that on January 18, 2002, Joseph Zinkiewicz pled guilty to Endangering the Welfare of a Child-Photo. On March 1, 2002, Zinkiewicz was sentenced to three years' imprisonment and fined. Zinkiewicz currently holds a Teacher of Speech Arts and Dramatics certificate, issued in June 1973. Upon review of the above information, at its March 25, 2010 meeting, the Board voted to issue Zinkiewicz an Order to Show Cause.

The Board sent Zinkiewicz the Order to Show Cause by regular and certified mail on April 8, 2010. The Order provided that Zinkiewicz's Answer was due within 30 days. Neither the regular mail copy nor the certified mail copy was returned. Zinkiewicz did not file a response. Thereafter, on May 24, 2010, the Board sent Zinkiewicz a second notice by regular and certified mail providing him an additional 15 days to respond to the Order to Show Cause. Neither the certified mail copy nor the regular mail copy was returned. Zinkiewicz did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on June 18, 2010, the Board sent Zinkiewicz a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Zinkiewicz 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 certificate. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if Zinkiewicz's offense warranted action against his certificate. Thereupon, the Board

would also determine the appropriate sanction, if any. Zinkiewicz 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, Zinkiewicz did not respond.

The threshold issue before the Board in this matter is whether Zinkiewicz's conviction constitutes conduct unbecoming a certificate holder. Since Zinkiewicz failed to respond to the Order to Show Cause or the hearing notice, at its meeting of September 16, 2010, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Zinkiewicz's 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 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 Board must now determine whether Zinkiewicz's conviction, as set forth in the Order to Show Cause, provides just cause to act against his certificate pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that it does.

The Board 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. Zinkiewicz's act of Endangering the Welfare of a Child-Photo is inexcusable for any individual, teacher or not, and 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, Zinkiewicz cannot claim status as a role model to anyone. Moreover, 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, Zinkiewicz's conviction demonstrates egregious behavior that warrants revocation.

Accordingly, on September 16, 2010, the Board voted to revoke Zinkiewicz's Teacher of Speech Arts and Dramatics certificate. On this 28th day of October 2010 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Joseph Zinkiewicz's certificate be effective immediately. It is further ORDERED that Zinkiewicz 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.

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:th