

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
EDGAR PADILLA : ORDER OF REVOCATION
_____ : DOCKET NO: 0910-225

At its meeting of July 22, 2010, the State Board of Examiners (Board) reviewed information received from the Highlands Borough Municipal Court (Highlands) regarding Edgar Padilla. Highlands reported that in April 2010, Padilla pled guilty to Lewdness and was sentenced to one year of probation and counseling. Padilla currently holds a Teacher of Elementary School in Grades K-5 Certificate of Eligibility, issued in January 2005, a Teacher of Mathematics Certificate of Eligibility, issued in September 2009, a Teacher of Elementary School With Subject Matter Specialization: Mathematics in Grades 5-8 Certificate of Eligibility, issued in September 2009 and a Teacher of Mathematics Provisional certificate, issued in February 2010, which expires in July 2011. Upon review of the above information, at its September 16, 2010 meeting, the Board voted to issue Padilla an Order to Show Cause.

The Board sent Padilla the Order to Show Cause by regular and certified mail on September 23, 2010. The Order provided that Padilla's Answer was due within 30 days. The certified mail receipt was signed and returned and the regular mail copy was not returned. Padilla did not file a response. Thereafter, on November 8, 2010, the Board sent Padilla a second notice by regular and certified mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail receipt was signed and returned and the regular mail copy was not returned. Padilla did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on November 29, 2010, the Board sent Padilla a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Padilla 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 Board would determine if Padilla's offenses warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Padilla was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was signed and returned and the regular mail copy was not returned. Once again, Padilla did not respond.

The threshold issue before the Board in this matter, therefore, is whether Padilla's conviction constitutes conduct unbecoming a certificate holder. Since Padilla failed to respond to the Order to Show Cause or the hearing notice, at its meeting of January 20, 2011, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Padilla's offense was 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 Padilla's 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 they do.

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. Padilla's act of Lewdness is inexcusable for any individual, teacher or not.

The Commissioner has long held that teachers serve as role models for their students. Clearly, a teacher convicted of lewdness cannot claim status as a role model to anyone. Padilla's conviction therefore warrants revocation. *In the Matter of the Certificates of Kevin Jordan*, Dkt. No. A-0155-08T3 (App. Div. October 5, 2009) (Unpublished Opinion).

Accordingly, on January 20, 2011, the Board voted to revoke Padilla's Teacher of Elementary School in Grades K-5, Teacher of Mathematics and Teacher of Elementary School With Subject Matter Specialization: Mathematics in Grades 5-8 Certificates of Eligibility, and his Teacher of Mathematics Provisional certificate. On this 31st day of March 2011 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Edgar Padilla's certificates be effective immediately. It is further ORDERED that Padilla 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:th