

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS  
JOSEPH MIFSUD : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0910-182

At its meeting of April 29, 2010, the State Board of Examiners (Board) reviewed information it had received from the Northern Valley Regional High School District (NVR) regarding Joseph Mifsud. Pursuant to *N.J.A.C. 6A:9-17.4*, NVR reported that Mifsud had resigned from his teaching position after a student reported that instant messages with Mifsud had “turned sexual.” Mifsud holds a Teacher of English Certificate of Eligibility, issued in February 2007. Upon review of the above information, at its June 10, 2010 meeting, the Board voted to issue an Order to Show Cause to Mifsud as to why his certificate should not be revoked.

The Board sent Mifsud the Order to Show Cause by regular and certified mail on June 21, 2010. The Order provided that Mifsud must file an Answer within 30 days. Mifsud responded on July 20, 2010. In his Answer, Mifsud stated that he had received “friend” requests from students on Facebook and that he accepted those requests thinking students would feel at ease in communicating in that way. (Answer, ¶ 4). He added that most of his discussions on Facebook revolved around school and classroom issues. (Answer, ¶ 4). He claimed that it was “an innocent error of judgment” in allowing students to contact him on Facebook. (Answer, ¶ 4). Mifsud added that he received a few friend requests from students whom he did not teach or supervise, including a female student, T.V. (Answer, ¶ 5). Mifsud claimed that his online conversations with T.V. were humorous and became more off-color gradually and subtly. (Answer, ¶ 7). Mifsud denied having any real relationship with T.V. and added that any sexual references were in a humorous vein. (Answer, ¶ 7). Mifsud stated that he realized, too late, that T.V. had developed an unhealthy obsession with him and that she started to appear wherever he was. (Answer, ¶ 8). He stated that he asked her to stop following him around, but she persisted. (Answer, ¶ 9). Mifsud added that he ended the “relationship” in early 2008 and told T.V. that they could no longer communicate electronically because it was inappropriate. (Answer, ¶ 10). He said the next day he was summoned to

the principal's office and interrogated about the relationship. (Answer, ¶ 11). Mifsud noted that since his resignation from NVR he had not held a teaching position and realized his mistake in allowing students "to have "friended" me or to have so easily passed through the barrier which must exist between teachers and students." (Answer, ¶14). Mifsud stated that he had paid a "fearsome price" for his mistake and had lost his job, and probably, any hope of a career in the teaching profession. (Answer, ¶ 15). He argued that the loss of his teaching credential was unfair and unnecessary as his interactions with T.V. were with words, only. (Answer, ¶ 15). He reiterated that they never met off school grounds, had any physical interaction of any kind and never did anything of an inappropriate nature. (Answer, ¶ 15). Mifsud claimed that he was very young and inexperienced and in his zeal to connect with students allowed his judgment to lapse, at least for a time. (Answer, ¶ 15). He denied that he had done anything to warrant the revocation of his teaching certificate. (Answer, ¶ 17). He stated that he had learned his lesson and that his lapse in judgment would not be repeated in the future. (Answer, ¶ 17).

Since there were material facts in dispute, on August 31, 2010, the Board transmitted the matter to the Office of Administrative Law (OAL) for hearing as a contested case. Administrative Law Judge (ALJ) Imre Karaszegi heard the matter on October 11 and 12, 2011 and January 11, 2012. The record closed on July 17, 2012 and the ALJ issued an Initial Decision on August 23, 2012. *In the Matter of the Teaching Certificate of Joseph Mifsud*, Dkt. No. EDE 09244-10 (Initial Decision, August 23, 2012).

In that decision, ALJ Karaszegi found that while employed at NVR as an English teacher, Mifsud started to exchange instant messages on a regular basis with a student, T.V. (Initial Decision, slip op. at 2). T.V. was not in any of Mifsud's classes and requested that he become her "friend" on Facebook. *Ibid.* T.V. and Mifsud exchanged instant messages on a regular basis between October 2007 and January 2008. *Ibid.* The instant messages contained graphic sexual innuendos including a description of what Mifsud would do to T.V., sexually and talk about the size of her breasts. *Id.* at 3. The ALJ also found that Mifsud continued to communicate with T.V. electronically even after receiving three separate letters from his principal advising him to change his social networking profile to "private" and to comply with the district policy regarding "internet communication and/or social networking with students." *Id.* at 4.

After admitting to communicating with T.V., and another student in his class, K.W., Mifsud testified that he continued the electronic communications because he “wasn’t sure how to end the conversations.” *Ibid.*

After assessing the evidence, ALJ Karaszegi concluded that “there is just cause to warrant action regarding respondent’s certificate.” *Ibid.* The ALJ concluded that Mifsud’s acknowledgment of extensive online communications with two students and the graphic sexual innuendo contained in many of the messages constituted conduct unbecoming a teaching staff member. *Id.* at 4-5. All of these incidents led ALJ Karaszegi to conclude that revocation of Mifsud’s certificate was warranted. *Id.* at 5-6. The ALJ concluded that Mifsud violated his position of trust among students. *Id.* at 5. The ALJ also held that Mifsud’s repeated and extensive instant messages with T.V., even after receiving three letters from his principal to change his behavior, was “more than a simple error in judgment.” *Ibid.* Accordingly, the ALJ ordered Mifsud’s certificate revoked. *Id.* at 6. Neither party submitted Exceptions in the case.

The Board must now determine whether to adopt, modify or reject the Initial Decision in this matter. At its meeting of September 21, 2012, the Board reviewed the Initial Decision. After full and fair consideration of the Decision, the Board voted to adopt the Initial Decision.

As noted above, ALJ Karaszegi concluded that Mifsud had engaged in “a conscious decision to continue a course of inappropriate, unprofessional and irresponsible conduct as evidenced in extensive instant messages involving a student, T.V., even though respondent knew his conduct was wrong.” (Initial Decision, slip op. at 6). The ALJ concluded that these behaviors warranted the revocation of Mifsud’s certificate. The Board agrees. “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. Mifsud repeatedly overstepped the proper boundaries that a teacher must maintain with students. He admittedly engaged more than one student in inappropriate electronic communications and, in at least one instance, maintained an inappropriate relationship with a student in direct contravention of his superior’s orders. 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 case, Mifsud's ongoing, inappropriate electronic communications with students amply demonstrate his inability to be a role model. Furthermore, his rationale that these mistakes were due to his naiveté and inexperience belies the fact that, as the ALJ noted, he made a "conscious" decision to engage in this behavior. "Friending" a student on Facebook rather than communicating about school matters on a district-sanctioned website might be a "lapse in judgment." Detailing explicit sexual desires to that student is not. Rather, it is willful behavior at its most outrageous and cannot be countenanced. The Board therefore adopts the Initial Decision to revoke Mifsud's certificate.

Accordingly, on September 21, 2012, the Board voted to adopt the Initial Decision and ordered to revoke Mifsud's certificate. On this 30th day of November 2012, the Board formally adopted its written decision to adopt the Initial Decision in this matter, and it is therefore ORDERED that Joseph Mifsud's Teacher of English Certificate of Eligibility be hereby revoked immediately. It is further ORDERED that Mifsud 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:

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