

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
JOSEPH PONSI : ORDER OF REVOCATION
_____ : DOCKET NO: 1112-193

At its meeting of April 5, 2012, the State Board of Examiners (Board) reviewed information received from the Superior Court of New Jersey, Bergen County regarding Joseph Ponsi. On December 1, 2009, Ponsi pled guilty to Endangering the Welfare of a Child - Photo Sexual Act and was sentenced to four years' probation. As part of his sentence, Ponsi agreed not to seek employment as a teacher in a public or private school. Ponsi currently holds a Teacher of Industrial Arts certificate, issued in May 1967, a Student Personnel Services certificate, issued in August 1979 and a Principal certificate, issued in March 1987. Upon review of the above information, the Board voted at its meeting of May 17, 2012 to issue Ponsi an Order to Show Cause why his certificates should not be revoked.

The Board sent Ponsi the Order to Show Cause by regular and certified mail on May 24, 2012. The Order provided that Ponsi must file an Answer within 30 days. Neither the certified mail copy nor the regular mail copy was returned. Ponsi did not file a response. Thereafter, on June 27, 2012, the Board sent Ponsi another notice by certified and regular 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. Ponsi did not respond to the second notice.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on July 24, 2012, the Board sent Ponsi a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Ponsi 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 found just cause 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 his disqualifying offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if

any. Ponsi 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, Ponsi did not respond.

The threshold issue before the Board in this matter is whether Ponsi has engaged in conduct unbecoming a certificate holder. Since Ponsi failed to respond to the Order to Show Cause or the hearing notice, at its meeting of September 21, 2012, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Ponsi's offense were in dispute since he never denied that he had been convicted and sentenced accordingly or that he was forever barred from working in a public or private school. 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 Ponsi's conviction and sentence, which forever bars him from working in a public or private school, as set forth in the Order to Show Cause, represent 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. Ponsi's acts of Endangering the Welfare of Children – Photo Sexual Act are 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 Endangering the Welfare of Children – Photo Sexual Act cannot claim status as a role model to anyone. Ponsi's conviction, as well as his sentence, which forever bars him from employment in any public or private school, therefore warrant revocation. *In the Matter of the Certificates of Kevin Jordan*, Dkt. No. A-0155-08T3 (App. Div. October 5, 2009) (Unpublished Opinion).

Accordingly, on September 21, 2012, the Board voted to revoke Joseph Ponsi's Teacher of Industrial Arts, Student Personnel Services and Principal certificates. On this 30th day of November 2012 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Joseph Ponsi's certificates be effective immediately. It is further ORDERED that Ponsi 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.