

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
EDWARD FISZER : ORDER OF REVOCATION
_____ : DOCKET NO: 1213-141

At its meeting of January 25, 2013, the State Board of Examiners (Board) reviewed information received from the staff of the Office of Certification and Induction regarding Edward Fiszer. On March 1, 2011, the California Commission on Teacher Credentialing revoked Fiszer's teaching certificates there as a result of his conviction for Fraud in 2010. In New Jersey, Fiszer currently holds a Principal Certificate of Eligibility, issued in June 2010. Based upon the above information, the Board voted to issue Fiszer an Order to Show Cause at its meeting of February 28, 2013.

The Board sent Fiszer the Order to Show Cause by regular and certified mail on March 4, 2013. The Order provided that Fiszer must file an Answer within 30 days. The certified mail receipt was signed and returned and the regular mail copy was not returned. Fiszer did not file a response. Thereafter, on April 10, 2013, the Board sent Fiszer 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. The regular mail copy was not returned. Fiszer did not respond to the second notice.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on May 2, 2013, the Board sent Fiszer a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Fiszer 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 Fiszer's conduct warranted action against his certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Fiszer 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, Fiszer did not file a response.

The threshold issue before the Board in this matter is whether Fiszer's conviction and the revocation of his California certificates constitute conduct unbecoming a certificate holder. Since Fiszer failed to respond to the Order to Show Cause or the Hearing Notice, at its meeting of July 25, 2013, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Fiszer's offense were in dispute since he never denied that he had been convicted of the offense charged or that his certificates had been revoked in California. 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 Fiszer's conviction and the revocation of his California certificates, as set forth in the Order to Show Cause, provide just cause to act against his certificate 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.

Moreover, it is well established that the State Board of Examiners has the right to revoke a certificate where the teacher was involved in criminal activities, even if the activities were unrelated to the classroom. See *Cox v. State Board of Examiners*, (App. Div. Docket No. A-3527-81T3) (November 18, 1983); *State Board of Examiners v. Krupp*, 3 *N.J.A.R.* 285 (1981). Fiszer has a conviction for Fraud, conduct which implicates his honesty and resulted in a prison sentence. A teacher's behavior outside the classroom may be relevant in determining that person's qualifications and continued fitness to retain his certificates. *In re Grossman*, 127 *N.J. Super.* 13, 30 (App. Div. 1943), cert. denied 65 *N.J.* 292 (1974). Furthermore, the Commissioner has long held that teachers serve as role models for their students.

Clearly, Fiszer's conviction indicates that his actions here are not those of a role model. The California Commission on Teacher Credentialing thought so and the Board agrees. The Board therefore believes that the only appropriate sanction in this case is the revocation of Fiszer's certificate.

Accordingly, on July 25, 2013, the Board voted to revoke Fiszer's Principal Certificate of Eligibility. On this 20th day of September 2013 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Edward Fiszer's certificate be effective immediately. It is further ORDERED that Fiszer 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