

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
RONALD MORENO : ORDER OF REVOCATION
_____ : DOCKET NO: 1213-107

At its meeting of September 21, 2012, the State Board of Examiners (Board) reviewed information it had received from the Cumberland County Technical Education Center (CCTEC) regarding Ronald Moreno. CCTEC reported that Moreno retired from his position following allegations that he was involved in an inappropriate relationship with a student. Specifically, CCTEC alleged that Moreno had placed his hand on the leg of a student, A.H., during a dinner outing on a school trip. Another student alleged that she read text messages between A.H. and Moreno which included references to Moreno being “hard,” lotion/soap, animals having sex, a discussion mentioning that A.H. got her period and Moreno asking “Have you ever had sex while you had your period?” and a text from Moreno regarding the end of the trip and taking A.H. home and parking “out of view of the security cameras.” CCTEC also informed the Board that in interviews with the State Police, both A.H. and Moreno admitted that they were engaged in a consensual sexual relationship which began after the student’s 18th birthday. The State Police did not file any charges against Moreno. Moreno currently holds Teacher of Elementary School and Teacher of Data Processing Certificates of Eligibility, both issued in July 1994, a Teacher of Computer Science Technology Certificate of Eligibility, issued in September 1994, Teacher of Elementary School, Teacher of Data Processing and Teacher of Computer Science Technology certificates, all issued in July 1997 and a Teacher of Law Enforcement certificate, issued in October 2010. After reviewing the above information, at its November 30, 2012 meeting, the Board voted to issue an Order to Show Cause to Moreno as to why his certificates should not be revoked.

The Board sent Moreno the Order to Show Cause by regular and certified mail on December 5, 2012. The Order provided that Moreno must file an Answer within 30 days. Moreno responded on December 21, 2012. In his Answer, Moreno stated that he did not know what CCTEC had reported to the Board, but denied all of the allegations in the Order to Show Cause as to his conduct. (Answer, ¶¶ 3, 4). He also denied that there was cause to consider revoking his certificates and left the Board to its proofs. (Answer, ¶ 5).

Since there were material facts in dispute, the Board transmitted the matter to the Office of Administrative Law (OAL) for hearing as a contested case. Administrative Law Judge (ALJ) John R. Futey heard the matter on September 25, 26, and November 19, 2013 as well as on January 30, 2014. The record closed on April 4, 2014, and the ALJ issued an Initial Decision on May 19, 2014. *In the Matter of the Certificates of Ronald L. Moreno*, Dkt. No. EDE 944-13 (Initial Decision, May 19, 2014).

In that decision, ALJ Futey found that, in March 2012, while on a school field trip, A.H. violated protocol by leaving the hotel room she shared with other female students prior to the time she was allowed and wound up in Moreno's hotel room, where she was eventually discovered by the female chaperone, Bonnie Marano. (Initial Decision, slip op. at 26). The ALJ also found A.H.'s presence in Moreno's hotel room later in the afternoon while he was in the bathroom "highly inappropriate and totally inexcusable." *Id.* at 27. ALJ Futey determined that there was "no justifiable excuse" for Moreno's actions on that field trip including, allowing A.H. to rest her head on his shoulder during an awards ceremony and while riding on the bus home, and driving A.H. home once the bus arrived back at the school. *Id.* at 27, 28. The ALJ concluded that "all of those actions by Moreno reflected unbecoming conduct by a teacher with a student." *Id.* at 28. In addition, after noting that Moreno and A.H. had exchanged 1,857 text

messages between April 18 and May 11, 2012, the ALJ stated that he found the “accumulated and vast amount of text exchanges was highly excessive and inappropriate, and, in the process, it demonstrated unbecoming conduct by a supervising adult over a student.” *Ibid.* ALJ Futey also found credible the testimony of A.C. and N.M., fellow students of A.H. *Id.* at 29-30. A.C. had testified that, at a dinner in Washington, D.C. during a field trip chaperoned by Moreno, she observed Moreno put his hand on A.H.’s leg and briefly up her skirt. *Id.* at 29. N.M. and A.C. both testified that, on that same trip, they looked at A.H.’s cell phone, which she had left on her bus seat after she went to sit next to Moreno. *Ibid.* Both A.C. and N.M. testified that they saw many sexually explicit text messages between A.H. and Moreno on A.H.’s phone. *Ibid.* Although ALJ Futey did not condone A.C. and N.M.’s “snooping and spying,” he noted that “their indiscretions in that regard cannot excuse or diminish the scurrilous nature of the text exchanges between the teacher and student.” *Id.* at 30. In contrast to A.C. and N.M.’s credible testimony, the ALJ found that A.H. “to be much less credible and her testimony not worthy of belief.” *Id.* at 31. ALJ Futey determined that A.H. had a vested interest in protecting Moreno, which made her testimony “dubious at best.” *Ibid.*

After assessing the evidence and “having attached the appropriate weight to the testimony of all the witnesses,” ALJ Futey concluded that the facts demonstrated that Moreno had engaged in “an unwholesome and inappropriate relationship with A.H., as set forth in the Order to Show Cause herein.” *Id.* at 32. After determining that the Board had demonstrated the allegations of unbecoming conduct against Moreno by a preponderance of the credible evidence, ALJ Futey ordered the revocation of his certificates. *Id.* at 33. Neither party filed 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 July 15, 2014, the Board reviewed the Initial Decision. After full and fair consideration of the Decision, the Board voted to adopt the Initial Decision.

There is no doubt that the ALJ is in the best position to render credibility determinations in this matter. Accordingly, the Board will defer to those findings. As noted above, after assessing the evidence and the credibility of the witnesses, ALJ Futey concluded that the Board had amply demonstrated that Moreno engaged in conduct unbecoming a teacher vis-a-vis his inappropriate relationship with A.H., which warranted the revocation of his certificates. (Initial Decision, slip op. at 33).

“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. 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 (Sup. Ct. 1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). In this case, Moreno’s action of inappropriately touching a student’s leg and putting his hand up her skirt, without more, certainly satisfies that requirement. His added behavior of exchanging sexually explicit texts with her, allowing her to rest her head on his shoulder on numerous occasions, allowing her to enter his hotel room while on school field trips and driving her home from a field trip only amplifies the litany of his offenses. Moreno’s conduct amply demonstrates that he crossed a boundary that should exist between teacher and student. Finally, although ALJ Futey recognized, as does the Board, the potential damage a revocation would have on Moreno’s future career plans, ultimately it is Moreno who is

responsible for his conduct as a whole and that conduct warrants revocation. The Board therefore adopts the Initial Decision in its entirety.

Accordingly, on July 15, 2014, the Board voted to adopt the Initial Decision and ordered to revoke Moreno's certificates. On this 24th day of July 2014, the Board formally adopted its written decision to adopt the Initial Decision in this matter, and it is therefore ORDERED that Ronald Moreno's Teacher of Elementary School, Teacher of Data Processing, and Teacher of Computer Science Technology Certificates of Eligibility, and his Teacher of Elementary School, Teacher of Data Processing, Teacher of Computer Science Technology and Teacher of Law Enforcement certificates are hereby revoked, effective immediately. It is further ORDERED that Moreno 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 *N.J.S.A.* 18A:6-38.4.

RRH/MZ/th