

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
JENNIFER C. GRECO : ORDER OF SUSPENSION
_____ : DOCKET NO: 1617-173

At its meeting of January 19, 2017, the State Board of Examiners (Board) reviewed information it received regarding Jennifer C. Greco. The Deptford Police Department provided information to the State Board of Examiners (Board) regarding Greco. On January 21, 2015, Greco was charged with Aggravated Assault following an altercation she had with her ex-boyfriend. On September 28, 2015, the charge was remanded to Municipal Court and downgraded to Simple Assault. That charge was dismissed on March 30, 2016 for lack of prosecution. The charges were the result of an incident where Greco allegedly threw a knife at her ex-boyfriend's face as they argued over a child custody issue while she was at his residence eating dinner. Both children were present during the altercation. The right side of the victim's face sustained a laceration and swelling.

Greco also had additional charges, all of which were dismissed, from prior incidents. On May 11, 2007, Greco was arrested and charged with Preventing a Law Enforcement Officer from effecting a lawful arrest by refusing to follow the officer's commands and refusing to cooperate in being handcuffed. On May 6, 2008, she was arrested and charged with Use or Under Influence of CDS after she was admitted to the hospital and admitted ingesting cocaine. On that date, Greco was also charged with Possession of a CDS. On April 7, 2012, Greco was charged with Attempted Purposely/Knowingly Causing Bodily Injury to Another after striking her victim in the head with a closed fist during a verbal argument. The victim sustained a cut and bruising. That victim was the same ex-boyfriend whom she later struck with a knife in the incident from January 2015.

Greco currently holds a Teacher of Elementary School Grades K-5 Certificate of Eligibility with Advanced Standing, and Teacher of Elementary School Grades K-5 certificates. After reviewing the above information, at its March 3, 2017 meeting, the Board voted to issue an Order to Show Cause (OSC) to Greco as to why his certificates should not be suspended.

The Board sent Greco the OSC by regular and certified mail on March 8, 2017. The OSC provided that Greco must file an Answer within 30 days. After extensions, Greco responded on July 1, 2017. In her Answer, Greco denied that the incident at issue did not involve a knife, nor was there an argument over child custody. Rather, Greco was attempting to determine whether the father of her children was going to pay child support arrears totaling over \$40,000. In frustration over this issue, a dish was dropped, landing on the counter and a piece struck the victim. *See Answer.*

Greco further denied prior charges regarding possession of CDS and preventing law enforcement from making an arrest. She indicated that she has no convictions on her record and that charges have been dismissed. *Id.*

Since there were material facts in dispute, on October 18, 2017, the Board transmitted the matter to the Office of Administrative Law (OAL) for hearing as a contested case. On September 9, 2019, Administrative Law Judge (ALJ) Dorothy Incarvito-Garrabrant issued an Initial Decision in the case. *In the Matter of the Certificates of Jennifer C. Greco*, Dkt. No. EDE 15426-17 (Initial Decision, September 9, 2019).

After reviewing the record, ALJ Incarvito-Garrabrant found that the Board successfully proved that Greco engaged in conduct unbecoming a teacher. (Initial Decision, slip op. at p. 21). The ALJ found that Greco was arrested on four different occasions. *Id.* at p. 16. Greco has two children with her ex-boyfriend James. The relationship was “tumultuous”, and Greco was arrested

in 2012 for domestic violence wherein Greco allegedly struck James and tackled him resulting in injuries to James. *Id.* at p. 17. These charges were dismissed because James did not want to jeopardize Greco's job. James was, and has been, unemployed. James owes Greco approximately \$67,000 in child support arrears. *Id.* at p. 17-18. James was reluctant to exercise his parenting time for his younger child which resulted in increased frustrations for Greco. *Id.*

The ALJ further found that on January 21, 2015, Greco went to James' residence after work to pick up their son. James made dinner and invited Greco to eat. *Id.* at p. 18. James and Greco began to argue about child support and their upcoming court appearance. The argument escalated and Greco wanted to leave, but James insisted the children eat. Greco ended up throwing a plate "like a frisbee" at James. This caused a laceration on James' face. The children were at the table and witnessed the argument and the throwing of the plate. Greco was arrested that night and the children were placed in James' custody for 2 weeks. The charge was downgraded and then dismissed in municipal court. *Id.* Greco is the primary economic provider for her children and there have been no reported incidents at school or with her students. *Id.* at p. 19.

Based upon the above factual findings, the ALJ concluded that Greco's arrests and charges are "significant and concerning." *Id.* at p. 21. Further, Greco's arrests demonstrate a "pattern of behavior showing disregard for the norms of appropriate behavior." *Id.* The fact that Greco threw a plate at James while her children were present is "sufficiently unbecoming behavior, when taken in context with the other allegations surrounding her prior arrests." *Id.* Finally, the ALJ found that Greco "shows an inability to restrain her impulsive behavior and conduct herself in accordance with the standards of that of a teacher and role model for children." *Id.*

Greco expunged the above-referenced charges from her record, but the ALJ found that the expungement does “not exonerate” her. *Id.* The dismissals are not the equivalent of an acquittal, but rather a common alternative in criminal and municipal courts.

The ALJ, however, found that there were factors that mitigate the penalty for the unbecoming conduct. Those factors include significant financial and parent responsibilities, stress, a difficult relationship with the children’s father, and the fact Greco’s conduct did not occur in school or with students. The ALJ also found that a long-term suspension will result in more financial harm to the family than it would do in correcting or sanctioning the behavior. Accordingly, the ALJ ordered a one-month suspension. *Id.* a p. 22-23.

In the Exceptions, the Deputy Attorney General (DAG) argued that the length of the suspension ordered by the ALJ is not a sufficient penalty for the severity of the unbecoming conduct. Specifically, the DAG argues that once unbecoming conduct has been established, the penalty imposed must be consistent with the conduct because it calls into question a teacher’s fitness to discharge the duties and functions of her position. (Exceptions, p. 7). Other than the testimony that James is in arrears, there was no other testimony that Greco was experiencing financial hardship. *Id.* at p. 8. Further, the prior arrests that also demonstrate unbecoming conduct occurred before Greco became a parent; there is no testimony that these arrests were due to stress or financial issues. *Id.* at p. 8-9.

The DAG argued that the total of Greco’s arrests show a blatant disregard for the law and severely undermines the public’s confidence and trust in Greco. Greco offered no testimony to mitigate her actions. The only testimony she provided was full of discrepancies as indicated in the initial decision from the ALJ. The DAG argues that Greco’s habitual criminal conduct calls for a

multiyear suspension rather than a one-month suspension of her certificates. No Reply Exceptions were filed.

The Board must now determine whether to adopt, modify or reject the Initial Decision in this matter. At its meeting of November 1, 2019, the Board reviewed the Initial Decision and the Exceptions. After full and fair consideration of the Decision and submissions, the Board voted to adopt the Initial Decision, but modify the penalty in this matter.

The ultimate issue in this matter is the nature and degree of the unbecoming conduct. As noted above, ALJ Incarvito-Garrabrant found that Greco's conduct is unbecoming of a teacher, but she determined that financial stability required a shorter suspension of one month. After reviewing the entire record, the Board agrees with the ALJ's assessment regarding Greco's unbecoming conduct but disagrees with the appropriate resultant penalty. Greco's unbecoming conduct occurred several times, most recently resulting in a violent act in front of her children. The fact that a longer suspension could result in additional stress and/or financial difficulties, is of little moment to the Board. In most cases, suspension for any period results in financial stress for most certificate holders. The Board cannot base mitigation of the penalty on financial hardship and/or family stress alone.

The Board believes the facts of this matter are more similar to the conduct in *IMO the Credential of Mahmoud I. Okal*, Agency Dkt No. 1516-108, State Board of Exam'rs (March 3, 2017), wherein the Board suspended Okal for a period of one year after he punched someone in the face. Accordingly, given the Board's precedent in cases involving assault, in conjunction with Greco's personal family situation that led to her conduct, the Board believes a more fitting penalty in this matter is a six-month suspension of her certificates.

Accordingly, on November 1, 2019, the Board voted to adopt the Initial Decision and ordered a six-month suspension of Greco's certificates. On this 13th day of December 2019, the Board formally adopted its written decision to adopt the Initial Decision in this matter and it is therefore ORDERED that Jennifer C. Greco's Teacher of Elementary School Grades K-5 Certificate of Eligibility with Advanced Standing, and Teacher of Elementary School Grades K-5 certificates are hereby SUSPENDED for a period of six-months, effective immediately. It is further ordered that Greco return her certificates to the Secretary of the State Board of Examiners, Office of Certification and Induction, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Rani Singh, Secretary
State Board of Examiners

Date of Mailing:
via certified and regular mail

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