

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
DENNIS M. DEMARINO : ORDER OF SUSPENSION
_____ : DOCKET NO: 1617-184

At its meeting of January 19, 2018, the State Board of Examiners (Board) reviewed information the Criminal History Review Unit had forwarded regarding Dennis M. DeMarino, the School Business Administrator in the Woodbridge Public School District (Woodbridge). In February 2015, a gram of cocaine was found in his vehicle on school property.¹

DeMarino currently holds School Business Administrator and School Administrator Certificates of Eligibility and a School Business Administrator certificate. Upon review of the above information, the Board voted at its meeting of April 13, 2018 to issue DeMarino an Order to Show Cause as to why his certificates should not be suspended.

The Board sent DeMarino the Order to Show Cause by regular and certified mail on April 18, 2018. The Order provided that DeMarino must file an Answer within 30 days. DeMarino filed an Answer on May 14, 2018.

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. On November 2, 2018, DeMarino sent an email to OAL indicating that he wanted to withdraw his right to represent himself and changed his decision to appeal the revocation. Accordingly, OAL returned the matter to the Board, which provided DeMarino with the opportunity to sign a relinquishment affidavit or proceed to hearing before the Board. DeMarino did not respond to that notice.

¹ The Board had previously issued an Order to Show Cause to DeMarino based upon his conduct and referencing his entry into Pretrial Intervention (PTI). DeMarino successfully completed PTI in July 2016 and had his arrest record expunged in April 2017. The Board then vacated the original Order to Show Cause and issued the current one that is the basis of this proceeding.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on January 17, 2019, the Board sent DeMarino a hearing notice by regular and certified mail informing him that there were no material facts in dispute and that his Answer was stricken from the record. DeMarino was offered an opportunity to submit written arguments on the issue of whether the conduct addressed in the Order to Show Cause provided just cause for the Board to take action against his certificates. DeMarino was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. DeMarino filed a written response on February 19, 2019 and asked to appear before the Board.

In his Hearing Response, DeMarino claimed that, in February of 2015, a gram of cocaine was found in his car that was parked in his spot at the Woodbridge Education Administration Building. (Hearing Response, ¶ 1). He stated that the police report confirmed that he did not bring drugs to his place of employment and that the drugs were placed in his car while he was working inside. (Hearing Response, ¶ 1). DeMarino indicated that he was not found guilty of any crime or accusation involving the incident and that he was not and never had been a drug user. (Hearing Response, ¶ 2). He added that no court record or evidence exists of the incident taking place. (Hearing Response, ¶ 3). DeMarino noted that he has worked in public education for 19 years and 7 months with an unblemished record. (Hearing Response, ¶ 5). He added that after the Board voted to vacate the initial OSC, its decision to issue a new OSC four years after “an incident by law, has never occurred” felt like “double jeopardy” to him. (Hearing Response, ¶ 6). In requesting that the Board not revoke his certificates, DeMarino wanted the Board to consider the facts of the case and the amount of time that had elapsed since the incident, of which there was no record. (Hearing Response, ¶ 6).

In testimony before the Board, DeMarino stated that he had been employed by Woodbridge for 19 years and had never been disciplined. He added that his records were impeccable and he had perfect attendance. DeMarino added that he was never a drug user and all charges against him were dropped and expunged. He insisted that he was not aware something had been placed in his vehicle and said he wanted to fight the charges but did not want to take the chance that he might be found guilty, so he

accepted the deal for PTI with a subsequent expungement. DeMarino stated that he knows he will not be able to obtain another job in public education but he emphasized that he never let Woodbridge down in all his years of service there.

The threshold issue before the Board in this matter is whether the admitted presence of cocaine in DeMarino's vehicle that was parked on Woodbridge property constitutes conduct unbecoming a certificate holder or other just cause. Since DeMarino's Answer was subsequently stricken from the record, the allegations contained in the Order to Show Cause are deemed admitted. *N.J.A.C. 6A:9B-4.6(c)*. Thus, at its meeting of June 28, 2019, the Board considered only the allegations in the Order to Show Cause, DeMarino's Hearing Response and testimony. Thus, since no material facts related to DeMarino's offense were in dispute, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*. After reviewing the allegations, the Board found that DeMarino had engaged in unbecoming conduct.

The Board must now determine whether DeMarino's conduct, as set forth in the Order to Show Cause, represents just cause to act against his certificates pursuant to *N.J.A.C. 6A:9B-4.5*. The Board finds that it does.

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:9B-4.4*. "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, the Commissioner has long held that teachers serve as role models for their students. Furthermore, 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, the record established that DeMarino admitted that a gram of cocaine was found in his vehicle parked on public school property. However, although DeMarino's conduct falls

short of that of a role model, given his heretofore unblemished career and the expungement of his criminal record, the Board believes that an appropriate response to his breach is a two-year suspension of his certificates.

Accordingly, on May 17, 2019, the Board voted to suspend Dennis M. DeMarino's School Business Administrator and School Administrator Certificates of Eligibility and his School Business Administrator certificate for a period of two years. On this 19th day of September 2019 the Board voted to adopt its formal written decision and it is therefore ORDERED that DeMarino's certificates be suspended, effective immediately. It is further ORDERED that DeMarino return his 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, Acting 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.