

SBE #0405-110
SB # 21-05

IN THE MATTER OF THE REVOCATION OF :
THE CERTIFICATES OF ANTHONY NARDINI : STATE BOARD OF EDUCATION
BY THE STATE BOARD OF EXAMINERS. : DECISION

Decision by the State Board of Examiners issued on April 12, 2005

For the Respondent-Appellant, Anthony Nardini, pro se

For the Petitioner-Respondent, Patricia O'Neill, Deputy Attorney General
(Peter C. Harvey, Attorney General of New Jersey)

The decision of the State Board of Examiners to revoke the teaching certificates of the appellant, Anthony Nardini, as a result of his conviction in New York in 1991 for public lewdness is affirmed substantially for the reasons expressed therein.

In so doing we reject the appellant's contention that he is protected from such action by a "Certificate of Relief from Disabilities" issued to him by the New York City Criminal Court in September 1991. Even assuming arguendo that the certificate can be applied to proceedings in New Jersey, its applicability is expressly limited to the "automatic forfeiture" of any licenses and it "shall NOT prevent any judicial, administrative, licensing or other body, board or authority from relying upon the conviction specified...as the basis for the exercise of its discretionary power to suspend, revoke, refuse to issue or renew any license, permit or other authority or privilege." (Emphasis in original.) In this case, the appellant was disqualified from service in the public schools of New Jersey as a result of his conviction for public lewdness, N.J.S.A.

18A:6-7.1, and the Board of Examiners could properly rely upon that conviction for purposes of finding unbecoming conduct warranting the revocation of his certificates.

Arcelio Aponte, Josephine E. Figueras, Arnold G. Hyndman and Frederick J. LaGarde, Jr. abstained.

August 3, 2005

Date of mailing _____