

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE LICENSES OF : STATE BOARD OF EXAMINERS
GREGORY PALUMBO : ORDER OF REVOCATON
_____ : DOCKET NO. 325 - 12/95 - 101

At its meeting of December 14, 1995, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that Mr. Palumbo was convicted in September, 1995 on charges of disturbing an election. He was sentenced to one (1) year probation and fined. Mr. Palumbo holds Teacher of English, Teacher of Social Studies and Supervisor licenses in the State of New Jersey.

At that meeting, the State Board of Examiners voted that said conviction constituted sufficient grounds for issuing an Order to Show Cause. Thereafter, Gregory Palumbo was served with said Order to Show Cause by regular and certified mail on or about May 30, 1996. The Order to Show Cause was resent to his correct address on August 14, 1996. On August 22, 1996 an Answer to the Order to Show Cause was forwarded by Robert P. Glickman, Esq. on behalf of his client Gregory Palumbo.

Thereafter, the State Board of Education decided two cases which impacted on the hearing process conducted by the State Board of Examiners. The first case is captioned, In the Matter of the Certificates of Sheridan. The other is captioned, In the Matter of the Certificates of Vitola. Within these two cases, the State Board of Education determined that the State Board of Examiners was required to amend its regulations in order to permit it to hear directly legal matters in which material facts are not in dispute. During the pendency of the revisions to the State Board of Examiner' regulations regarding its hearing process, all such hearings were held in abeyance. Said regulatory amendments were finally codified in May of 1997.

Pursuant to the newly codified N.J.A.C. 6:11-3.6(a)1, on July 21, 1997 a hearing notice was mailed by certified mail to Mr. Glickman. A regular mail copy was forwarded to Mr. Palumbo. Said notice explained that, it appearing that no material facts were in dispute, Mr. Palumbo was provided an opportunity to offer legal argument on the issue of whether his conviction constituted conduct unbecoming a teacher. On July 30, 1997, a response to the hearing notice was received from Judge Glickman on behalf of Gregory Palumbo. Further correspondence dated August 4, 1997 from Judge Glickman was also received.

Mr. Palumbo's response to the hearing notice of July 21, 1997 indicates that the State Operated School District of the City of Newark suspended him with pay during the pendency of tenure proceedings certified to the Commissioner of Education. Said response also indicates that Mr. Palumbo never benefited personally in any way from his act, cooperated with all investigating authorities and feels tremendous remorse and sorrow for what he did. He requests that the State Board of Examiners impose a sanction of a fine or minimal suspension. His attorney affixed in another letter of July 27, 1997 a report from a psychologist which he asks the State Board of Examiners to review as to Mr. Palumbo's state of mind when he committed the offense in question. He offers said report not as evidence of rehabilitation, but rather as material in determining sanction.

Mr. Palumbo's Answer admits he pleaded guilty to an accusation involving a crime of the fourth degree, for which he was sentenced to one year's probation, which terminated August 30, 1996, and for which he was fined. He indicates in his Answer that as mitigating facts, he was unduly influenced by other persons which caused him to commit the acts set forth in the criminal complaint. He also stated he is the sole support of three incapacitated relatives and had never

before or since been involved in the criminal justice system. He asks that his licenses not be suspended or revoked.

At its meeting of October 9, 1997, the State Board of Examiners reviewed the charge against Mr. Palumbo as well as his responses to the Order to Show Cause and the hearing notice. After its review, the State Board of Examiners determined that no material facts related to Mr. Palumbo's offense were in contest, and that the matter could, therefore, proceed to a determination as to whether the criminal charges proven against him and noted in the Order to Show Cause constitute conduct unbecoming a license holder pursuant to N.J.A.C. 6:11-3.6(a)1.

School law cases have traditionally recognized the right of the State Board of Examiners to revoke licenses where the teacher was involved in criminal activities, even if said activities were not related to the classroom. See Cox v. State Board of Examiners (App. Div. Docket No. A-3527-81T3) (November 18, 1993); State Board of Examiners v. Krupp, 3 N.J.A.R. 285 (1981). In this case, Respondent has been found guilty of crimes of dishonesty, one in which he admits he was involved in a scheme to alter the outcome of the school elections in the City of Newark. The Commissioner has determined in the past that such guilty pleas involving dishonesty do constitute conduct unbecoming a teaching staff member sufficient to warrant dismissal. See, e.g., In the Matter of the Tenure Hearing of Emil J. Guasconi, School of the Town of West New York Hudson County, 1977 S.L.D 513. It is the conclusion of the State Board of Examiners that the crime to which Respondent herein pled guilty, albeit a fourth degree offense, reflects discredit upon his professional stature. The Board further finds that such offense, tampering with the outcome of a school election, does represent egregious professional misadventure that cannot be excused or blamed on the undue influence of others or on political pressure. Thus, the Board further determined that the appropriate penalty for Mr. Palumbo's

unbecoming conduct is the suspension of respondent's licensure as a Teacher of English, Teacher of Social Studies and Supervisor for the same period of time that the courts assessed as a period of probation, one year. The State Board of Examiners further determined that said suspension shall commence as of the date of the decision, October 9, 1997 and terminate on October 9, 1998.

It is, therefore ORDERED that the charge to which Respondent pled guilty warrants suspension of Gregory Palumbo's Teacher of English, Teacher of Social Studies and Supervisor licenses, which suspension is hereby revoked on this 9th day of October, 1997 until one year from this date, October 9, 1998.

It is, therefore, further ORDERED that Gregory Palumbo return his licenses to the Secretary of the State Board of Examiners, Office of Licensing, P.O. Box 500, Trenton, NJ 08625-0500 within fourteen (14) days of receipt of this letter for the period of suspension.

Ida B. Graham, Secretary
State Board of Examiners

Date of Mailing: November 19, 1997

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-28.

IBG:KHK:br:Palumborev