

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
NORMAN TOMASELLO : ORDER OF REVOCATION
_____ : DOCKET NO: 0304-147

At its meeting of December 12, 2002, the State Board of Examiners reviewed information the Camden County Prosecutor had forwarded indicating that Norman Tomasello pled guilty on June 21, 2000, to one count of cruelty and neglect. As a result of such conviction, Tomasello was sentenced to two years' probation with conditions. The court directed him to undergo a psychological evaluation and to comply with any recommendations for treatment. He was also barred from any involvement with the Boy Scouts of America. Tomasello also forfeited his position in a public school district and was prohibited from employment in any public school district. Upon review of the above information, at that December meeting the State Board of Examiners voted to issue Tomasello an Order to Show Cause. Tomasello currently holds a Secondary School Teacher of English certificate issued in June 1967, a Secondary School Teacher of History certificate issued in June 1967, a Supervisor certificate issued in July 1981 and a Principal/Supervisor certificate issued in August 1985.

The Board of Examiners sent Tomasello the Order to Show Cause by regular and certified mail on January 24, 2003. The Order provided that Tomasello must file an Answer within 20 days. Tomasello filed an Answer in response to the Order. In that Answer he admitted pleading guilty to the criminal charges, but stated that he did so because his attorney felt that the charges were so vague that they would be hard to defend in court. (Answer, ¶ 4a.) Tomasello also said that under his plea bargain agreement he did not admit to guilt. He added that although the order said he would forfeit his teaching position, he had already retired. (Answer, ¶ 5a.) Tomasello also stated that his certificates should not be revoked or suspended because he was doing his job, working with and helping a student. (Answer, ¶ 7a.)

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on July 17, 2003, the Board sent a hearing notice by regular and certified mail to Tomasello.¹ The notice explained that since it appeared no material facts were in dispute regarding Tomasello's conviction, he was offered an opportunity to submit written arguments on the issue of whether the conduct addressed in the Order to Show Cause constituted conduct unbecoming a certificate holder. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the State Board of Examiners would determine if his conviction warranted action against his certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Tomasello responded to the Hearing Notice on August 14, 2003. In that response, he gave a history of his relationship with the student he had advised and the dysfunctional family situation that the boy had. (Hearing Response, p.1.) In addition, Tomasello reiterated why he had accepted a plea bargain in the criminal proceeding and spoke of all the good he had done in his thirty-three years in education. (Hearing Response, p.2.) He added that he had not used any of his certificates since he had retired before his plea bargain. (Hearing Response, p.2.)

At its meeting of October 30, 2003, the State Board of Examiners reviewed the charges and papers Tomasello filed in response to the Order to Show Cause. After review of the response, the Board of Examiners determined that no material facts related to his offense were in dispute.

The issue before the State Board of Examiners in this matter, therefore, is whether Tomasello's conviction, as set forth in the Order to Show Cause, represents just cause to act against his certificates pursuant to N.J.A.C. 6:11-3.6(a)1. We find that it does.

¹ On January 20, 2004, the State Board of Education adopted a new administrative code governing professional licensure and standards. N.J.A.C. 6A:9-1 et seq. Although this decision was mailed after the effective date of the new code, the Board of Examiners' decision in this case predates the effective date of the new code and was therefore decided under the old code. All citations in this decision therefore are to the prior administrative code.

The State Board of Examiners 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. 6:11-3.4. “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. Tomasello’s conviction, regardless of its origin, negates any claim he can have to being a role model for children.

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 (S. Ct. 1943), aff’d, 131 N.J.L. 326 (E & A 1944). In this instance, Tomasello’s conviction serves as a sufficient predicate to bar him permanently from all of New Jersey’s classrooms, not just his own district’s.

Accordingly, it is therefore ORDERED that Norman Tomasello’s Secondary School Teacher of English, Secondary School Teacher of History, Supervisor and Principal/Supervisor certificates be revoked on this 30th day of October 2003. It is further ORDERED that Tomasello return his certificates to the Secretary of the State Board of Examiners, Office of Licensure and Credentials, PO Box 500, Trenton, NJ 08625-0500 within 15 days of receipt of this decision.

Michael K. Klavon, Secretary
State Board of Examiners

Date of Mailing: NOVEMBER 5, 2004

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