

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
KIMBERLY DEMATTEO : ORDER OF REVOCATION
_____ : DOCKET NO: 1011-209

At its meeting of June 16, 2011, the State Board of Examiners (Board) reviewed information received from the Office of Criminal History Review (OCHR) indicating that on May 11, 2009, Kimberly DeMatteo pled guilty to three counts of Falsifying or Tampering with Records. On June 15, 2009, DeMatteo was sentenced to two years' probation and ordered to forfeit her public employment. The court also forever barred DeMatteo from holding public office pursuant to *N.J.S.A. 2C:51-2d*. DeMatteo currently holds a Teacher of the Handicapped certificate, issued in August 1998. Upon review of the above information, at its July 28, 2011 meeting, the Board voted to issue DeMatteo an Order to Show Cause.

The Board sent DeMatteo the Order to Show Cause by regular and certified mail on August 1, 2011. After both copies were returned as "Undeliverable as Addressed," the Board secured a new address for DeMatteo from the Motor Vehicle Commission. The Board re-sent the Order to Show Cause to DeMatteo by regular and certified mail on October 14, 2011 but inadvertently sent it to the wrong address. On October 21, 2011, the Board re-sent the Order to Show Cause to DeMatteo by regular and certified mail. The certified mail copy was returned as "Attempted-Not Known." The regular mail copy was returned by DeMatteo's ex-husband with a new address for her enclosed. On November 9, 2011, the Board sent DeMatteo the Order to Show Cause once again by regular and certified mail. DeMatteo responded on December 15, 2011. In that Answer, DeMatteo stated that she had been married to an alcoholic and very abusive man and had "hid behind the abuse for years." (Answer, p. 1). DeMatteo added that working in Linden was a nightmare for her and noted that she was harassed sexually by her Vice

Principal there. (Answer, pp. 1-2). DeMatteo claimed that when she was a teacher for an autistic child, the student's family lied about her and she had no support from her building principal or any supervisor in the district. (Answer, p. 2). She also alleged that when she was doing home instruction for the district she split a very difficult case with her ex-husband, Michael Maurer. (Answer, p. 3). DeMatteo stated that her supervisor told her to bill for her time allotted for the student, even when the student would not show up for instruction. (Answer, p. 2). When she later failed the student, the child's parent accused her and Maurer of not showing up when they were supposed to. (Answer, p. 2). DeMatteo stated that she was told by Maurer he was working so she filled out the time sheets to reflect that. (Answer, p. 2). DeMatteo stated that she later learned that Maurer had not appeared to tutor the student because he was engaging in an extramarital affair. (Answer, p. 2). DeMatteo noted that she was soon transferred to do in class support for three Spanish classes, a language she did not speak. (Answer, p. 2). She stated that she continued to go to work every day, despite the difficulties she was having at home and in the district. (Answer, p. 2). She claimed that her husband beat her so badly one day and attempted to confine her to the house; she was only let go when her attorney called her home. (Answer, p. 2). DeMatteo also claimed that her ex-husband raped her and attempted to file a restraining order against her, which was later lifted. (Answer, pp. 2-3). When she was allowed to return to her home, Maurer had taken "every record, email and copy of any and all timesheets that were signed by the parents of instruction that was completed." (Answer, p. 3). DeMatteo claimed that when a judge ordered Maurer to return her belongings and files, he lied and stated that he had nothing. (Answer, p. 3). DeMatteo added that losing her license "would be just one more reminder of everything I have loss (*sic*) to date." (Answer, p. 3). DeMatteo said she wanted to retain her license because it was a symbol of something she had worked so hard to

obtain. (Answer, p. 3). She stated that she keeps accurate records and does not allow anyone else to be responsible for anything of hers. (Answer, p. 3). She stated that before taking her plea bargain she specifically asked about losing her license and was told that even though she could no longer obtain public employment, the prosecutor was not taking her license. (Answer, p. 3).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on January 10, 2012, the Board sent DeMatteo a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, DeMatteo 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 as well as arguments with regard to the appropriate sanction in the event that the Board determined to take action against her certificate. It also explained that upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if DeMatteo's offenses warranted action against her certificate. Thereupon, the Board would also determine the appropriate sanction, if any. DeMatteo was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy was returned as "Unclaimed" and the regular mail copy was not returned. DeMatteo did not respond.

The threshold issue before the Board in this matter is whether DeMatteo's conviction and permanent bar from holding public employment in the State of New Jersey constitute conduct unbecoming a certificate holder. At its meeting of April 2, 2012, the Board considered the allegations in the Order to Show Cause and DeMatteo's Answer. The Board determined that no material facts related to DeMatteo's offense were in dispute since she admitted that the allegations in the Order to Show Cause regarding her conviction, sentence and permanent bar from public employment were accurate. Thus, the Board determined that summary decision was

appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The Board must now determine whether DeMatteo's conviction and subsequent bar from public employment, as set forth in the Order to Show Cause, provide just cause to act against her certificate pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that they do.

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:9-17.5*. "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. Clearly, DeMatteo's conviction indicates her actions here are not those of a role model. Indeed, the court agreed, ordering that she forfeit her public employment and be forever barred from holding public office pursuant to *N.J.S.A. 2C:51-2d*.

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 instance, DeMatteo's conviction for Falsifying or Tampering with Records resulted in a lengthy probation and a permanent disqualification from public employment. Although DeMatteo's claims of unfair treatment by both her district and her ex-husband, if true, are outrageous, the fact remains that her guilty plea was made knowingly. Moreover, her subsequent public employment ban militates in favor of revocation. An individual whose offense is so great that he or she is barred from service in public schools should not be permitted to retain the certificate that authorizes such service. Nor should a person who

has been barred from teaching in a public school be permitted to continue to hold himself out as a teacher. Thus, the Board believes that the only appropriate sanction in this case is the revocation of DeMatteo's certificate.

Accordingly, on April 2, 2012, the Board voted to revoke DeMatteo's Teacher of the Handicapped certificate. On this 17th day of May 2012 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Kimberly DeMatteo's certificate be effective immediately. It is further ORDERED that DeMatteo return her certificate to the Secretary of the State Board of Examiners, Office of Licensure, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Secretary
State Board of Examiners

Date of Mailing:

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

RRH:MZ:th