

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

RHODE ISLAND DEPARTMENT
OF EDUCATION

VS.

ROBERT M. SOWA

DECISION

MAY 28, 1992

HELD: Good cause was shown for
revocation of teaching
certificate.

In this matter the Department of Education is seeking the revocation of the teaching certificate of Mr. Robert M. Sowa.

Findings of Fact

At 1:15 a.m. on December 11, 1989 Mr. Robert Sowa, the holder of a Rhode Island teaching certificate, returned to his home at 40 Oakhurst Street in the city of Warwick. Mr. Sowa became concerned that a prowler might be in his house so he called the police and requested them to enter his house to make an inspection. On entering the house the officers noted the presence of what appeared to be illegal drugs and drug paraphernalia. Afterwards one of the officers noted what appeared to be marijuana cigarettes in Mr. Sowa's car. A search warrant was then obtained for Mr. Sowa's house, and in the course of the search, drugs and drug paraphernalia were seized.

In various places in Mr. Sowa's house the police found sundry items of drug paraphernalia including several pipes of a type used for smoking marijuana, a "grinder" of a type used for grinding or mixing cocaine, scales of a type used to weigh cocaine, spoons with powder residue on them, straws with powder residue on them, two "power hitters" (devices used to enhance the effect of marijuana) and a "roach clip" which is used for smoking marijuana. Toxicology reports confirmed the presence of cocaine residue on one of the scales and on one of the spoons. Moreover the police found numerous small plastic envelopes ("bindels") used to hold drugs. The police also found marijuana and marijuana cigarettes. Toxicology reports confirmed the presence of cocaine and

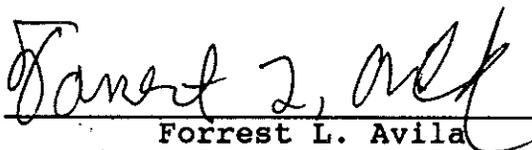
marijuana.

Based on this evidence we must find that the Department has proved that Mr. Sowa was involved in extensive law breaking involving controlled substances. This proof alone suffices to justify action against Mr. Sowa's certificate. The Department also proved that on August 14, 1990 Mr. Sowa entered pleas of Nolo Contendere to three (3) counts of possession of controlled substances for which he received 3 years probation. We find that the admissions made by Mr. Sowa at this August 14th hearing may be used as independent proof of possession of controlled substances. (See: Rhode Island Rule of Evidence 410 and Rhode Island Criminal Procedure, MacFadyen and Hurst, sec. 11.3 (d)). Furthermore the Department proved that on October 4, 1991 Mr. Sowa entered a plea of Nolo Contendere to one count of heroin possession for which he received a three year prison sentence with three (3) months suspended. This conviction too may be used against Mr. Sowa. (Rhode Island Role of Evidence 410).

In sum, we find that Mr. Sowa has violated the criminal laws of Rhode Island by extensive activities involving the possession of drug paraphernalia and drugs. He has failed to serve as an exemplar for the students of this state and has completely compromised his ability to credibly fulfill his responsibility "...to implant and cultivate in the minds of all children committed to his care the principles of morality and virtue." (G.L. 16-12-3) We are therefore constrained to revoke Mr. Sowa's teaching certificate.

Conclusion

The teaching certificate of Robert Sowa is hereby revoked and annulled.



Forrest L. Avila
Hearing Officer



Peter McWalters
Commissioner of Education

Date: _____