

STATE OF RHODE ISLAND

COMMISSIONER OF EDUCATION

AND

PROVIDENCE PLANTATIONS

IN RE CERTIFICATION OF *

JOHN F. SOUVE *

DECISION

Held: Request to reinstitute
certificate is denied
at this time.

Date: February 26, 1996

Findings of Fact

In 1989 John Souve pleaded nolo contendere to one count of possession of marijuana and to one count of manufacturing/delivery of a controlled substance (marijuana). This offense was committed at a parcel delivery service. No students were involved. The Court imposed a suspended sentence of one year with one year's probation on the possession offense. On the conviction of delivery of marijuana the Court imposed a sentence of 10 years probation. Under Rhode Island law delivery of marijuana is a felony. (R.I.G.L. 21-4.01(A)(2)(A)). Based upon these convictions Mr. Souve's teaching certificate was revoked by the Department of Education. At the time of revocation Mr. Souve elected not to request a hearing. He now regrets this decision. The record indicates that Mr. Souve has been a law abiding citizen since his convictions. A letter from his parole officer confirms this. A letter from his employer indicates that he is a good employee.

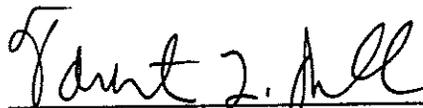
Conclusions of Law

We think that while the Commissioner of Education may well have authority to reinstitute a teaching certificate this authority should be carefully exercised. This is a especially the case when the offense causing the certificate revocation involves the delivery of a controlled substance. We think that under such circumstances as a general rule a petitioner should be required at a minimum to successfully

complete any probationary term imposed by a Court before the Commissioner reconsiders the certificate revocation. Since the petitioner has not completed his probationary term we exercise our discretion at this time to decline to reinstitute the petitioner's certificate. At the request of the petitioner, upon completing his probationary term, a hearing will be held. If no other obstacles present themselves, we will likely order restoration of the petitioner's certificate.

Conclusion

Petitioner's request to reinstitute his certificate is denied. Petitioner may file a renewed petition upon completion of his probationary term.



Forrest L. Avila
Hearing Officer

Approved:



Peter McWalters
Commissioner

Date: February 26, 1996