

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE LICENSE OF : STATE BOARD OF EXAMINERS  
JOHN HOPES, JR : ORDER OF REVOCATION  
\_\_\_\_\_  
DOCKET NO. 272-01/95-116

At its meeting of January 12, 1995, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that John Hopes was disqualified from public school employment pursuant to N.J.S.A. 18A:6-7, due to his 1989 conviction of two (2) counts of assault. Mr. Hopes did not appeal his disqualification to the Commissioner of Education. Currently, Mr. Hopes holds a County Substitute License issued from the Camden County Office of Education.

At that meeting, the State Board of Examiners voted to issue an Order to Show Cause to Respondent. The Order was mailed to Respondent by regular and certified mail on March 9, 1995. On March 22, 1995, an Answer to the Order to Show Cause was received from Mr. Hopes.

In the interim, 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 Revocation of the Teaching Certificates of Philip Sheridan by the State Board of Examiners, Dkt. No. 185-4/92-07, decided by the State Board of Examiners July 16, 1992, rev'd and remanded, State Board of Education, September 7, 1994, Decision on Remand, June 15, 1995. The other was In the Matter of the Revocation of the Teaching Certificates of Charles Vitola by the State Board of Examiners, Dkt. No. 178-12/91-08, decided by the State Board of Examiners July 16, 1992, rev'd and remanded, State Board of Education, November 2, 1994, Decision on Remand, September 1, 1995. 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 amended provisions of N.J.A.C. 6:11-3.6(a) 1, on July 11, 1997 a hearing notice was mailed by regular and certified mail to Respondent. The certified mail was returned unclaimed. The regular mail copy was not returned. No response was received from, or on behalf of, Respondent. On September 2, 1997, Respondent was advised by certified and regular mail that he was being provided an additional ten (10) days to file a response to the initial hearing notice. Both copies of the correspondence were returned indicating that his forwarding order had expired.

Respondent's Answer to the Order to Show Cause admits that his girlfriend brought charges against him after he left her because she enjoyed physical violence. He claims she attacked him, and he blocked the blow directed to his face. He claims in order to retaliate, she got her son and friend to lie in court, after filing false charges against him. Respondent adds that his former girlfriend later stalked him at his job and he filed charges against her, which is recorded at the Burlington City Court House. He summarizes the charges against him as having been tied up with the wrong woman, which will haunt him for the rest of his life.

At its meeting of November 20, 1997, the State Board of Examiners reviewed the charges and papers filed by Respondent in response to the Order to Show Cause. After review of his response, the State Board of Examiners determined that no material facts related to Respondent's offense were in contest. The State Board of Examiners concluded that while he provided further

information regarding the offense in his Answer, he did not deny that he has been convicted of a criminal offense for which he was disqualified. The matter could, therefore, proceed to a determination as to whether the Respondent's disqualification constitutes conduct unbecoming a license holder pursuant to N.J.A.C. 6:11-3.6(a)1.

Respondent has been convicted of two counts of assault, for which he was disqualified pursuant to N.J.S.A. 18A:6-7.1 et seq. Respondent, however, was offered the opportunity to show rehabilitation. The Criminal History Review law has a provision for proving to the Commissioner of Education by clear and convincing evidence that an individual who is barred from employment in the public schools as a result of a disqualifying offense is rehabilitated and thus is a suitable candidate for employment. Respondent herein did not avail himself of that appeal provision.

In enacting N.J.S.A. 18A:6-7.1 et seq., the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be a danger to them. It therefore barred from employment in schools those individuals convicted of a crime of violence. This strong policy statement is in accord with the Commissioner's policies regarding acts of violence by teaching staff members. The Commissioner has long recognized that a teacher's behavior outside the classroom may be relevant in determining that person's qualifications and continued fitness to hold a license to teach. In re Grossman, 127 N.J. Super. 13, 30 (App. Div. 1974). Unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. Redcay v. State Board of Education, 130 N.J.L. 369, 371 (S. Ct. 1943), *aff'd*. 131 N.J.L. 326 (E & A 1944). "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. Conviction of a crime of violence casts grave doubts upon the respondent's character and, hence, his fitness to remain in the classroom. Parents have the right to be assured that their children will not be subjected to one who could not govern himself.

Accordingly, the State Board of Examiners finds Respondent's disqualification based on an offense involving violence conduct unbecoming a license holder. The appropriate penalty for his unbecoming conduct is the revocation of Respondent's teaching license.

It is, therefore ORDERED that John Hopes, Jr.'s county substitute license is hereby revoked on this 20<sup>th</sup> day of November, 1997.

It is further ORDERED that John Hopes, Jr. return his license to the Secretary of the State Board of Examiners, Office of Licensing, 100 Riverview Plaza, CN 500, Trenton, NJ 08625-0500 within fourteen (14) days of receipt of this letter.

---

Secretary  
State Board of Examiners

Date of Mailing: January 27, 1998

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:Hopesrvvio