

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE LICENSE OF : STATE BOARD OF EXAMINERS
RONALD NEALS : ORDER OF REVOCATION

DOCKET NO. 305-06/95-120

At its meeting of June 15, 1995, the State Board of Examiners reviewed information provided by the Office of Criminal History Review indicating that in May, 1992 Ronald Neals, who is the holder of a county substitute license, was convicted for possession of cocaine on or near school property. Mr. Neals indicated on his county substitute application that he had not been convicted of a crime. Respondent was sentenced to five (5) years' confinement in a New Jersey State prison, fined \$2,080 and his driver's license was suspended for twelve (12) months. Pursuant to N.J.S.A. 18A:6-7.1 et seq., he was disqualified from public school employment based on his conviction. His appeal of the disqualification before the Commissioner was denied.

At that meeting the State Board of Examiners voted to issue an Order to Show Cause to Respondent based on the foregoing information. The Order to Show Cause was mailed to Respondent by regular and certified mail on July 11, 1995. On July 28, 1995, an Answer to the Order to Show Cause was received from Respondent. On August 7, 1995, letters concerning rehabilitation were received on Respondent's behalf.

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 Certificate of Philip Sheridan by the State Board of Examiners, Dkt No 185-4/92-07, decided by the State Board of Examiners July 6, 1992, rev'd, and remanded, State Board of Education, September 7, 1994, Decision on Remand, June 15, 1995. The other is captioned, In the Matter of the Revocation of the Teaching Certificate 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 Ed., November 2, 1994, Decision on Remand, September 1, 1995. Within these two decisions, 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's regulations regarding its hearing process, all such hearings were held in abeyance. Said regulatory amendments were finally codified in May of 1997.

On July 1, 1997, a hearing notice was mailed by regular and certified mail to Respondent. Said notice explained that, it appearing that no material facts were in dispute, Respondent was provided an opportunity to offer legal argument on the issue of whether his conviction constituted conduct unbecoming a teacher. The certified mail return receipt card was returned. The regular mail copy was not returned. No response was received from or on behalf of Respondent.

On August 15, 1997, Mr. Neals 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. The certified mail return receipt card was returned. The regular mail copy was not returned. No response has been received from, or on behalf of, Respondent. Respondent has, therefore, waived his right to participate in the hearing process. Thus, the State Board of Examiners will consider his Answer to the Order to Show Cause as his sole submission to counter the charges brought against him.

Respondent's Answer to the Order to Show Cause restates his belief that his negatives and mistakes are in the past. He submits that his goals and objectives for the future are to provide young people and old the benefits from his renewed life and skills. He states that he is still employed by the hospital and has completed college. He adds that educating others and training young people and helping them to avoid some of the pitfalls of his life is a primary goal for him. He states teaching is one of his strategies.

At its meeting of November 20, 1997, the State Board of Examiners reviewed the charges against Respondent as well as his 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 drug offenses were in contest. Respondent does not deny that he has a conviction for illegal drug possession nor that he had been disqualified pursuant to N.J.S.A. 18A:6-7.1. The matter could, therefore, proceed to a determination as to whether the charges levied against Respondent in the Order to Show Cause warrant revocation or suspension of Respondent's license pursuant to N.J.A.C. 6:11-3.6(a)1.

The State Board of Examiners first noted that the instant hearing is not one which considers evidence of rehabilitation. See, In the Matter of the Revocation of the Teaching Certificate of Gloria Jackson by the State Board of Examiners, decided by the State Board of Examiners March 28, 1996, aff'd State Board of Education September 6, 1996, aff'd App. Div. September 9, 1997. Therein, the State Board of Examiners held:

Neither does the language of this regulation [N.J.A.C. 6:11-3.6] support Petitioner's apparent contention that "new findings" includes evidence of rehabilitation or current ability to teach. See, e.g., In the Matter of the Revocation of the Teaching Certificate of James Noll by the State Board of Examiners, decided by the State Board of Examiners, February 7, 1990, citing Cox v. State Bd. of Examiners (App. Div. Docket No. A-3527-81T3)(November 18, 1983). Therein, it was determined that the purpose of the hearings conducted by the State Board of Examiners pursuant to N.J.A.C. 6:11-3.7(b)ii (now, N.J.A.C. 6:11-3.6(a)1) is 'to permit the individual certificate holder to

demonstrate circumstances or facts to counter the charges set forth the Order to Show Cause, not to afford an opportunity to show rehabilitation. (Id. at p. 4)

Hence, the State Board of Examiners did not consider Respondent's statements concerning his alleged rehabilitation, but instead focused on assessing whether the disqualification at issue warrants revocation of his licensure.

Mr. Neals is disqualified from employment in the public schools of New Jersey pursuant to N.J.S.A. 18A:6-7.1 et seq. as a result of his drug conviction. In enacting that statute, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be a danger to them. That strong policy statement on the part of the Legislature offers guidance to the State Board of Examiners as to the appropriate sanction in this matter.

In light of this State's strong policy opposing the use of illegal drugs, coupled with Respondent's disqualification from service in the public schools pursuant to N.J.S.A. 18A:6-7.1 et seq., and his failure to reveal his criminal history, the State Board of Examiners finds sufficient basis to revoke Respondent's license.

It is, therefore, ORDERED that Ronald Neal's County Substitute license be revoked on this 20th day of November, 1997.

It is further ORDERED that Ronald Neals return his license to the Secretary of the State Board of Examiners, Office of Licensing, CN 500, Trenton, NJ 08625-05003 within fourteen (14) days of receipt of this letter.

Secretary
State Board of Examiners

Date of Mailing: February 10, 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:Nealsrvdrugs