

50IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
GREGORY WILLIAMS : ORDER OF REVOCATION
_____ : DOCKET NO: 501-01/99-197

At its meeting of January 21, 1999, the State Board of Examiners reviewed information concerning Gregory Williams' application for a duplicate of his Teacher of Elementary School Certificate of Eligibility. That certificate was originally issued in 1992. When Williams applied for a duplicate on October 4, 1996, he indicated that he had been convicted of a crime. Although the Office of Licensing and Credentials requested information regarding Williams' criminal history record on three separate occasions between 1996 and 1998, Williams did not respond until October 26, 1998. In that response Williams indicated that he had been convicted of seven counts of theft by deception on March 23, 1995 for turning one-dollar bills into twenty-dollar bills. Williams did not report any other convictions.

Pursuant to N.J.S.A. 18A:6-7.1 et seq., Williams was required to undergo a criminal history background check. He was approved for public school employment on August 11, 1998, because his criminal history review was processed prior to the amendment of the Criminal History statute and therefore, his criminal offenses were non-disqualifying under the former version of the statute. During the course of its review of Williams' duplicate certificate application, the Board of Examiners received a complete copy of Williams' criminal history record. That record dated back to 1972 and extended into 1995. It included 25 convictions, as well as seven other offenses for which the final disposition was not available. The offenses ranged in severity from shoplifting to felony forgery and felony burglary. Upon review of the

above information, at its January 21, 1999 meeting, the State Board of Examiners voted to issue an Order to Show Cause to Respondent.

The Board sent Williams the Order to Show Cause by regular and certified mail on February 24, 1999. The Order provided that if Respondent desired to file an Answer to the Order that Answer must be filed within 20 days. On March 18, 1999, Williams filed an Answer. In that Answer, Williams stated that when he had applied for a duplicate of his certificate in 1998, he did not exclude past criminal convictions from the Board. Rather, he explained that since he had received his original certification in 1992, he included only the convictions he had received since that time. (Answer, ¶¶ 6-9). Williams also admitted that he did make a mistake in not including a burglary charge that he had plead guilty to as part of a plea agreement, since the offense occurred during a time of his alcoholism relapse and he did not remember it. (Answer, ¶¶ 11-13). Furthermore, Williams claimed that the disorderly persons offenses on his record dated back to 1972 when he was young and made foolish mistakes. He did not believe these were at issue since he had already received a Certificate of Eligibility in 1992. (Answer, ¶ 13). Finally, Williams also stated that he did not realize that being cleared for employment by the Office of Criminal History Review was a different procedure from being approved by the State Board of Examiners. (Answer, ¶¶ 17-18).

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on May 6, 1999, the Board of Examiners sent Williams a hearing notice by regular and certified mail. The notice explained that since it appeared no material facts were in dispute, respondent 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. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the State Board of

Examiners would determine if Williams' offenses warranted action against his certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Although the certified mail return receipt card was signed and returned, Williams did not respond to the hearing notice. On June 14, 1999, the Board provided Williams another 10 days to reply. Again, the certified mail return receipt card was returned but Williams did not submit a response.

The threshold issue before the State Board of Examiners in this matter, therefore, is to determine whether Williams' many offenses and his withholding of information about them (for whatever reason) constitute conduct unbecoming a certificate holder. At its meeting of September 23, 1999, the State Board of Examiners reviewed the charges and papers filed by respondent in response to the Order to Show Cause. After review of Williams' submissions, the Board of Examiners determined that no material facts related to his offenses were in dispute since Williams admitted that he had pled guilty to the offenses charged and had been sentenced accordingly. Moreover, he also admitted that he had not been forthcoming about his other offenses (although his Answer explained why). Thus, the Board of Examiners determined that summary decision was appropriate in this matter. N.J.A.C. 6:11-3.6(a)1.

The State Board of Examiners must now determine whether Williams' offenses as set forth in the Order to Show Cause, provide just cause to act against his certificates pursuant to N.J.A.C. 6:11-3.6(a)1. We find that they do.

The State Board of Examiners 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. 6:11-3.4. "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. Williams’ many criminal activities were carried out over more than 20 years. Despite his claims that most of his offenses occurred when he was young and foolish, the majority of his convictions are dated after he received his Certificate of Eligibility. Furthermore, many of those were for serious offenses such as forgery, theft or burglary which are now disqualifying crimes pursuant to N.J.S.A. 18A:6-7.1. Certainly Williams does not fit the profile of an individual this Board would consider a role model for children. Furthermore, if 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), nothing more would need to be shown here to prove that Williams’ many infractions make him unfit to be a teacher in any district.

Finally, notwithstanding Williams’ contentions of rehabilitation, this is not the proper context for such considerations. The purpose of this proceeding is “to permit the individual certificate holder to demonstrate circumstances or facts to counter the charges set forth in the Order to Show Cause, not to afford an opportunity to show rehabilitation.” See, In the Matter of the Revocation of the Teaching Certificate of Gloria Jackson by the State Board of Examiners, 96 N.J.A.R. 2D (EDE) 1, 16 aff’d App. Div. Dkt. No. A-1246-96T5 (September 9, 1997) citing In the Matter of the Revocation of the Teaching Certificate of James Noll, State Bd. of Examiners decision (February 7, 1990). Thus, the fact that Williams has admitted his mistakes, while a step in the right direction, has no bearing on the decision the Board of Examiners must make with regard to his certification.

Accordingly, it is therefore ORDERED that Williams’ Teacher of Elementary School Certificate of Eligibility be revoked on this 23rd day of September, 1999. It is further

ORDERED that Gregory Williams return his certificates to the Secretary of the State Board of Examiners, Office of Licensing, CN 500, Trenton, NJ 08625-0500 within fifteen (15) days of receipt of this decision.

Secretary
State Board of Examiners

Date of Mailing: November 10, 1999

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-28.

IBG:MZ:br:gregorywilliams