

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
CAROL NESBITT : ORDER OF REVOCATION
_____ : DOCKET NO: 701-04/02-324

At its meeting of October 1, 2001, the State Board of Examiners reviewed information received from the Camden County Prosecutor's Office indicating that on July 13, 1999, Carol Nesbitt had pled guilty to charges of offering a false instrument for filing. On January 19, 2001, Nesbitt was sentenced to probation and community service and ordered to pay restitution. As a result of the conviction, Nesbitt is also forever disqualified from holding any office or position of honor, trust or profit under this state or any of its administrative or political subdivisions pursuant to N.J.S.A. 2C:51-2c. Nesbitt is currently the holder of a Teacher of the Handicapped certificate issued in October 1975. Upon review of the above information, at that October meeting, the State Board of Examiners voted to issue Nesbitt an Order to Show Cause as to why her certificate should not be suspended or revoked.

The Board sent Nesbitt the Order to Show Cause by regular and certified mail on May 30, 2002. The Order provided that Nesbitt's Answer must be filed within 20 days. The certified copy was signed for and returned and the regular mail copy was not returned. As Nesbitt did not file an Answer to the Order, the Board sent her a second notice by regular and certified mail on March 12, 2003. Once again, the certified copy was signed for and returned and the regular mail copy was not returned. Nesbitt did not file a response to the Order.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Nesbitt's guilty plea and subsequent disqualification from holding public office constitutes conduct unbecoming a certificate holder. Since Nesbitt did not respond to the Order to Show Cause, the State Board of Examiners had no responsive pleading to consider in the hearing process. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding. N.J.A.C. 6:11-3.6(a)¹. Since Nesbitt's conduct, which was predicated on the same

¹ On January 20, 2004, the State Board of Education adopted a new administrative code governing professional licensure and standards. N.J.A.C. 6A:9-1 et seq. Although this decision was mailed after the effective date of the new code, the Board of Examiners' decision in this case predates the effective date of the new code and was therefore decided under the old code. All citations in this decision therefore are to the prior administrative code.

conviction as was set forth in the Order to Show Cause, is admitted, the Board of Examiners must now decide whether that constitutes a sufficient basis to act against her certificate pursuant to N.J.A.C. 6:11-3.6(a)1. We find that it does.

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. Furthermore, 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. There can be no dispute that Nesbitt's criminal conviction for offering a false instrument for filing negates any claim she can have to being a role model for students. Moreover, the court found Nesbitt's acts sufficiently damaging and touching on her employment that she has forever been barred from holding public employment. Thus, the only proper response to Nesbitt's breach is revocation.

Accordingly, it is therefore ORDERED that Carol Nesbitt's Teacher of the Handicapped certificate be revoked on this 12th day of June 2003. It is further ORDERED that Nesbitt return her certificate to the Secretary of the State Board of Examiners, Office of Licensing, PO Box 500, Trenton, NJ 08625-0500 within 15 days of receipt of this decision.

Michael K. Klavon, Acting Secretary
State Board of Examiners

Date of Mailing: December 29, 2004

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