

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
ADRIAN MATTHEW : ORDER OF REVOCATION
_____ : DOCKET NO: 677-01/02-317

At its meeting of January 17, 2002, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that on July 3, 2001, Adrian Matthew had pled guilty to charges of distribution of a controlled dangerous substance, possession of a controlled dangerous substance, endangering the welfare of a child and two counts of child abuse. On October 19, 2001, Matthew was sentenced to three years of probation, random urine monitoring, 100 hours of community service and a suspended sentence of 364 days in the Burlington County Jail. Pursuant to N.J.S.A. 2C:51-2, the court also ordered Matthew to forfeit his public office. Matthew is currently the holder of a Teacher of Health and Physical Education Certificate of Eligibility With Advanced Standing issued in August 2000. Upon review of the above information, at that January meeting, the State Board of Examiners voted to issue Matthew an Order to Show Cause.

The Board sent Matthew the Order to Show Cause by regular and certified mail on April 8, 2002. The Order provided that Matthew's Answer must be filed within 20 days. The certified mail return receipt card was signed and returned and the regular mail copy was not. The Board sent Matthew a second notice by certified and regular mail. Neither copy was returned although the Office of Licensure and Credentials does not have a signed certified mail receipt card. Matthew did not respond to the Order.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Matthew's guilty plea to possession and distribution of a controlled dangerous substance, and endangering the welfare of a child and child abuse constitutes conduct

unbecoming a certificate holder. Since Matthew 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)1.¹ Since Matthew's conduct, which was predicated on the same 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 his 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.

School law cases have traditionally recognized the right of the State Board of Examiners to revoke certificates where the teacher was involved in criminal activities, even if the activities were not related to the classroom. See, Cox v. State Board of Examiners (App. Div. Docket No. A-3527-81T3) (November 18, 1983); State Board of Examiners v. Krupp, 3 N.J.A.R. 285 (1981). The consistent and long-standing policy of this State is to eliminate the use of illegal drugs. See, In the Matter of the Tenure Hearing of David Earl Humphreys, 1978 S.L.D. 689. To

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.

that end, the State and the schools herein have engaged in extensive educational efforts to warn the citizenry of the perils of illicit drugs. Thus, the misuse of drugs by students, or by the role models to whom students look to for guidance, will not be tolerated under any circumstance. See, In the Matter of the Certificate of Barbara Corwick, OAL Dkt. No. EDE 3562-87, (State Board of Examiners decision, March 24, 1988). Those who violate this deep-rooted policy, whether by the use of drugs or their manufacture and distribution, endanger the public welfare; they cannot be entrusted with the responsibility of caring for school-aged pupils.

There can be no dispute that Matthew's criminal conviction for distribution and possession of a controlled dangerous substance, child abuse and endangering the welfare of a child negates any claim he can have to being a role model for students. Accordingly, in light of this State's strong policy opposing the use of illegal drugs, the State Board of Examiners finds Matthew's criminal conviction conduct unbecoming a certificate holder. That conduct also provides just cause to take action against Matthew's certificate. Consequently, the Board determines that the appropriate penalty here is the revocation of that certificate.

Accordingly, it is therefore ORDERED that Adrian Matthew's Teacher of Health and Physical Education Certificate of Eligibility With Advanced Standing be revoked on this 8th day of May 2003. It is further ORDERED that Matthew return his 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: November 17, 2004

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