

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
RICHARD BELLAMY : ORDER OF REVOCATION
_____ : DOCKET NO: 0304-127

At its meeting of September 25, 2003, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that on April 15, 2003, Richard Bellamy had pled guilty to charges of official misconduct, witness tampering and child abuse. On May 23, 2003, Bellamy was sentenced to five years in State prison and fined. The court also ordered Bellamy to forfeit his public employment. Bellamy currently holds a Teacher of Music Certificate of Eligibility, issued in March 2000. Upon review of the above information, at its September 25, 2003, meeting, the State Board of Examiners voted to issue Bellamy an Order to Show Cause.

The Board sent Bellamy the Order to Show Cause by regular and certified mail on February 9, 2004. After learning that Bellamy was incarcerated, the Board re-sent the Order to Show Cause to him on August 5, 2004, by regular and certified mail. The Order provided that Bellamy's Answer was due within 20 days. The certified mail receipt was signed and returned. The regular mail copy was not returned. As Bellamy did not file a response, the Board sent him a second notice on September 13, 2004, by regular and certified mail. Neither mail copy was returned but the Office of Licensure does not have the certified mail return receipt card. Once again, Bellamy did not file a response.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Bellamy's conviction for child abuse, witness tampering and official misconduct constitutes conduct unbecoming a certificate holder. Since Bellamy 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. 6A:9-17.7(c). Since Bellamy'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. 6A:9-17.7(c). It finds 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.* 6A:9-17.5. "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. Bellamy's acts of child abuse, witness tampering and official misconduct are inexcusable for any individual, teacher or not.

Furthermore, unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. *Redcay v. State Bd. of Educ.*, 130 *N.J.L.* 369, 371 (Sup. Ct. 1943), *aff'd*, 131 N.J.L. 326 (E & A 1944). The court recognized that when it ordered Bellamy to forfeit his public employment and barred him from forever holding public office.

Accordingly, it is therefore ORDERED that Richard Bellamy's Teacher of Music Certificate of Eligibility be revoked on this 9th day of December 2004. It is further ORDERED that Bellamy return his certificate to the Secretary of the State Board of Examiners, Office of Licensure, PO Box 500, Trenton, NJ 08625-0500 within 20 days of the mailing date of this decision.

Michael K. Klavon, Acting Secretary
State Board of Examiners

Date of Mailing: February , 2005

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