

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
RAYMOND MILLIGAN : ORDER OF REVOCATION
_____ : DOCKET NO: 0304-144

At its meeting of October 30, 2004, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that on March 6, 2003, Raymond Milligan was convicted of offensive touching. On March 6, 2003, Milligan was sentenced to one year of probation. The court also ordered him to have no contact with his two victims. In addition, Milligan signed a consent order in which he agreed to forfeit his tenured position and be permanently barred from holding public office. Milligan is currently the holder of a Teacher of Law Enforcement Certificate of Eligibility. Upon review of the above information, at its October 2003 meeting, the State Board of Examiners voted to issue Milligan an Order to Show Cause.

The Board sent Milligan the Order to Show Cause by regular and certified mail on March 25, 2004. The Order provided that Milligan had 20 days to file an Answer. On April 8, 2004, Milligan's attorney informed the Board that Milligan would not respond to the Order to Show Cause.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Milligan's conviction and subsequent disqualification from serving in the public schools of New Jersey gives the Board just cause to act against his certificate pursuant to N.J.A.C. 6A:9-17.5. Since Milligan 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 Milligan's conviction and disqualification are admitted, the Board

of Examiners must now decide whether they constitute a sufficient basis to act against his certificate pursuant to N.J.A.C. 6:A:9-17.5. 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. 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. Milligan’s acts of offensive touching are inexcusable, for any individual, teacher or not. His behavior negates any claim he can have to being a role model for children.

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). In this instance, Milligan’s crime, serves as a sufficient predicate to bar him permanently from all of New Jersey’s classrooms.

Accordingly, it is therefore ORDERED that Raymond Milligan’s Teacher of Law Enforcement certificate of Eligibility be revoked on this 6th day of May 2004. It is further ORDERED that Milligan return his certificate to the Secretary of the State Board of Examiners, Office of Licensing, PO Box 500, Trenton, NJ 08625-0500 within 20 days of receipt of this decision.

Joan E. Brady, Secretary
State Board of Examiners

Date of Mailing: JULY 1, 2004

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