

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS  
BRUCE BERCUN : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0405-202

At its meeting of February 24, 2005, the State Board of Examiners reviewed information the Office of Criminal History Review had forwarded indicating that Bruce Bercun was convicted in August 1999 on charges of obtaining a controlled dangerous substance by fraud. As a result of such conviction, Bercun was disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Bercun did not appeal the disqualification before the Commissioner of Education. Upon review of the above information, at its February 24, 2005, meeting, the State Board of Examiners voted to issue Bercun an Order to Show Cause. Bercun currently holds a Teacher of Spanish certificate, issued in June 1983.

The Board sent Bercun the Order to Show Cause by regular and certified mail on March 22, 2005. The Order provided that Bercun must file an Answer within 30 days. Bercun filed an Answer on April 16, 2005. In that Answer, Bercun claimed that he became addicted to prescription pain medication to treat severe migraines. (Answer, p. 2). He stated that he was taking so much pain medication that he was suffering from medication-induced blackouts. (Answer, p. 2). According to Bercun, during one of these blackouts, he forged a prescription for pain medication and was arrested when he tried to have the prescription filled. (Answer, p. 2). Bercun claimed that he was placed on probation after pleading guilty, received treatment and is now healthy. (Answer, p. 2). Bercun also argued that it would be wrong to suspend his teaching certificate because he has much to offer young people. (Answer, p. 2).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on May 10, 2005, the Board sent Bercun a hearing notice by regular and certified mail. The notice explained that since it appeared no material facts were in dispute regarding Bercun's offense, he 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 his disqualifying offense warranted action against his certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any.

Bercun filed his response on May 29, 2005. In that response, he reiterated the facts behind his addiction and treatment. (Hearing Response, pp. 1-2). He accepted responsibility for the crime he committed. (Hearing Response, p. 2). Bercun stated that he had many evaluations attesting to his conduct and talent as a classroom teacher. Finally, he indicated that he has had a positive impact on his students. (Hearing Response, p. 3).

At its meeting of July 21, 2005, the State Board of Examiners reviewed the charges and papers Bercun filed in response to the Order to Show Cause. After review of the response, the Board of Examiners determined that no material facts related to his offense were in dispute since he did not deny his arrest.

It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding. The issue before the State Board of Examiners in this matter, therefore, is whether Bercun's conviction and resultant disqualification, as set forth in the Order to Show Cause, represent just cause to act against his certificate pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that they do.

In enacting the Criminal History Review statute, *N.J.S.A. 18A:6-7.1 et seq.* in 1986, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be a danger to them. In 1989, the Legislature specifically amended the statute to include all convictions concerning controlled dangerous substances as disqualifying offenses. *See N.J.S.A. 18A:6-7.1(b).* This amendment was a clear recognition on the part of the Legislature that individuals with such drug convictions should not be permitted to be in contact with school-aged children. 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 that end, the State and its schools have engaged in extensive educational efforts to warn the citizenry of the perils of illicit drugs. *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. Accordingly, the State Board of Examiners finds that Bercun's disqualification from service in the public schools of this State because of his conviction for obtaining a controlled dangerous substance by fraud provides just cause to take action against his certificate.

That strong policy statement on the part of the Legislature set forth in *N.J.S.A. 18A:6-7.1(b)* also offers guidance to the State Board of Examiners as to the appropriate sanction in this matter. An individual whose offense is so great that he or she is barred from service in public schools should not be permitted to retain the license that authorizes such service. Nor should a person who has been disqualified from teaching in a public school be permitted to continue to hold himself out as a teacher. Because the Legislature considers Bercun's offense so significant,

the appropriate sanction for his disqualification is the revocation of his certificate to teach. *See In the Matter of the Revocation of the Teaching Certificate of Patricia Rector*, Agency Dkt. No. 19-02 (St. Bd. of Education, August 7, 2002) (affirming the decision of the State Board of Examiners to revoke Rector's teaching certificate on the basis of the disqualification pursuant to *N.J.S.A. 18A:6-7.1*.)

Accordingly, it is therefore ORDERED that Bruce Bercun's Teacher of Spanish certificate be revoked on this 21st day of July 2005. It is further ORDERED that Bercun return his certificate to the Secretary of the State Board of Examiners, Office of Licensure and Credentials, PO Box 500, Trenton, NJ 08625-0500 within 20 days of the mailing date of this decision.

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Robert R. Higgins, Acting Secretary  
State Board of Examiners

Date of Mailing: SEPTEMBER , 2005

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