

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
JOHN YESSIS : ORDER OF REVOCATION
_____ : DOCKET NO: 0405-169

At its meeting of December 9, 2004, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that John Yessis had pled guilty to charges of possession of a controlled dangerous substance (CDS) with intent to distribute. On October 4, 2004, Yessis was admitted into a Pretrial Intervention program. As a precondition to entry into PTI, the Court ordered Yessis to forfeit his teaching position. Yessis was also forever disqualified from holding any office or position of honor, trust or profit under the State of New Jersey or any of its administrative or political subdivisions. Yessis currently holds a Teacher of Health and Physical Education Certificate of Eligibility With Advanced Standing, issued in November 2000 and a Teacher of Health and Physical Education certificate, issued in July 2001. Upon review of the above information, at its December 9, 2004 meeting, the State Board of Examiners voted to issue Yessis an Order to Show Cause.

The Board sent Humphrey the Order to Show Cause by regular and certified mail on February 2, 2005. The certified mail receipt was signed and returned. The regular mail copy was not returned. The Order provided that Yessis must file an Answer within 30 days. Yessis did not respond to the Order to Show Cause. Thereafter, on March 30, 2005, the Board of Examiners sent him a second notice by regular and certified mail providing him an additional 15 days in which to file an Answer. The regular mail copy was not returned. The certified mail copy was signed and returned. Once again, Yessis did not file an Answer. Both notices advised Yessis that if he did not respond to the charges, the Board would decide the matter based solely on the information it already possessed.

At its meeting of June 9, 2005, the State Board of Examiners reviewed the charges in the Order to Show Cause. Since there was no response, the Board of Examiners determined that no material facts related to Yessis' offenses were in dispute since he had never denied that he had committed the offenses nor did he deny the resulting forfeiture and permanent disqualification from holding a public position. 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 Yessis' conviction and resultant disqualification, as set forth in the Order to Show Cause, represent just cause to act against his certificates pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds 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. Moreover, the Commissioner has long held that teachers serve as role models for their students. Therefore, a teacher's whole life is subject to scrutiny, not just his actions within the schoolhouse doors. Yessis' acts of possession of a CDS with intent to distribute are inexcusable for any individual, teacher or not.

It is well established that the State Board of Examiners has the right to revoke a certificate where the teacher was involved in criminal activities, even if the activities were unrelated 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).

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). In this instance, Yessis' drug-related activities have prompted the Court to order him permanently disqualified from public office, including but not limited to the position of a public school teacher. Clearly, he does not conform to New Jersey's expectation of a teacher as a role model for his students. Thus, the only proper response to his breach is the revocation of his teaching certificates.

Accordingly, it is therefore ORDERED that John Yessis' Teacher of Health and Physical Education Certificate of Eligibility With Advanced Standing and Teacher of Health and Physical Education certificate be revoked on this 9th day of June 2005. It is further ORDERED that Yessis return his certificates 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, Secretary
State Board of Examiners

Date of Mailing: JULY , 2005

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