

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
ADAM ZUCKER : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0506-286

At its meeting of June 8, 2006, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that on February 3, 2006, Adam Zucker had pled guilty to charges of official misconduct. On March 10, 2006, Zucker was sentenced to three years' probation. He was also ordered to serve 90 days in prison and to continue psychological treatment. He was also ordered to forfeit his public position, fined and ordered to make restitution. Zucker was also forever disqualified from holding any office or position of honor, trust or profit under this state or any of its administrative or political subdivisions pursuant to *N.J.S.A. 2C:51-2d*. Zucker currently holds a Teacher of Elementary School Certificate of Eligibility, issued in September 1995, and a Teacher of Elementary School certificate, issued in July 1996. Upon review of the above information, at its July 20, 2006 meeting, the State Board of Examiners voted to issue Zucker an Order to Show Cause.

The Board sent Zucker the Order to Show Cause by regular and certified mail on July 26, 2006. The Order provided that Zucker's Answer was due within 30 days. Zucker filed an Answer on January 9, 2007. In that response, Zucker claimed that he earned his certificates after "years of hard work and dedication" and that his teaching record was exemplary. (Answer, ¶ 1). He admitted that he pled guilty to charges of official misconduct and that he was forever disqualified from holding public office in New Jersey. (Answer, ¶¶ 4, 5). Zucker requested that the Board not revoke his certificates arguing that "further consequences are not warranted and were not ordered by the court." (Answer, ¶ 7). He stated that he was "under extreme distress

and depression” at the time of his misconduct, but that he had worked hard “to alleviate the factors which contributed” to that condition. (Answer, ¶ 7).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on January 16, 2007, the Board of Examiners sent Zucker a hearing notice by regular and certified mail. The notice explained that since it appeared no material facts were in dispute, Zucker 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 offense warranted action against his certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. The certified mail copy was returned as unclaimed. The regular mail copy was not returned. Zucker did not file a response to the Hearing Notice.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Zucker’s guilty plea to official misconduct constitutes conduct unbecoming a certificate holder. At its meeting of March 29, 2007, the State Board of Examiners reviewed the charges and papers Zucker filed in response to the Order to Show Cause. After review of Zucker’s submission, the Board of Examiners determined that no material facts related to his offense were in dispute since Zucker admitted that he had pled guilty to the offenses charged and had been sentenced accordingly. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*.

The State Board of Examiners must now determine whether Zucker’s offense as set forth in the Order to Show Cause, provides just cause to act against his certificates pursuant to *N.J.A.C. 6A:9-17.5*. The Board 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. Moreover, the Commissioner has long held that teachers serve as role models for their students. Zucker’s acts of official misconduct are clearly not the actions of a role model.

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, the court found Zucker’s actions so violative of the public trust that it barred him from ever holding another public position.

Notwithstanding Zucker’s contentions of rehabilitation, this is not the proper context for such considerations. The purpose of this proceeding is “to permit the individual certificate holder to demonstrate circumstances or facts to counter the charges set forth in the Order to Show Cause, not to afford an opportunity to show rehabilitation.” *See In the Matter of the Revocation of the Teaching Certificate of Gloria Jackson by the State Board of Examiners*, 96 *N.J.A.R.* 2D (EDE) 1, 16, *aff’d*, App. Div. Dkt. No. A-1246-96T5 (September 9, 1997) citing *In the Matter of the Revocation of the Teaching Certificate of James Noll*, State Bd. of Examiners decision (February 7, 1990). Thus, the fact that Zucker has taken steps to address the factors which contributed to his distress and depression, while a step in the right direction, has no bearing on the decision the Board of Examiners must make with regard to his certification.

Accordingly, on March 29, 2007, the Board of Examiners voted to revoke Zucker 's certificates. On this 3<sup>rd</sup> day of May 2007, the Board formally adopted its written decision to revoke and it is therefore ORDERED that Adam Zucker's Teacher of Elementary School Certificate of Eligibility and Teacher of Elementary School certificate be revoked effective this day. It is further ORDERED that Zucker return his certificates to the Secretary of the State Board of Examiners, Office of Licensure, PO Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

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Robert R. Higgins, Acting Secretary  
State Board of Examiners

Date of Mailing: MAY 7, 2007

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