

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
ERIC LARSON : ORDER OF REVOCATION
_____ : DOCKET NO: 0708-141

At its meeting of February 21, 2008, the State Board of Examiners reviewed information the Office of Criminal History Review had forwarded indicating that Eric Larson was convicted in 2007 on charges of possession with intent to distribute a controlled dangerous substance and conspiracy to distribute a controlled dangerous substance (CDS). As a result of such conviction, Larson was disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Larson did not appeal the disqualification before the Commissioner of Education. Larson currently holds a Teacher of Elementary School in Grades K-5 Certificate of Eligibility With Advanced Standing, issued in May 2004 and a Teacher of Elementary School in Grades K-5 certificate, issued in September 2005. Upon review of the above information, at its February 21, 2008 meeting, the State Board of Examiners voted to issue Larson an Order to Show Cause.

The Board sent Larson the Order to Show Cause by regular and certified mail on March 6, 2008. The Order provided that Larson must file an Answer within 30 days. Larson filed an Answer on March 20, 2008. In that Answer, Larson admitted to all of the allegations in the Order to Show Cause. He added that he accepted a plea after his mother's and brother's charges were dropped and his sentence was reduced. (Answer, pp. 1-2.)

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on April 18, 2008, a hearing notice was mailed by regular and certified mail to Larson. The notice explained that since it appeared no material facts were in dispute regarding Larson'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 certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. The notice also offered him the opportunity to file a written submission with regard to the appropriate sanction in the event that the Board found just cause to revoke or suspend his certificate and providing him the opportunity to appear to provide testimony on the sanction issue.

Larson submitted documentation that included character references and an explanation of the events that led to his plea bargain. In addition, Larson appeared at the Board meeting on July 17, 2008, and testified as to mitigation regarding the penalty he faced. During his testimony, he asserted that the criminal charges were the result of a conspiracy against him. Larson also reiterated his dedication to teaching.

The issue before the State Board of Examiners in this matter, therefore, is whether Larson's conviction for possession with intent to distribute a CDS and conspiracy to distribute a CDS and his disqualification from teaching in the public schools constitute conduct unbecoming a certificate holder. At its meeting of July 17, 2008, the State Board of Examiners reviewed the charges and papers Larson filed in response to the Order to Show Cause as well as his testimony. After review of the response, the Board of Examiners determined that no material facts related to Larson's offense were in dispute since he never denied that he had committed the offense nor did he deny that he had been disqualified because of it. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*.

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 Larson's disqualification, which was predicated on the same offense as was set forth in the Order to Show Cause, represents just cause to act against his certificates pursuant to *N.J.A.C.* 6A:9-17.5. The Board finds that it does.

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 Larson's disqualification from service in the public schools of this State because of his conviction for possession with intent to distribute a controlled dangerous substance and conspiracy to distribute a controlled dangerous substance provides just cause to take action against Larson's certificates.

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 Larson's offense so significant, the State Board of Examiners in this matter believes that the appropriate sanction for his disqualification is the revocation of his certificates 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.*) Moreover, when Larson was offered the opportunity to offer mitigation of his offense, he showed no remorse, took no responsibility for his actions and shifted the blame for the behavior.

Accordingly, on July 17, 2008 the Board of Examiners voted to revoke Larson's Teacher of Elementary School in Grades K-5 Certificate of Eligibility With Advanced Standing and his Teacher of Elementary School in Grades K-5 certificate. On this 11th day of September 2008 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Eric Larson's certificates be effective immediately.* It is further ORDERED that Larson return his certificates to the Secretary of the State Board of Examiners, Office of Licensure, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Secretary
State Board of Examiners

*Decision ratified on January 13, 2009

Date of Mailing:

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

RRH:MZ:rg