

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
ANTHONY WADE : ORDER OF REVOCATION
_____ : DOCKET NO: 0607-222

At its meeting of June 7, 2007, the State Board of Examiners reviewed information from the Office of Criminal History Review (OCHR) indicating that Anthony Wade was convicted in 2001 of Possession of Narcotics-Cocaine. As a result of the conviction, Wade was disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Wade currently holds a Teacher of Elementary School Certificate of Eligibility, issued in September 1998 and a Teacher of Elementary School certificate, issued in April 2000. Upon review of the above information, at its June 7, 2007 meeting, the State Board of Examiners voted to issue Wade an Order to Show Cause.

The Board sent Wade the Order to Show Cause by regular and certified mail on June 13, 2007. The Order provided that Wade must file an Answer within 30 days. Wade filed an Answer on July 17, 2007. In that Answer, Wade claimed that he had disputed the accuracy of his criminal history record and that he had not been convicted of a narcotics offense. (Answer, p. 1.) He claimed that he had pled guilty to loitering. (Answer, p. 1.) When Wade requested a transcript of his court hearing, the video tape the court had used was blank. (Answer Attachment, p. 3.)

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on August 6, 2007, a hearing notice was mailed by regular and certified mail to Wade. The notice explained that it appeared no material facts were in dispute regarding his offense and Wade 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 the conduct underlying his disqualifying offense warranted action against his certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any.

Wade responded to the Hearing Notice on September 11, 2007. In that response, he explained that he was a devoted teacher with an unblemished record. (Hearing Response, p. 1.) He claimed that when he was pulled over for a traffic violation, his registration was expired and a police officer searched his car. (Hearing Response, p. 1.) The officer found drugs in a paper bag that Wade claimed someone else had left in his car. (Hearing Response, p. 1.) Wade stated that the charges were downgraded and he pled guilty to possession of paraphernalia, which he was told was a misdemeanor. (Hearing Response, p. 1.) He added that he did not know he could be terminated for the charge. (Hearing Response, pp. 1-2.)

On January 30, 2008, the Board of Examiners sent Wade a Hearing Notice directly by regular and certified mail. The notice 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. It also provided him the opportunity to appear to testify on the sanction issue. Wade did not file a response to that notice. The OCHR also advised the Board that, as of April 8, 2008, Wade had not submitted any information to prove he had not been convicted of a narcotics charge. As a result, he remained disqualified from public school employment. At its meeting of June 5, 2008, the Board voted to table the matter to provide Wade with another opportunity to provide documentation supporting his contention that he was not convicted of a narcotics charge. The Board sent the letter to Wade on June 11, 2008. He did not respond.

Although this case has an involved procedural history, the issue before the Board of Examiners is straightforward: whether the conduct underlying Wade's disqualifying offense constitutes conduct unbecoming a certificate holder. At its meeting of February 23, 2009, the State Board of Examiners reviewed the charges and papers that Wade 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 had not submitted any evidence to rebut his criminal history record despite the numerous opportunities he was afforded. Moreover, Wade admitted pleading guilty in the criminal proceedings against him to a drug paraphernalia offense. Thus, the Board of Examiners determined that summary decision was appropriate in this matter and the charges are deemed admitted. *N.J.A.C. 6A:9-17.7(h)*.

The State Board of Examiners must now determine whether the conduct underlying Wade'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 individuals it deemed to be a danger. In 1989, the Legislature specifically amended the statute to include all convictions involving 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 drug convictions should not be permitted 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 the conduct underlying Wade's conviction for Possession of Narcotics-Cocaine and his consequent disqualification from service in the public schools of this State, provides just cause to take action against his 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 Wade'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 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, on February 23, 2009 the Board of Examiners voted to revoke Anthony Wade's Teacher of Elementary School Certificate of Eligibility and his Teacher of Elementary School certificate. On this 31st day of March 2009 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Anthony Wade's certificates be effective immediately. It is further ORDERED that Wade 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

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: