

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
ROBERT WALSH : ORDER OF REVOCATION
_____ : DOCKET NO: 0910-122

At its meeting of December 2, 2009, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that in January 2009, Robert Walsh pled guilty to a federal charge of Embezzlement of School Funds. In May 2009, Walsh was sentenced to federal prison for 12 months and one day, fined and ordered to pay restitution in the amount of \$117,951.81. On January 12, 2009, Walsh pled guilty to a state charge of Official Misconduct. His state prison term was suspended provided that he fulfill all the terms of his federal sentence. Walsh currently holds Teacher of Elementary School and Teacher of Social Studies certificates, both issued in July 1990, a Teacher of General Business certificate, issued in October 1990, a School Business Administrator certificate, issued in July 1991, Principal and School Administrator Certificates of Eligibility, both issued in April 1994, a Supervisor certificate, issued in January 1999 and a School Administrator certificate, issued in July 2007. Upon review of the above information, at its January 7, 2010 meeting, the State Board of Examiners voted to issue Walsh an Order to Show Cause.

The Board sent Walsh the Order to Show Cause by regular and certified mail on January 13, 2010. The Order provided that Walsh's Answer was due within 30 days. The certified mail receipt was signed and returned and the regular mail copy was not returned. Walsh did not respond. Thereafter, on February 24, 2010, the Board sent Walsh another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail receipt was signed and returned and the regular mail copy was not returned. Walsh's wife responded on March 8, 2010, indicating that Walsh had not lived at that address since June 2009. She added that Walsh was "temporarily living out of state and is not in a position to respond to your inquiry." (Correspondence, March 3, 2010.) On March 12, 2010, the Board sent Walsh the

Order to Show Cause by certified and regular mail at his prison address. Walsh responded on March 26, 2010. In that Answer, Walsh did not dispute any of the allegations of the Order to Show Cause. (Answer, p. 1.) He added that he understood that his certificates might be revoked and added that he hoped for an opportunity for reinstatement in the future. (Answer, p. 1.) Walsh noted that the positive contributions of his career were overshadowed by his crime and he accepted full responsibility. (Answer, p. 1.)

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on April 1, 2010, the Board of Examiners sent Walsh a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Walsh 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 as well as arguments with regard to the appropriate sanction in the event that the Board determined to take action against his certificate. 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 Walsh's offense warranted action against his certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Walsh was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was signed and returned and the regular mail copy was not returned. Walsh did not respond to the hearing notice.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Walsh's conviction constitutes conduct unbecoming a certificate holder. At its meeting of June 10, 2010, the State Board of Examiners reviewed the charges and papers Walsh filed in response to the Order to Show Cause. The Board of Examiners determined that no material facts related to Walsh's offense were in dispute since he admitted all of the allegations in the Order to Show Cause. 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 State Board of Examiners must now determine whether Walsh's conviction, as 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.

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. Walsh's acts of Embezzlement of School Funds and Official Misconduct were serious enough that the court deemed it necessary to imprison him for 12 months and a day. The Commissioner has long held that teachers serve as role models for their students. Clearly, Walsh cannot claim status as a role model to anyone.

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 (1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). In this instance, Walsh's convictions for Embezzlement of School Funds and Official Misconduct, which led to a prison sentence, demonstrates egregious behavior that warrants revocation.

Accordingly, on June 10, 2010 the Board of Examiners voted to revoke Walsh's Principal and School Administrator Certificates of Eligibility and his Teacher of Elementary School, Teacher of Social Studies, Teacher of General Business, School Business Administrator, Supervisor and School Administrator certificates. On this 22nd day of July 2010 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Robert Walsh's

certificates be effective immediately. It is further ORDERED that Walsh 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:6-38.4.

RRH:MZ:th