

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
TOM OYE : ORDER OF REVOCATION
_____ : DOCKET NO: 0910-147

At its meeting of December 2, 2009, the State Board of Examiners reviewed information received from the East Orange School District and the Office of the United States Attorney, Eastern District of New York indicating that in July 2009, Tom Oye pled guilty to Conspiracy to Import 100 Grams or More of Heroin, Importation of 100 Grams or More of Heroin, Conspiracy to Possess With Intent to Distribute 100 Grams or More of Heroin and Attempt to Possess with Intent to Distribute 100 Grams or More of Heroin. Oye was sentenced to 60 months imprisonment. Oye currently holds a Teacher of Mathematics certificate, issued in December 2003. Upon review of the above information, at its January 7, 2010 meeting, the State Board of Examiners voted to issue Oye an Order to Show Cause.

The Board sent Oye the Order to Show Cause by regular and certified mail on January 13, 2010. The Order provided that Oye's Answer was due within 30 days. Oye responded on February 4, 2010. In that Answer, Oye stated that his conviction was based on circumstantial evidence. (Answer, p. 1.) He added that he tendered his resignation since he knew the impact his conviction would have on his profession. (Answer, p. 1.) Oye noted that he regretted the consequences of his bad judgment 'of picking old friends whose activities I have no complete knowledge of.' (Answer, p. 1.) He also stated that he regretted the impact of this case on his students, family and "jeopardy on my 30 yrs of teaching service since 1979." (Answer, p. 1.)

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on March 12, 2010, the Board of Examiners sent Oye a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Oye 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 Oye's offense warranted action against his certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Oye was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Oye responded on March 17, 2010. In his response, Oye acknowledged that he could not appear at the hearing due to his incarceration. He reiterated that he was "found guilty by association and conspiracy with old-time friends whose behavior I did not properly verify." (Hearing Response, p. 1.)

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Oye'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 Oye filed in response to the Order to Show Cause. The Board of Examiners determined that no material facts related to Oye's offense were in dispute since he did not deny that he had pled guilty to the offense 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)*. 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 Oye's conviction, as set forth in the Order to Show Cause, represents just cause to act against his certificate 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. Oye’s acts of Conspiracy to Import 100 Grams or More of Heroin, Importation of 100 Grams or More of Heroin, Conspiracy to Possess With Intent to Distribute 100 Grams or More of Heroin and Attempt to Possess with Intent to Distribute 100 Grams or More of Heroin were serious enough that the court deemed it necessary to imprison him for five years. The Commissioner has long held that teachers serve as role models for their students. Clearly, Oye 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, Oye’s conviction for Conspiracy to Import 100 Grams or More of Heroin, Importation of 100 Grams or More of Heroin, Conspiracy to Possess With Intent to Distribute 100 Grams or More of Heroin and Attempt to Possess with Intent to Distribute 100 Grams or More of Heroin, which led to a prison sentence, demonstrates egregious behavior that warrants revocation.

Accordingly, on June 10, 2010 the Board of Examiners voted to revoke Oye’s Teacher of Mathematics certificate. 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 Tom Oye’s certificate be effective immediately. It is further ORDERED that Oye return his certificate 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