

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
GILBERT YOUNG JR. : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0809-187

At its meeting of February 23, 2009, the State Board of Examiners reviewed a decision forwarded by the Commissioner of Education that had dismissed Gilbert Young, Jr. from his tenured position with the Roselle School District (Roselle) for charges of unbecoming conduct. *In the Matter of the Tenure Hearing of Gilbert Young, Jr., Docket No. 347-08* (Commissioner's Decision, August 18, 2008). Young currently holds a Teacher of Elementary School Certificate of Eligibility With Advanced Standing, issued in October 2000, and a Teacher of Elementary School certificate, issued in June 2001. At its meeting of March 31, 2009, the Board voted to issue Young an Order to Show Cause as to why his certificates should not be revoked.

This case originated in October 2007 when Roselle certified tenure charges against Young for inappropriate conduct with a former student of his, C.W. At the time of the incidents alleged by Roselle, C.W. was a tenth grader in the district. Roselle alleged that before driving C.W. home, Young first stopped at a park where he kissed and fondled C.W. Roselle also alleged that on another occasion, Young had taken C.W. to a motel where he had oral and anal sex with him.

After receiving Young's response to the tenure charges, the Commissioner of Education transmitted the case to the Office of Administrative Law (OAL). Administrative Law Judge (ALJ) J. Howard Solomon heard testimony on several days in February and March 2008. After receiving post-hearing submissions, the record closed and the ALJ issued an Initial Decision on May 27, 2008. *In the Matter of the Tenure Hearing of Gilbert Young, Jr., Dkt. No. EDU 11569-07* (Initial Decision, May 27, 2008).

In that decision, ALJ Solomon found that Roselle had “met its burden of proof on the charges of conduct unbecoming and other just cause.” (Initial Decision, slip op. at 17). He found that Young drove C.W. home from school on numerous occasions and, in one instance, stopped at a park where he kissed and fondled C.W. *Id.* at 14. Judge Solomon also found that on January 1, 2005, Young drove C.W. to a motel in Linden where Young performed oral and anal sex on C.W. *Id.* at 15. The ALJ found C.W.’s testimony to be credible and compelling and stated that “he had nothing to gain by his testimony and no evidence of ill will or ill motive was presented.” *Id.* at 12-13. Conversely, the ALJ found that Young and his daughter, who testified on his behalf, lacked credibility. *Id.* at 13.

Thus, based on his review of the entire record, the ALJ concluded that Young’s violation of the trust and exemplary behavior required of teachers mandated his removal. *Id.* at 19. Consequently, the ALJ ordered Young dismissed from his tenured employment. *Ibid.*

In a decision dated August 18, 2008, the Commissioner of Education affirmed the ALJ’s Initial Decision as to the tenure charges against Young. The Commissioner noted that there was ample support in the record for the ALJ’s determination that C.W. was credible, “including the fact that there was no indication of animus by C.W. toward respondent or any other motive to offer false information about him.” (Commissioner’s Decision, slip op. at 15-16.) The Commissioner agreed with the ALJ that “the evidence as a whole supports C.W.’s account of the events at the heart of this controversy” and added that the record supported “the ALJ’s finding that petitioner proved its charges of unbecoming conduct against respondent.” *Id.* at 16. Accordingly, the Commissioner sustained the tenure charges and affirmed Young’s removal from his tenured employment. *Ibid.* The Commissioner transmitted the matter to the State Board of Examiners for appropriate action regarding Young’s certificates. *Ibid.*

Thereafter, on March 31, 2009, the State Board of Examiners issued Young an Order to Show Cause as to why his certificates should not be revoked. The Order was predicated on the charges of unbecoming conduct that had been proven in the tenure hearing.

The Board sent Young the Order to Show Cause by regular and certified mail on April 1, 2009. The Order provided that Young's Answer was due within 30 days. Young responded on April 29, 2009. In that response, Young admitted that Roselle had brought tenure charges against him and that he had been removed from his tenured position by the Commissioner. (Answer, ¶¶ 3-5.) He added that he had appealed the decision to the Appellate Division of the New Jersey Superior Court, was not employed as a teacher and would not seek a teaching position until there was a final decision on his appeal. (Answer, ¶ 5.)

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on December 14, 2009, the Board sent Young a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Young 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 certificates. 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 charges proven in the tenure matter warranted action against his certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Young was also provided the opportunity to appear before the Board to testify on the sanction issue. On December 22, 2009, at the request of Young's counsel, the certification matter was placed in abeyance pending determination of Young's tenure appeal to the New Jersey Supreme Court. On May 12, 2010, the New Jersey

Supreme Court affirmed the decision of the Appellate Division, dismissing Young from his tenured position. *In the Matter of the Tenure Hearing of Gilbert Young, Jr.*, A-39-09 (May 12, 2010). By letter dated May 12, 2010, counsel for Young was notified that the certification matter was being taken out of abeyance and that his response to the Hearing Notice was due by June 11, 2010. No response was filed.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Young's conduct and his subsequent loss of tenure constitute conduct unbecoming a certificate holder. At its meeting of July 22, 2010, the State Board of Examiners considered the Order to Show Cause and Young's response. The Board of Examiners determined that no material facts related to Young's offense were in dispute since he admitted that he had lost his tenured position as a result of the tenure proceedings brought against him. 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 Young's conduct 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*. 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 (1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). "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. There can be no dispute that Young’s conduct in engaging in kissing, fondling, oral sex and anal sex with a minor negates any claim that he can have to being a role model for students. His behavior was egregious and speaks volumes about his unfitness to be a teacher. The Examiners therefore conclude that the only appropriate response to Young’s breach is the revocation of his teaching certificates.

Accordingly, on July 22, 2010, the Board of Examiners voted to revoke Gilbert Young, Jr.’s Teacher of Elementary School Certificate of Eligibility With Advanced Standing and his Teacher of Elementary School certificate. On this 16th day of September 2010 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Young’s certificates be effective immediately. It is further ORDERED that Young 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.

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Robert R. Higgins, Secretary  
State Board of Examiners

Date of Mailing:           , 2010

Appeals may be made to the Commissioner of Education pursuant to the provisions of *N.J.S.A.* 18A:6-38.4.