

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
CHARLES DAVIS : ORDER OF REVOCATION
_____ : DOCKET NO: 0910-176

At its meeting of April 29, 2010, the State Board of Examiners (Board) reviewed information received from the Office of the Medicaid Inspector General (OMIG) regarding Charles Davis. OMIG reported that in March 2007, Davis agreed to the voluntary surrender of his license to practice professional counseling in New Jersey in accordance with a Consent Order he entered into with the Professional Counselor Examiners Committee of the New Jersey State Board of Marriage and Family Therapy Examiners. The Order resulted from allegations that Davis had failed to maintain client records, had engaged in a dual relationship with a client and misrepresented his credentials. The Consent Order required Davis to “cease and desist from engaging in any mental health counseling in the State of New Jersey, including but not limited to professional counseling and/or psychotherapy and/or volunteer or uncompensated counseling.” Davis was also barred from “engaging in any mental health counseling in any exempt settings.” By letter dated January 12, 2010, the Burlington County Special Services School District indicated that, as of that date, Davis was employed by the district as a school psychologist. Davis currently holds a School Psychologist certificate, issued in January 1985. Upon review of the above information, at its June 10, 2010 meeting, the Board voted to issue Davis an Order to Show Cause.

The Board sent Davis the Order to Show Cause by regular and certified mail on June 21, 2010. The Order provided that Davis must file an Answer within 30 days. Davis filed an Answer on July 20, 2010. In that Answer, Davis admitted all of the allegations in the order to Show Cause and claimed that he “was not aware that Educational Services was part of the

Order.” (Answer, ¶ 5.) He added that he had ceased providing services as of March 3, 2010. (Answer, ¶ 5.)

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on September 17, 2010, the Board sent Davis a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Davis 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 Board would determine if Davis’s conduct warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Davis 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. Davis did not file a response.

The threshold issue before the Board in this matter is whether Davis’ conduct, as set forth in the Order to Show Cause, constitutes conduct unbecoming a certificate holder. Since Davis failed to respond to the hearing notice, at its meeting of December 9, 2010, the Board considered only the allegations in the Order to Show Cause and Davis’ Answer. The Board determined that no material facts related to Davis’s conduct were in dispute since he never denied that he had been ordered to cease to provide psychological counseling or had engaged in the alleged conduct. Thus, the Board 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 Board must now determine whether Davis' conduct, 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 Board 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. Moreover, the Commissioner has long held that teachers serve as role models for their students. Davis' conduct in continuing to provide counseling services as a school psychologist despite having signed a consent order barring him from providing mental health counseling is inappropriate and harmful to students. In this instance, Davis' lack of professional judgment warrants revocation.

Accordingly, on December 9, 2010, the Board voted to revoke Charles Davis' School Psychologist certificate. On this 20th day of January 2011 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Davis' certificate be effective immediately. It is further ORDERED that Davis 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 *N.J.S.A.* 18A:6-38.4.