

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS  
WENDELL LEE : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0910-229

At its meeting of October 28, 2010, the State Board of Examiners (Board) reviewed a decision forwarded by the Commissioner of Education, wherein the Commissioner approved the settlement of a tenure case brought against Wendell Lee by the Trenton Board of Education (Trenton) for charges of unbecoming conduct. *In the Matter of the Tenure Hearing of Wendell Lee*, Docket No. EDU 8169-07 (Commissioner’s Decision, June 2, 2008). Lee currently holds a Teacher of Physical Science certificate, issued in July 1991.

This case originated when Trenton certified tenure charges against Lee. The district charged him with conduct unbecoming a teaching staff member for allegedly using physical force against two students by striking one with a ruler and shoving the other one. Lee was also charged with using inappropriate language towards students.

The Commissioner of Education transmitted the case to the Office of Administrative Law (OAL) on October 2, 2007. After the hearing had begun, the parties settled the matter. Lee agreed to submit a letter of retirement and voluntarily relinquish his certificates to the Board. Trenton agreed to withdraw the tenure matter. The Commissioner approved the settlement and dismissed the tenure matter “subject to compliance with the terms of the settlement.” Commissioner’s Decision, slip op. at 1.

Thereafter, the Board sent Lee’s counsel several affidavits for Lee’s signature in order to relinquish his certificate. However, Lee’s attorney did not return the affidavit or Lee’s certificate or otherwise respond to the correspondence. Thus, after its review of the matter at its October 28, 2010 meeting, the Board voted to issue Lee an Order to Show Cause why his certificate

should not be revoked. On December 9, 2010, the State Board of Examiners issued Lee an Order to Show Cause as to why his certificate should not be revoked. The Order was predicated on Lee's agreement to relinquish his certificate in his tenure settlement as well as his failure to comply with the Commissioner's directive to comply with the terms of the settlement.

The Board sent Lee the Order to Show Cause by regular and certified mail on December 10, 2010. The Order provided that Lee's Answer was due within 30 days. The certified mail receipt was signed and returned and the regular mail copy was not returned. Lee did not file a response. Thereafter, on January 24, 2011, the Board sent Lee a second notice by regular and certified 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. Lee did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on February 14, 2011, the Board sent Lee a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Lee 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 Board would determine if Lee's conduct warranted action against his certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Lee 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. Once again, Lee did not respond.

The threshold issue before the Board in this matter, therefore, is whether Lee's conduct, as set forth in the Order to Show Cause, constitutes conduct unbecoming a certificate holder. Since Lee failed to respond to the Order to Show Cause or the hearing notice, at its meeting of May 12, 2011, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Lee's conduct were in dispute since he never denied that he 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 Lee'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 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. Lee had agreed in a settlement of his tenure charges to relinquish his certificate. Moreover, the Commissioner's acceptance of the settlement was specifically predicated on compliance with the settlement's terms. Lee's disregard of his obligation under the settlement and his failure to respond to repeated directives to return his certificate, evinces his lack of professionalism. Clearly his behavior warrants revocation.

Accordingly, on May 12, 2011, the Board of Examiners voted to revoke Wendell Lee's Teacher of Physical Science certificate. On this 16th day of June 2011, the Board of Examiners

voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Lee's certificate be effective immediately. It is further ORDERED that Lee 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.

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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*.