

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
PATRICK N. MCGWIER : ORDER OF SUSPENSION
_____ : DOCKET NO: 1415-121

At its meeting of September 19, 2014, the State Board of Examiners (Board) reviewed information received from the Burlington County Prosecutor's Office and the Criminal History Review Unit regarding Patrick N. McGwier. McGwier was arrested and charged with Attempting to Lure or Entice a Child. According to the criminal complaint, McGwier "engaged a 15 year old female in online and text message communication for the purpose of engaging in a sexual relationship, in violation of *N.J.S.A. 2C:13-6*." If convicted, McGwier would be disqualified from public employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* McGwier currently holds a Teacher of Social Studies Certificate of Eligibility, issued in February 2008, Teacher of Elementary School in Grades K-5 and Teacher of Social Studies Certificates of Eligibility With Advanced Standing, both issued in February 2012 and Teacher of Elementary School in Grades K-5 and Teacher of Social Studies certificates, both issued in September 2008. Upon review of the above information, at its meeting of October 23, 2014, the Board voted to issue McGwier an Order to Show Cause as to why his certificates should not be suspended pending the resolution of the criminal proceedings against him.

The Board sent McGwier the Order to Show Cause by regular and certified mail on October 27, 2014. The Order provided that McGwier must file an Answer within 30 days. The certified mail copy was returned as "Unclaimed" and the regular mail copy was not returned. McGwier did not file a response. Thereafter, on December 4, 2014, the Board sent McGwier another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. On December 26, 2014, McGwier filed a response indicating that "I have been advised by my attorney to not speak in specifics regarding these allegations other than to say I am not guilty of any crime." (Answer, p. 1).

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.7(e)*, on December 30, 2014, the Board sent McGwier a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, McGwier 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 found just cause 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 his offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. McGwier was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy was returned as “Unclaimed” and the regular mail copy was not returned. Once again, McGwier did not file a response.

The threshold issue before the Board in this matter, therefore, is whether McGwier’s arrest and charge constitute conduct unbecoming a certificate holder. At its meeting of March 12, 2015, the Board considered the allegations in the Order to Show Cause and McGwier’s Answer. The Board determined that no material facts related to McGwier’s offense were in dispute since he never denied that he had been arrested for the offenses charged. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.7(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 McGwier’s arrest and charges, as set forth in the Order to Show Cause, represent just cause to act against his certificates pursuant to *N.J.A.C. 6A:9B-4.5*. The Board finds that they do.

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:9B-4.5*. In enacting the Criminal History Review statute, *N.J.S.A. 18A:6-7.1 et seq.* in 1986, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be dangerous. Individuals convicted of crimes such as Attempting to Lure or Entice a Child fall squarely within this category. This strong legislative policy statement is in accord with the Commissioner’s long-held belief that teachers must serve as role models for students. “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.

In this case, McGwier has an arrest for a crime against a child. A teacher’s behavior outside the classroom may be relevant in determining that person’s qualifications and continued fitness to retain his certificate. *In re Grossman*, 127 N.J. Super. 13, 30 (Sup. Ct. 1943), *aff’d*, 131 N.J.L. 326 (E & A 1944). Moreover, 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 (Sup. Ct. 1943), *aff’d*, 131 N.J.L. 326 (E & A 1944). Accordingly, the State Board of Examiners finds that McGwier’s potential disqualification from service in the public schools of this State because of his arrest on charges of Attempting to Lure or Entice a Child provides just cause to take action against his certificates.

Accordingly, on March 12, 2015, the Board voted to suspend McGwier’s certificates pending resolution of the criminal proceedings against him. On this 17th day of April 2015 the Board formally adopted its written decision to suspend and it is therefore ORDERED that Patrick McGwier’s Teacher of Social Studies Certificate of Eligibility, Teacher of Elementary School in Grades K-5 and Teacher of Social Studies Certificates of Eligibility With Advanced Standing, and Teacher of Elementary School in Grades K-5 and Teacher of Social Studies certificates be suspended effective this day. If the charges are resolved in his favor, he shall notify the Board for appropriate action regarding the suspension order. It is further ORDERED that McGwier return his certificates to the Secretary of the State Board of Examiners, Office of Licensure and Certificates, PO Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Secretary
State Board of Examiners

RRH/MZ/th

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.