

257-23

State Board of Examiners Dkt No. 1920-110

Agency Dkt. No. 3-4/23A

New Jersey Commissioner of Education

Final Decision

In the Matter of the Certificates of
Tarley Cooper, State Board of Examiners,
New Jersey Department of Education.

Order of Revocation by the State Board of Examiners, April 13, 2023

Appellant, *pro se*

For the Respondent State Board of Examiners, Sadia Ahsanuddin, Deputy
Attorney General (Matthew J. Platkin, Attorney General of New Jersey)

The Commissioner has reviewed the record and the papers filed in connection with appellant Tarley Cooper's appeal of the Order of the State Board of Examiners (Board), dated April 13, 2023, revoking his Teacher of Elementary School in Grades K-6 and Teacher of Students with Disabilities certificates. In February 2019, appellant pled guilty to criminal charges of Aggravated Assault and Recklessly Endangering Another Person in Pennsylvania. Based on the conviction, the Pennsylvania Professional Standards and Practices Commission revoked appellant's educator certificate in January 2020, and the Delaware Department of Education revoked his educator licenses in August 2021.

In April 2021, the Board found that the level and nature of appellant's conduct provided just cause for the consideration for the revocation of his New Jersey certificates and issued an Order to Show Cause (OTSC). In his Answer, Cooper acknowledged his conviction but noted that he had sent a letter to the Federal Bureau of Investigation (FBI) requesting that the

conviction be withdrawn because the police complaint was fabricated. The Board concluded that appellant had engaged in unbecoming conduct and that the appropriate penalty was revocation of his certificates.

On appeal, appellant argues that the incident that led to his conviction was fabricated by the police and that he is the target of a conspiracy by an unnamed hate group. Appellant contends that he has always disputed the charges against him, and that he has contacted the FBI, the Governor of Pennsylvania, and the Pennsylvania Board of Pardons (BOP) to have his convictions overturned.

In reviewing appeals from decisions of the Board, the Commissioner may not substitute her judgment for that of the Board so long as the appellant received due process and the Board's decision is supported by sufficient credible evidence in the record. Further, the Board's decision should not be disturbed unless the appellant demonstrates that it is arbitrary, capricious, or unreasonable. *N.J.A.C. 6A:4-4.1(a)*. With regard to reviewing a sanction imposed by the Board, the Appellate Division has defined the standard as determining whether the "punishment is so disproportionate to the offense, in light of all the circumstances, as to be shocking to one's sense of fairness." *In re Certificates of Benjamin Norton*, 2016 N.J. Super. Unpub. LEXIS 2291, *6-7 (internal citations and quotations omitted).

Upon review of the record, the Commissioner concurs with the Board that appellant has engaged in unbecoming conduct. The Commissioner also finds that the Board's decision to revoke appellant's certifications was not arbitrary, capricious, or unreasonable. While

petitioner provided copies of letters requesting an investigation by the FBI¹ and a pardon from the Governor of Pennsylvania and the BOP,² he does not appear to have appealed his conviction through the courts, nor has he provided any information demonstrating that the FBI, Governor, or BOP have acted on his requests. In the absence of any such information, appellant's convictions stand, and the Commissioner is satisfied that the record adequately supports the Board's determination that appellant engaged in unbecoming conduct and that revocation of his certificates is the appropriate penalty.

Accordingly, the decision of the Board is affirmed. Appellant's Teacher of Elementary School in Grades K-6 and Teacher of Students with Disabilities certificates are hereby revoked.³


ACTING COMMISSIONER OF EDUCATION⁴

Date of Decision: August 29, 2023

Date of Mailing: August 30, 2023

¹ Appellant's letter to the FBI is dated March 16, 2021, and it references an earlier request dated October 21, 2019. Accordingly, the FBI had ample time to act upon the request prior to the issuance of the Board's decision if it intended to do so.

² The Commissioner notes that both appellant's letter to the Governor and his application to the BOP are dated after the Board's decision revoking his certificates. The Commissioner cannot conclude that the Board's decision was arbitrary, capricious, or unreasonable based on documents that did not exist at the time that decision was made.

³ This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A. 18A:6-9.1*. Under *N.J. Ct.R. 2:4-1(b)*, a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.

⁴ Pursuant to *N.J.S.A. 18A:4-34*, this matter has been delegated to Kathleen Ehling.