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State Board of Examiners Dkt No. 2021-177  
OAL Dkt. No. EDE 08865-21  
Agency Dkt. No. 3-2/25A

## **New Jersey Commissioner of Education**

### **Final Decision**

In the Matter of the Certificates of  
Luke Maginnis, State Board of Examiners,  
New Jersey Department of Education.

The Commissioner has reviewed the record and the papers filed in connection with appellant Luke Maginnis’s appeal of the Order of the State Board of Examiners (Board), dated January 16, 2025, suspending his Teacher of Physical Education Certificate of Eligibility with Advanced Standing and standard Teacher of Physical Education certificate for one year.

Appellant was employed as a non-tenured health and physical education teacher and athletics coordinator in the Califon Public School District (District). On or about April 27, 2021, the District terminated appellant’s employment following allegations that, upon his initial employment, he misrepresented that he held a special education certification issued by the New Jersey Department of Education and a master’s degree from Fairleigh Dickinson University (FDU). After receiving this information from the District, on August 5, 2021, the Board issued an Order to Show Cause (OSC) for the suspension of appellant’s certificates. The OSC alleged that appellant’s resume indicated that he graduated from FDU in May 2018 with a Master’s in Art of Teacher – Major: Special Education & Supervision. However, FDU confirmed that appellant did not complete the program and therefore did not obtain the degree. It was also alleged that appellant’s employment application for the District indicated that he held both a New Jersey Physical Education and a New Jersey Special Education certification. However, the District

confirmed via the online teacher certification system for New Jersey that appellant does not hold a certificate to teach special education. On September 16, 2021, respondent filed an answer to the OSC. Thereafter, the matter was transmitted to the Office of Administrative Law (OAL).

On April 2, 2024, the Administrative Law Judge (ALJ) granted the Board's cross-motion for partial summary decision, concluding that appellant misrepresented the status of his teaching certificates and higher learning on his employment application and resume. Regarding the penalty, the ALJ concluded that summary decision was not appropriate and ordered a hearing. Following a contested hearing, the ALJ determined that "the charge of conduct unbecoming is sustained," warranting a six-month suspension. Initial Decision at 21. In reaching her determination, the ALJ found that appellant did not fabricate a document to secure a position for which he was not qualified like other educators who had been penalized by the Board. The ALJ also found the following mitigating circumstances: 1) appellant's misrepresentations did not affect his eligibility for the position he sought; 2) the unofficial transcript he relied on to determine that he completed the FDU master's program was obtained from an official FDU source; 3) he was not responsible for the discrepancy between his official and unofficial FDU transcripts; and 4) he received excellent performance reviews from the District and there was no evidence of prior discipline.

However, the ALJ found that appellant's unbecoming conduct was aggravated by the following factors: 1) appellant plainly wrote that he earned a special education certificate, which is a false statement, and he failed to provide a reasonable explanation for having done so; 2) it was concerning that he did not question why he did not receive a diploma; and 3) he seemed to blame others for not having explained the steps required for graduation or certification, rather

than researching them himself. Ultimately, the ALJ concluded that when weighing the mitigating and aggravating factors and considering the periods of suspension imposed in other similar cases, a six-month suspension was warranted.

After considering the exceptions filed by both parties and appellant's reply thereto, the Board adopted the ALJ's Initial Decision with modification as to the penalty. The Board agreed with the ALJ that appellant engaged in unbecoming conduct when he misrepresented his credentials on his resume and District employment application. The Board reasoned that schools must be able to rely on educators to provide accurate information regarding their certification status and qualifications to teach students. As for the penalty, the Board disagreed with the ALJ that a six-month suspension was sufficient and found that a more substantial suspension was warranted. The Board explained that as a holder of two valid teaching certificates, appellant knew the process to obtain certification and knew that he did not complete the process to obtain a Teacher of Students with Disabilities certificate. In addition, the Board explained that even though appellant's misrepresentation did not include "the submission of an altered or fraudulent certificate, [his] conduct in misrepresenting his eligibility to teach more than what he was actually certificated for is similarly egregious and warrants a significant penalty." *Id.* at 9. Accordingly, the Board ordered that appellant's teaching certificates be suspended for one year.

On appeal, appellant argues that the Board erred in upholding the ALJ's determination that appellant engaged in unbecoming conduct. Appellant maintains that he had no reason to believe that he did not complete the master's degree because he relied on an unofficial transcript from FDU, which indicated that he had earned the requisite 36 credits to graduate. Appellant also maintains that neither a master's degree nor a special education certificate was required for

his position in the District. Appellant contends that the cases cited by the ALJ are inapposite to the instant matter because they involved more egregious facts, the intentional misrepresentation of certificates, and misrepresentations as to criminal history. Lastly, appellant argues that the one-year suspension of his certificates is excessive considering his pristine employment evaluations, and because his misrepresentations were unintentional and caused no harm.

In response, the Board asserts that its decision to increase the suspension of appellant's certificates to one year is reasonable and sufficiently supported by the record. Next, the Board contends that appellant is incorrect that the Board's decision in *In Re Certificates of Ramo*, St. Bd. of Exam'rs, Dkt. No. 1213-172 (Feb. 27, 2014), is inapposite to the instant matter because 1) the ALJ acknowledged, as mitigating factors, that appellant's misrepresentation did not affect his eligibility for the position he sought and that appellant relied on documentation from an official FDU source to determine that he completed the FDU master's degree program; and 2) the ALJ found that, unlike the teacher in *Ramo*, appellant did not provide a credible explanation for his misrepresentations, and therefore considered this to be an aggravating factor. The Board further contends that it was reasonable in issuing appellant a greater penalty than the six-month suspension it issued in *Ramo*, where the teacher provided a credible explanation for his misrepresentation, but a shorter penalty than the two-year suspension it issued in *In re Certificates of Powell*, where the teacher submitted a fraudulent document with his employment application. OAL Dkt. No. EDE 00950-13, Initial Decision (June 23, 2014), *adopted with modification*, St. Bd. of Exam'rs Dkt. No. 1213-109 (Oct. 23, 2013).

In reply, appellant reiterates the following arguments: 1) the Board's Suspension Order fails to address that appellant relied upon the unofficial FDU transcript; 2) the District knew, at least one year prior to appellant's suspension, that he had not yet obtained the Special Education certificate; 3) *Ramo* and *Powell* are distinguishable from the instant matter; and 4) no evidence exists indicating that appellant's misrepresentations affected the morale, efficiency, or public perception of the school.

In reviewing appeals from decisions of the State Board of Examiners, 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. The Commissioner's role in reviewing appeals is constrained by *N.J.A.C. 6A:4-4.1(a)*, which specifies that "the Commissioner shall ascertain whether the decision is supported by sufficient credible evidence in the record and shall not disturb the decision unless the appellant has demonstrated the State Board of Examiners . . . acted in a manner that was arbitrary, capricious, or contrary to law." See *Morison v. Willingboro Bd. of Educ.*, 478 N.J. Super. 229, 238 (App. Div. 2024) (citing *N.J.A.C. 6A:4-4.1(a)*).

"[T]eachers . . . 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." *IMO Tenure Hearing of Sammons*, 1972 *S.L.D.* 302, 321. Teachers "hold positions demanding public trust, and in such positions they teach, inform, and mold habits and attitudes, and influence the opinion of their pupils." *IMO Tenure Hearing of Tordo*, 1974 *S.L.D.* 97, 98-99. "Conduct unbecoming" is an "elastic" concept that includes "conduct which adversely affects the morale or efficiency" of the

public entity or “which has a tendency to destroy public respect for [public] employees and confidence in the operation of [public] services.” *In re Emmons*, 63 N.J. Super. 136, 140 (App. Div. 1960). *Accord Bound Brook Bd. of Educ. v. Ciripompa*, 228 N.J. 4, 13 (2017). A finding of unbecoming conduct “may be based merely upon the violation of the implicit standard of good behavior which devolves upon one who stands in the public eye as an upholder of that which is morally and legally correct.” *Bound Brook Bd. of Educ.*, 228 N.J. at 14 (quoting *Karins v. City of Atlantic City*, 152 N.J. 532, 555 (1998)). Unfitness to hold a position in a school system may be demonstrated through just 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).

Upon a comprehensive review, the Commissioner finds that the Board was not arbitrary, capricious, or unreasonable in determining that appellant committed unbecoming conduct when he misrepresented the status of his teaching certificates and higher learning on his employment application and resume. It is undisputed that although appellant had not attained a certificate in special education, he wrote on his employment application that he had obtained the certificate. Likewise, appellant had not received a Master’s in Art of Teaching – Major: Special Education, yet his resume indicated that he had graduated from FDU’s master’s degree program in May 2018. Appellant’s contentions that FDU is to blame because it generated an inaccurate transcript, that he was confused about the status of his master’s degree, and that the District was aware that he did not have a special education certificate at least a year before he was suspended, do not negate the fact that he misrepresented his credentials. Moreover, appellant is responsible for ensuring the accuracy of his credentials before providing such information to the District because schools must be able to rely on the information educators provide. Appellant’s

misrepresentation of his credentials was inappropriate and had the tendency to destroy the public trust and confidence in school employees and the operation of public schools. As such, the Commissioner finds no basis to overturn the finding of unbecoming conduct.

As to the penalty, appellant has not demonstrated that the Board was arbitrary, capricious, or unreasonable in increasing his suspension from the six months recommended by the ALJ to a period of one year. His arguments are unavailing. His claims that he had excellent performance reviews while at the District, that the discrepancy between the unofficial and official transcripts was not his fault, and that his misrepresentations did not affect his eligibility for the position for which he was hired, were already recognized by the ALJ as factors mitigating appellant's unbecoming conduct. The Commissioner agrees with the ALJ and the Board that these mitigating factors do not outweigh the gravity of appellant's misconduct, and as such, a penalty is warranted.

Appellant also takes issue with the cases the ALJ reviewed in the penalty analysis in the Initial Decision, particularly *Ramo* and *Powell*. Appellant argues that both matters are inapposite because they included more egregious facts and intentional misrepresentations. While the Commissioner finds *Ramo* and *Powell* to be factually distinct from the instant matter because they concern misrepresentations on applications for certification, the ALJ was not unreasonable in citing either case for guidance.

*Ramo* demonstrates that the Board has disciplined educators who misrepresented their information on an application for a teacher's certificate, regardless of intent. There, the Board suspended a teacher's certificate for six months for failing to disclose his criminal history on his application for a teaching certificate. The teacher admitted to his failure to disclose but

contended that his misrepresentation was unintentional. The Board found that teachers serve as role models for their students, and although Ramo provided a credible explanation for his misrepresentations, “his conduct cannot go unremarked.” *In Re Ramo, supra*, at 3. Ultimately, the Board found that Ramo’s “sincere sense of remorse coupled with his cogent explanation of what transpired in his life during that time period, militate against the revocation of his certificates.” *Id.* at 3-4. The same logic applies here. Although appellant may not have intended to misrepresent his credentials on his job application, his behavior did not comport with the role model standard expected of teachers; thus, action against his certificates is warranted. Further, as in *Ramo*, the ALJ recognized circumstances militating against revocation. However, unlike *Ramo*, the ALJ also found circumstances that aggravated the unbecoming conduct.

The Commissioner also finds *Powell* to be instructive. In that case, the Board suspended Powell’s certificates for two years for unbecoming conduct because he submitted fraudulent employment verification letters with his application for certification as a principal and supervisor. At the OAL, the ALJ noted that a finding of unbecoming conduct does not require that conduct “actually undermine morale or efficiency or destroy respect for the delivery of government services. The focus is on the individual’s conduct. The tendency to cause said effects, whether the conduct in question actually does so or not, makes it unbecoming.” *In re Powell, supra*, Initial Decision at 9. Applying this reasoning to the instant matter, the fact that the ALJ found no evidence that appellant’s misrepresentations affected his ability to perform his position or affected the school environment is not dispositive. The Commissioner agrees with the ALJ that the act of misrepresentation is the focus of the analysis. The Commissioner further agrees with the ALJ that appellant’s misrepresentations were significant even without evidence that it

negatively impacted his ability to perform his job because schools must be able to rely on employees to accurately report their credentials. The Commissioner does not find that the ALJ improperly considered *Powell* or *Ramo*, nor does the Commissioner find that the Board was arbitrary, capricious, or unreasonable in adopting the Initial Decision as modified.

Accordingly, the Order of the State Board of Examiners suspending appellant's certificates for a period of one year, effective January 16, 2025, is affirmed.<sup>1</sup>

  
COMMISSIONER OF EDUCATION

Date of Decision: April 21, 2026  
Date of Mailing: April 22, 2026

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<sup>1</sup> 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.

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
LUKE MAGINNIS : ORDER OF SUSPENSION  
\_\_\_\_\_ : DOCKET NO: 2021-177

Luke Maginnis is the holder of a Teacher of Physical Education Certificate of Eligibility with Advanced Standing, issued June 2016, and a standard Teacher of Physical Education certificate, issued October 2022.

At its meeting of June 25, 2021, the State Board of Examiners (Board) reviewed information it received from the Califon Public School District (Califon) regarding Maginnis. On or about April 28, 2021, Califon terminated Maginnis following allegations that, upon his initial employment, he misrepresented that he held a special education certification issued by the Department of Education and a master's degree from Fairleigh Dickinson University (FDU).

Specifically, it was alleged that Maginnis' resume indicated that he graduated in May 2018 from FDU with a Master's in Art of Teaching – Major: Special Education & Supervision. Califon contacted FDU and the Assistant Director of Enrollment Services for Records at FDU confirmed that Maginnis did not finish the master's in arts degree with a specialization in Teacher of Students with Disabilities and thus did not obtain the degree. Further, Maginnis' employment application in Califon indicated that he holds both a New Jersey Physical Education and a New Jersey Special Education certificate. Califon confirmed via the online teacher certification system for New Jersey that Maginnis does not hold a certificate to teach special education.

After reviewing the above information, at its July 30, 2021 meeting, the Board voted to issue an Order to Show Cause (OSC) to Maginnis as to why her certificates should not be revoked.

On or about August 5, 2021, the Board sent Maginnis the OSC by regular and certified mail. The OSC provided that Maginnis must file an Answer within 30 days pursuant to *N.J.A.C. 6A:9B-4.6(b)*. On September 16, 2021, Maginnis submitted an answer in which he denied the allegations that he misrepresented his credentials. *See Answer*, dated September 16, 2021. Specifically, he stated that he provided Califon with an “unofficial” transcript from his master’s program at FDU and neither admitted nor denied whether he finished his master’s degree. *Id.* at ¶ 3. Further, he neither admitted nor denied what Califon did to confirm or deny the allegations and stated that there would be no reason to mislead anyone as he did not financially benefit. *Id.* at ¶ 6. He acknowledged that Califon terminated him, that his resume indicated that he graduated in May 2018 from FDU with a Master’s in Art of Teaching – Major: Special Education & Supervision, and that his employment application indicated that he held a certificate in Physical Education and a certificate in Special Education. *Id.* at ¶ 3, 5. As there were material facts in dispute, the Board transmitted the matter to the Office of Administrative Law (OAL) for a hearing on October 27, 2021.

On April 2, 2024, Administrative Law Judge (ALJ) Judith Lieberman granted the Board’s cross-motion for partial summary judgment, concluding that Maginnis had misrepresented the status of his teaching certificates and higher education on his application and resume. *In the Matter of the Certificates of Luke Maginnis*, OAL Dkt. No. EDE 08865-21 (Initial Decision, November 4, 2024), pp.2-3. Specifically, the ALJ found that Maginnis misrepresented the status of his teaching certificates and higher education on his employment application and resume. *Id.* at 3. The ALJ further found that these misrepresentations were conduct unbecoming an educator. *Ibid.* In reaching this decision, the ALJ explained that the “misstatements were significant even though there was no evidence they impacted his ability to serve as a physical education and health

teacher and athletic coordinator.” *Ibid.* The ALJ also reasoned that the submission of inaccurate, misleading or fraudulent information is a serious offense because “schools must rely on the trustworthiness of information and documents provided by teaching or administrative applicants” and “[s]chool employees are held to a high standard, and it is axiomatic that they must be expected to accurately report their own credentials.” *Ibid.* The ALJ concluded that summary decision was not appropriate with respect to penalty, however, and thus a hearing in this matter was held in-person on August 2, 2024 and the record closed on October 22, 2024. *Id.* at 3-4.

On November 4, 2024, the ALJ issued an Initial Decision in the case. *Ibid.* The ALJ found that the evidence supported that Maginnis committed conduct unbecoming a teacher warranting a six-month suspension of his certificates. *Id.* at 20-21. In so doing, the ALJ found as uncontested facts that Maginnis was employed by Califon as a non-tenured health and physical education teacher and athletic coordinator, and that he was subsequently terminated after he was accused of misrepresenting his credentials. *Id.* at 4. Further, the ALJ found that Maginnis did not hold a Teacher of Special Education certificate or a master’s degree from FDU. *Ibid.* The ALJ also found that when Maginnis applied to work at Califon, his resume indicated he graduated in May 2018 from FDU with a “Master’s in Art of Teaching – Major: Special Education & Supervision” and that he held certifications in physical education and special education. *Ibid.* The ALJ further found that Califon confirmed with FDU that Maginnis had not obtained the master’s degree he indicated, that Califon advised Maginnis of same, and that Califon advised the Board of same and provided supporting documents. *Id.* at 5-6.

The ALJ heard testimony from one witness, Luke Maginnis. *Id.* at 7-12. The ALJ found that while Maginnis testified “politely, professionally, and respectfully,” and was “sincere and well-motivated[,]” some aspects of his testimony were difficult to reconcile in that his explanations

were inconsistent and stained credulity. *Id.* at 13-14. Specifically, although Maginnis testified that he assumed he graduated based on the number of credits on his unofficial transcript, he never received a diploma, never inquired as to why he did not, and testified that it must have “slipped” his mind to inquire why he didn’t receive a diploma. *Id.* at 13. Further, Maginnis’ claim that he did not participate in the graduation ceremony because he did not like to celebrate himself was “puzzling” when coupled with his failure to inquire about the status of his diploma and “call[ed] into question the veracity of his explanation. *Ibid.*

The ALJ also found it troubling that Maginnis wrote on his application that he earned a special education certificate when his transcript did not indicate he did earn the special education degree. *Ibid.* Further, Maginnis acknowledged that he was required to apply for his Teacher of Physical Education certificate and pass the required exams, and thus his professed assumption that similar steps were not required before obtaining his Teacher of Special Education certificate strains credulity. *Ibid.* The ALJ found that it was reasonable to expect a professional pursuing higher education and certification to ensure understanding of the prerequisites for certification that his profession requires. *Ibid.* For these reasons, the ALJ found that Maginnis’ conduct was unbecoming of an educator. *Id.* at 21.

In determining the appropriate penalty, the ALJ noted that the Board has revoked certificates when teachers purposefully altered proof of their credentials. *Id.* at 16. Further, the Board has taken action on an educator’s certificate where there was misrepresentation of credentials without any alteration of documents, including falsified or misrepresented information regardless of intent. *Id.* at 16-17. The ALJ also noted that any action on an educator’s certificate(s) would have prospective and not retrospective application. *Id.* at 19.

The ALJ found aggravating circumstances in this matter. *Id.* at 20. Specifically, Maginnis clearly declared that he had obtained a Teacher of Special Education certificate which was a false statement, for which he did not offer a reasonable explanation. *Ibid.* Further, it was concerning that he did not question why he did not receive a diploma. *Ibid.* Lastly, he seemed to blame others for not having explained the required steps for graduation or certification instead of independently researching them himself. *Ibid.*

The ALJ also found that Maginnis demonstrated mitigating circumstances. *Id.* at 19. Specifically, the misrepresentations did not alter his eligibility for the position at the school he sought. *Ibid.* Further, although irresponsible, the unofficial transcript he relied on was obtained from an official FDU source. *Ibid.* Additionally, Maginnis received excellent performance reviews and there was no evidence of any prior discipline. *Ibid.*

Although Maginnis argued that the misrepresentations were irrelevant because Califon did not rely upon them when employing him, the ALJ found that the act of misrepresentation is the focus and that the misrepresentations are significant because school employees are held to a high standard and must be expected to report accurately their own credentials. *Id.* at 20. As a result, the ALJ concluded a six-month suspension was appropriate. *Id.* at 20. The ALJ noted that because Maginnis did not fabricate a document to obtain employment for which he was not qualified, his misrepresentations did not impact his eligibility for employment. *Ibid.* However, he did misrepresent his credentials and failed to offer a reasonable explanation for doing so. *Ibid.* The ALJ reasoned that in weighing the aggravating and mitigating factors a six-month suspension was warranted in this matter. *Ibid.*

On November 18, 2024, Maginnis filed Exceptions. In his exceptions, Maginnis argues that given the nature of the allegations and the facts and credibility determinations made, no

unbecoming conduct can be found. (Maginnis Exceptions, p. 7). Further, Maginnis argues that the ALJ's determinations are unsupported by the evidence. *Id.* at 2. Maginnis also argues that the cases noted by the ALJ are distinguishable from the instant matter because they involved more egregious facts, involved misrepresentations as to prior criminal status and breach of NJASK security, and did not affect the morale or efficiency of the department. *Id.* at 4-6. Lastly, Maginnis argues that the six-month suspension is excessive and not proportionate to the facts as the misrepresentation regarding the special education credential "had zero connection to [Maginnis'] position at Califon wherein he was highly regarded with pristine employment evaluations." *Id.* at 7.

On November 18, 2024, the Deputy Attorney General (DAG) representing the Board also filed Exceptions which argue that Maginnis' conduct here warrants more than a six-month suspension. (Board Exceptions, p.4). The DAG argues that Maginnis knowingly misrepresenting his credentials on his employment application warrants a more significant penalty because accurate information regarding teachers' credentials is imperative for the orderly administration of our schools and the safety of school children. *Id.* at 6. Further, the DAG argues that the Board has taken serious disciplinary action when educators have falsified or misrepresented information on employment and certification applications, regardless of intent, and that it is incumbent upon the educator submitting the information to confirm the information is accurate. *Id.* at 9-10.

The DAG also argues that Maginnis' did not testify credibly regarding why he thought he had graduated from FDU and held a special education certificate. *Id.* at 13-17. Further, the DAG argues that the ALJ's ruling on the three mitigating factors are inconsistent with her prior findings on Maginnis' self-serving testimony which was "inconsistent," "puzzling," "strain[s] credulity," and "calls into question the veracity of his explanations" and are inconsistent with established case

precedent. *Id.* at 17. Lastly, the DAG argues that the ALJ incorrectly found that there was no evidence in the record that Califon had disciplined Maginnis because Califon had terminated him for his actions here in misrepresenting his credentials. *Id.* at 19.

On November 25, 2024, Maginnis filed Reply Exceptions, wherein he argues that the six-month suspension is not justified because Maginnis' conduct here does not establish conduct unbecoming. (Maginnis Reply Exceptions, p.2). Maginnis also argues that there are significant mitigating factors that require no suspension. *Ibid.* Specifically, he argues that the evidence is a single handwritten note filled out after he was already hired for a position that did not require a special education certificate. *Ibid.* He also argues that he was a highly successful teacher. *Id.* at 2-3. Further, he argues that he has had all positive evaluations since this incident, that he is a well-respected teacher contributing to a benefitting each school at which he has taught, he has had a long and unblemished career, and the record is devoid of any negative criteria for the Board to review. *Id.* at 3-4. Lastly, Maginnis requests that the Board "do the right thing and not suspend [his] certificate for any period of time." *Id.* at 5.

The Board must now determine whether to adopt, modify, or reject the Initial Decision in this matter. At its meeting of December 6, 2024, the Board reviewed the Initial Decision, Exceptions filed by both parties, and the Reply Exceptions filed by Maginnis. After full and fair consideration of the Initial Decision and submissions, the Board voted to adopt the Initial Decision, with modification as to penalty.

The Board, in reviewing the matter, does not find the ALJ's factual and credibility findings to be arbitrary or not based on sufficient credible evidence. The ALJ's credibility determinations were well supported and based on his first-hand observations. Accordingly, the Board is

constrained by the ALJ's findings of facts and credibility determinations in this matter. The Board does not find a sufficient basis by which it could overturn same. *N.J.A.C.* 1:1-18.6(b).

The Board's long-standing belief is that teachers must serve as role models for their 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. A "violation of the implicit standard of good behavior which devolves upon one who stands in the public eye as an upholder of that which is morally and legally correct" may provide the basis for a finding of unbecoming conduct. *Bound Brook Bd. of Educ. v. Ciripompa*, 228 N.J. 4, 14 (2017) (quoting *Karins v. City of Atlantic City*, 152 N.J. 532, 555 (1998)) (internal quotation marks omitted). The "elastic" concept of "conduct unbecoming" includes "conduct which adversely affects the morale or efficiency" of the public entity or "which has a tendency to destroy public respect for . . . [public] employees and confidence in the operation of [public] services." *In re Emmons*, 63 N.J. Super. 136, 140 (App. Div. 1960) (internal quotations and citations omitted); *see also Bound Brook Bd. of Educ.*, 228 N.J. at 13.

As noted above, after reviewing the record, the ALJ concluded that the Board sustained its burden of proof that Maginnis engaged in conduct unbecoming by demonstrating Maginnis' actions in misrepresenting his credentials on his resume and an employment application. In this case, Maginnis' conduct was certainly unacceptable and certainly unbecoming of a teacher. The Board agrees that Maginnis' conduct of misrepresenting his credentials by holding himself out as having obtained a master's degree in special education as well as a having obtained a certificate to teach special education when he did not obtain either the degree or the certificate to teach does not comport with "role model" behavior. The schools must be able to rely on educators to provide

accurate information as to their certification status and qualifications to teach our students. Thus, the Board agrees that Maginnis engaged in unbecoming conduct.

As to the penalty to be applied, the ALJ determined that a six-month suspension was appropriate for the conduct based on the weighing of the aggravating and mitigating factors she found. However, the Board disagrees that a six-month penalty is warranted in this matter and finds that a more substantial suspension is warranted. Through misrepresentations on his resume and employment application, Maginnis held himself out in a professional capacity as an educator capable of teaching special education when in fact he did not hold a Teacher of Students with Disabilities certificate. As a valid holder of two separate teaching certificates – a Teacher of Physical Education Certificate of Eligibility with Advanced Standing and a standard Teacher of Physical Education certificate – Maginnis knew the process to obtain certification and knew he did not complete that process for a Teacher of Students with Disabilities certificate. Additionally, he never completed a master's degree in special education although he held himself out as having obtained the degree. Although the instant matter does not involve the submission of an altered or fraudulent certificate, Maginnis' conduct in misrepresenting his eligibility to teach more than what he was actually certificated for is similarly egregious and warrants a significant penalty. Thus, the Board finds that a one-year suspension is warranted in this matter.

Accordingly, on December 6, 2024, the Board voted to adopt the Initial Decision with modification as to penalty and ordered a one-year suspension of Maginnis' certificates from the date of this Decision. On this 16<sup>th</sup> day of January 2025, the Board formally adopted its written decision to adopt, with modification as to penalty, the Initial Decision in this matter and it is therefore ORDERED that Luke Maginnis' Teacher of Physical Education Certificate of Eligibility with Advanced Standing and standard Teacher of Physical Education certificate are hereby

SUSPENDED for a period of one year, effective immediately. It is further ordered that Maginnis return his certificates to the Secretary of the State Board of Examiners, Office of Certification and Induction, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.



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Rani Singh, Secretary  
State Board of Examiners

**Date of Mailing:**  
**via certified and regular mail**

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



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**INITIAL DECISION**

OAL DKT. NO. EDE 08865-21

AGENCY DKT. NO. 2021-177

**IN THE MATTER OF CERTIFICATES OF  
LUKE MAGINNIS.**

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**Michael Lombardi** Deputy Attorney General, for petitioner New Jersey State Board of Examiners (Matthew J. Platkin, Attorney General of New Jersey, attorney, Erin Herlihy, Deputy Attorney General, on the brief)

**Steven D. Farsiou**, Esq., for respondent Luke Maginnis (Trinity & Farsiou, LLC, attorneys)

Record Closed: October 22, 2024

Decided: November 4, 2024

BEFORE **JUDITH LIEBERMAN**, ALJ:

**STATEMENT OF THE CASE**

The New Jersey State Board of Examiners (SBOE or petitioner) issued an Order to Show Cause (OTSC) as to why the teaching certificates of respondent Luke Maginnis should not be suspended because he misrepresented his education and professional credentials. Petitioner filed a motion for summary decision, which was granted with respect to the alleged misrepresentation but not with respect to penalty. A hearing was conducted to address the appropriate penalty.

## **PROCEDURAL HISTORY**

Petitioner issued the OTSC on July 30, 2021. Respondent filed an answer to the OTSC on September 16, 2021. Thereafter, the SBOE transmitted the case to the Office of Administrative Law (OAL) for hearing, where it was filed on October 27, 2021. N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to -13.

Multiple prehearing status conferences were conducted, and the hearing was ultimately scheduled to be held November 7, 2022. The hearing was adjourned in response to the SBOE's request and because the parties had not conducted discovery. During a November 18, 2022, status conference, respondent sought leave to file a motion to compel discovery. An Order on the motion to compel was issued on May 17, 2023.

On September 20, 2023, the parties advised that discovery was sufficiently complete such that dispositive motions were appropriate. A brief filing schedule was established: respondent's motion for summary decision was to be filed by November 8, 2023; petitioner's brief in opposition to respondent's motion and cross-motion for summary decision was to be filed by December 12, 2023; and respondent's reply brief was to be filed by December 29, 2023. In response to petitioner's request, its deadline was extended to December 29, 2023, and the deadline for respondent's reply was extended to January 15, 2024. All briefs were received by January 18, 2024. On April 2, 2024, petitioner's cross-motion for partial summary decision was granted with respect to the underlying charge against respondent but not the penalty. Respondent's motion for summary decision was denied. The Order provided:

Here, it is undisputed that although respondent had not obtained a special education certificate, he wrote on his employment application that he earned the certificate. Similarly, he wrote on his resume that he obtained a master's degree from FDU. It is undisputed that he had not been awarded the certificate or degree. While he asserted that he was confused about the status of his master's degree and blamed FDU for generating an inaccurate transcript, this does not negate the fact that he incorrectly represented his credentials. Also, he did not offer an explanation for his own

misrepresentation of his certification status, except to suggest that he still had to teach a period of years before he could be eligible for the certificate. There is not a genuine issue of material fact with respect to these issues.

These misstatements are significant even though there is no evidence in the record that they impacted respondent's ability to serve as a physical education and health teacher and athletic coordinator. As noted above, "Since schools must rely on the trustworthiness of information and documents provided by teaching or administrative applicants, the submission of inaccurate, misleading or fraudulent information is a serious offense." [In re the Certificates of Stasiuk, 2006 N.J. AGEN LEXIS 484 at \*7 (July 26, 2006), adopted with modification, St. Bd. of Exam'rs (Nov. 2, 2006), <https://www.nj.gov/education/legal/examiners/2006/nov/0405-318.pdf>.] School employees are held to a high standard, and it is axiomatic that they must be expected to accurately report their own credentials. For these reasons, I **CONCLUDE** that summary decision is appropriate with respect to the charge that respondent misrepresented the status of his teaching certificates and higher education on his employment application and resume.

However, I **CONCLUDE** that summary decision is not appropriate with respect to penalty. There are no statutory or regulatory guidelines addressing when revocation or suspension is the appropriate remedy. [In re Certificate of Fargo, 91 N.J.A.R.2d (EDE) 1 at 3.] That "decision is discretionary, on a case-by-case basis, after considering the individual facts and circumstances." Ibid. Consideration shall be given to factors such as the nature and gravity of the offense, any evidence as to provocation, extenuation or aggravation, and any harm or injurious effect that the teacher's conduct may have had on the maintenance of discipline and the proper administration of the school system. See In re Fulcomer, 93 N.J. Super. 404, 422 (App. Div. 1967).

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Here, respondent has offered explanations for his purported confusion about his credentials and his lack of intent to mislead. He has also asserted that his capacity to serve Califon was not adversely impacted. A hearing is required to address the credibility and assess the relevance and weight to be given to the evidence offered to support these assertions.

A hearing concerning the penalty was conducted on August 2, 2024. The parties' post-hearing briefs were due thirty days after they received the hearing transcript. All briefs were received by September 23, 2024, and the record closed that day. The record was reopened on October 15, 2024, for the parties to submit the final version of their joint statement of facts. It was received on October 22, 2024, and the record closed that day.

### **FACTUAL DISCUSSION**

Because the following is undisputed<sup>1</sup>, I **FIND** it as **FACT**.

Respondent Maginnis was employed as a non-tenured health and physical education teacher and athletic coordinator by the Califon Board of Education (Califon or Board). He was terminated after he was accused of misrepresenting his credentials.

Respondent holds a Teacher of Physical Education Certificate of Eligibility with Advanced Standing. He does not hold a New Jersey Certificate in Special Education or a master's degree from Fairleigh Dickinson University (FDU).

At the time of his application for employment with the Board, respondent supplied an "unofficial transcript" from FDU. R-4. It lists several courses but does not list certificates awarded by the New Jersey Department of Education (DOE). Ibid.

When respondent applied to work for Califon, his resume indicated that he graduated in May 2018 from FDU with a "Master's in Art of Teaching—Major: Special Education & Supervision." R-1 at 97. He wrote on his employment application that he held certifications in physical education and special education. R-3 at 22.

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<sup>1</sup> The parties stipulated to most of the facts referenced here. OAL-1

On February 25, 2020, Principal Daniel Patton sent the following email to Interim Superintendent Ruberto:

Before I forget my conversation with Luke:

Through Fairleigh Dickinson's Masters Certification program, they told him that upon completion of three years of teaching (under his undergrad work I assume—hence PE/Health certificate), he would then be eligible for his certificate for both Supervision and Special Education (Dual Certification). He has already finished his classes in these topics, which I believe he provided us transcripts for in his personnel file.

Bottom line is that the way I understand it and according to the certificates listed on DOE website, he has to teach one more year (if they count his first several months at the charter school) to be eligible for the CE or CEAS for Supervision and/or Special Education. So it seems to me that he is still in a "college" preparation program for his special ed certificate attainment.

[J-1.]

On April 27, 2021, Dr. Cone advised respondent that he was suspended from his employment based upon an investigation conducted by Califon. The investigation "revealed that upon [his] initial employment . . . [respondent] misrepresented that [he] obtained a Master's Degree from [FDU]." R-25. Califon confirmed that he had not obtained the degree. Dr. Cone continued:

Indeed, in comparing the FDU transcript you submitted with your application to the transcript provided to us by FDU, you also materially misrepresented some of your grades, i.e., indicated passing grades in courses when you, in fact, failed them. In other words, your entire transcript was fraudulent. Equally disturbing is the fact that you represented that you hold a Special Education Certification from the Department of Education which I verified that you do not hold.

Given this material misrepresentation of your credentials, which is an egregious act of unbecoming conduct, I am

recommending your termination at our Board of Education meeting tomorrow night.

[ibid.]

Respondent met with Califon representatives and his union representative. He was advised that the Board would address his certifications.

On April 29, 2021, Dr. Cone advised the SBOE that the Board terminated respondent during its April 28, 2021, meeting.

Dr. Cone supplied the SBOE with the April 26, 2021, email from FDU Assistant Director of Enrollment Services for Records, Fernando Motando, respondent's employment application and the resume he submitted with the application, a list of respondent's DOE-issued certificates, and an unofficial transcript from FDU. Dr. Cone wrote that the unofficial transcript "indicates course grades that are not the same as the document submitted by the employee. Two courses (6704 and 7812) were actually failed although the employee represented those as 'A-.' And another course (7624) was a 'C' but was represented a 'B' by the employee. See transcript form [sic] FDU with letterhead then the one provide by the employee when hired."

On July 30, 2021, the SBOE issued an OTSC in which it wrote that "the level and nature of [respondent's] conduct provide[] just cause for consideration of the suspension of his certificates." The SBOE did not address any alleged misrepresentation of respondent's grades. It ordered respondent to show cause as to why "all certificates and credentials he holds" should not be suspended.

Respondent submitted an answer to the OTSC. He wrote that he "had no reason to believe that he did not successfully complete the [master's degree] program. In addition, [he] did not intentionally misrepresent his credentials so that he could have his pay increased by \$500 on a yearly basis."

Respondent neither admitted nor denied “the allegation about whether he did not finish his master’s degree” because he was “trying to contact personnel at FDU to determine if the official transcript is correct.”

In his answer to the OTSC, respondent wrote that his “resume indicated that he graduated in May 2019 from FDU with a Master’s in Art of Teaching—Major: Special Education & Supervision.” He also wrote that his employment application “indicates that he held a certificate in New Jersey Physical Education and a certificate in New Jersey Special Education.” He concluded by writing that he “did not knowingly make any false representations.”

Respondent further wrote in his answer that the “‘misrepresentation’ resulted in a \$500 increase in pay for the entire year. There would be no reason for [him] to mislead anyone as he did not financially benefit.”

A special education certificate or master’s degree was not required for respondent’s positions with Califon. The master’s degree program required thirty-six credits to graduate.

Maginnis has been unable to obtain a full-time, permanent teaching position pending the outcome of this matter.

### Testimony

The following is not a verbatim recitation of the testimony. It is a summary of the testimony that is relevant to determining the appropriate penalty.

Respondent **Luke Maginnis** pursued a career as a teacher and coach because several members of his family, including his parents, are teachers and coaches. His mother taught at Califon while he worked there. In college, he majored in physical education and health for kindergarten through twelfth grade. He was motivated to pursue a degree in special education because his younger brother has Down Syndrome. He sought to incorporate physical education with special education.

Califon’s announcement seeking a health and physical education teacher and athletic coordinator for the 2018–2019 school year did not list certification requirements. R-1 at 23. Maginnis had a physical education certificate and understood that neither a master’s degree nor special education certificate was required. No one from Califon told him that they were required, and the health and physical education positions did not involve special education.

To apply for the advertised position, Maginnis submitted a January 6, 2019, cover email to Dr. Ruberto, to which he attached a letter, his resume, and his physical education teaching certificate. Id. at 126. He did not write in the letter that he had a master’s degree or special education certificate. Rather, he wrote that, before his then-current employment, he “was a graduate assistant football coach at [FDU] and was also pursuing . . . [a] Master’s Degree in Special Education and Supervision.” Id. at 128. His resume, however, reported that he graduated from FDU in May 2018 with a “Master’s in Art of Teaching—Major: Special Education and Supervision.” Id. at 97. He believed that he graduated from FDU because the master’s degree program required thirty-six credits and his unofficial FDU transcript showed that he had earned that many credits. R-4. However, he opted to not participate in the graduation ceremony because he was not the “type of person to . . . celebrate my accomplishments.” T<sup>2</sup> 30:6–7.

The unofficial transcript also showed that in 2017, he failed the Correction of Learning Disabilities class. R-4. He took the class again in 2018, while he taught and coached at a charter school that did not require teaching certifications. He earned a B grade. Ibid. His other grades included an A- in Curriculum Development and Program Improvement and an A- in Final Project. Ibid.

Maginnis was interviewed by Principal Daniel Patton and Dr. Ruberto. Neither asked if he had a master’s degree or special education certificate. Their discussion was exclusively about physical education. In response to Dr. Ruberto’s request for his school

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<sup>2</sup> T refers to the transcript of the August 2, 2024, hearing. It is followed by the referenced page and line numbers.

transcript, he asked if she required an official transcript. Because she said it was not required, he obtained a copy of his unofficial transcript via the student portal. She did not ask for a special education certificate. Dr. Ruberto offered him the position in January 2019.

Maginnis acknowledged that he did not receive a diploma and that he should have inquired about its status. Had he been aware of the discrepancies between his official and unofficial transcripts, he would have addressed them immediately. He explained his failure to inquire in multiple ways: having received the unofficial transcript he believed “it was completed.” T 45:13. He also explained that “it slipped my mind.” T 45:11. He also suggested that his busy schedule as a coach and graduate assistant at FDU left him limited time to attend to other matters. Also, whether he completed the FDU graduate program or earned a special education certificate was irrelevant to his then-current position or the position he sought.

With respect to the special education certificate, Maginnis relied upon the number of credits he earned while at FDU, as reported by the unofficial transcript. However, he acknowledged that he needed to first apply for the certificate and that he needed to wait three years after graduation to do so. T 109:14–24. Thus, he would necessarily not have had the certificate when he started working for Califon. Consequently, he acknowledged that he should not have represented that he had earned the certificate. T 108:24 to 109:3. However, he noted that when he spoke with Principal Patton in February 2020, he did not tell Patton that he held the certificate. J-1. Also, neither Patton nor Dr. Ruberto questioned him about the special education certificate, and neither they nor Dr. Cone took action to ensure that he had the certificate prior to April 2021.

Maginnis stressed that he did not intend to intentionally mislead Califon, which offered him the teaching position before he completed the employment application. He surmised that only the school secretary and business administrator read his application. He noted that, when he sent a letter introducing himself to parents, he did not write that he had a master’s degree or special education certification. He wrote only that he had a Bachelor of Science degree in kinesiology with an emphasis on physical education and health. R-10.

He highlighted that, while working for Califon, he was not disciplined or told he was not performing well as the physical education and health teacher, athletic coordinator, recess supervisor, and coach. Rather, he was commended three times, and between March 11, 2019, and February 21, 2021, he was observed while teaching and received positive evaluations for his performance. R-13–R-20. Dr. Cone evaluated him on February 21, 2021, and gave him the highest rating for each of the evaluation components. R-20. A summary of his ratings for the 2018–2019 and 2019–2020 school years shows that he was rated “highly effective.” R-21.

However, in April 2021, Dr. Cone told him that due to budget cuts his job duties would be reduced by 80 percent. Given his performance, she wanted to find a way to employ him full-time. She posited that he could work as an in-class support specialist for special education students and asked him to provide a copy of his diploma and/or official transcript to provide proof of his degree. She wrote in an April 20, 2021, email, “I need the proof before the May meeting in order to keep you at the current level. If I do not receive it, you will be placed at a BA +30<sup>3</sup> on the May agenda.” R-23. On April 21, 2021, she further explained, “Although we can accept the diploma copy, it must be accompanied by the official transcripts.” R-24. This was the first time he was asked to provide a copy of his official transcript.

In April 2021, Dr. Cone alerted Maginnis that the grades on his official FDU transcript were not the same as the grades on his unofficial transcript. The official transcript reported that Maginnis received grades of F in Curriculum Development, Correction of Learning Disabilities, and Final Project. It did not include the B grade for the 2018 Correction of Learning Disabilities Class that is reflected in the unofficial transcript. R-5. FDU did not alert him that he earned F grades or that he did not graduate.

After Dr. Cone sent her April 27, 2021, letter, Maginnis was in “shock.” T 87:10. He was confused by the discrepancy between the transcripts. Based upon the unofficial transcript, which he did not create or alter, he believed he completed the courses required

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<sup>3</sup> Maginnis understood that “BA +30” meant a salary reduction.

for a master's degree and he did not believe he was required to participate in the graduation ceremony to obtain his degree. He tried to reach someone at FDU who could help him understand why the unofficial and official transcripts were different. Two or three weeks after he was terminated, he spoke with FDU's Director of Special Education, who could not explain why they were different or direct him to someone who could explain it. "[T]his is the first time that [he] realized that maybe [he] didn't graduate because of the discrepancy[.]" T 95:3–5. However, when asked if he believed he "passed the Master's Course[.]" he replied that he did. T 95:11–12.

After he was terminated, respondent held several positions at other schools as a leave replacement. Even though his employers wanted to hire him, even after he disclosed the pending OTSC, they could not do so until the matter was closed. He currently works as a part-time paraprofessional and head football coach. His employer would like to hire him for a full-time special education position, which he can hold while pursuing his special education certification. Each of the schools for which he has worked since leaving Califon has reviewed him favorably, and none has disciplined him.

In summary, respondent stressed that he would never intentionally mislead his employer and that teaching and coaching is extremely important to him. He explained that teaching is the "livelihood of my father and mother, my brother, my sister-in-law[.] I would sit around dinner . . . tables and have conversations about teaching and coaching, it's my life, I would never mislead anybody or even try to." T 116:9–13. He added that the OTSC has "halted" his career and that he has been "*de facto* . . . suspended" for three years while this matter has been pending. T 116:16–21. In reiterating why he did not confirm with FDU that he obtained a master's degree, and instead relied upon the unofficial transcript, he queried, "[W]hy would I think that was a lie[?]" T 152:13–14. He also noted that he did not need the degree when he began working for Califon.<sup>4</sup>

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<sup>4</sup> In its post-hearing submission, SBOE supplied evidence that was not offered during the hearing or discussed by a witness: an FDU Graduate Student Bulletin that addresses student obligations with respect to graduation, responses provided by FDU in response to a subpoena issued by SBOE, and New Jersey Department of Education requirements for certificates of eligibility to teach students with disabilities. OAL-2 (Certification of Michael Lombardi, DAG, Exhibits A-C.) This evidence was not considered here because it was submitted after the hearing record closed. The parties were to only submit closing summations of the evidence presented during the hearing along with their legal arguments based upon that evidence. A

On cross-examination, Maginnis explained the process he followed to obtain his physical education teaching certificate, which included applying for the certification and passing post-graduation examinations. His college explained the entire process to him. He did not recall how long he was required to teach before he could apply for a standard physical education certification. FDU did not explain the process for obtaining a special education certificate after graduate school. He was “really never made . . . aware” that he had to apply for a teaching certificate to teach special education. T 130:21–22. He “wasn’t made aware of what [he] need[ed] to do moving forward from there and when Califon accepted [his] unofficial transcript [he] thought [he] was done[.]” T 131:16–18.

### **ADDITIONAL FACTUAL FINDINGS**

It is the obligation of the fact finder to weigh the credibility of the witnesses before making a decision. Credibility is the value that a fact finder gives to a witness’ testimony. It is best described as that quality of testimony or evidence that makes it worthy of belief. “Testimony to be believed must not only proceed from the mouth of a credible witness but must be credible in itself. It must be such as the common experience and observation of mankind can approve as probable in the circumstances.” In re Estate of Perrone, 5 N.J. 514, 522 (1950). To assess credibility, the fact finder should consider the witness’ interest in the outcome, motive, or bias. A trier of fact may reject testimony because it is inherently incredible, or because it is inconsistent with other testimony or with common experience, or because it is overborne by other testimony. Congleton v. Pura-Tex Stone Corp., 53 N.J. Super. 282, 287 (App. Div. 1958).

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motion to reopen the record prior to the issuance of the initial decision was not made, and, moreover, SBOE has not presented extraordinary circumstances that would warrant reopening the record. N.J.A.C. 1:1-18.5(c).

Furthermore, even though N.J.A.C. 6A:4-2.5 provides that the “record on appeal shall include all papers and exhibits, including audio and video recordings, on file with the State Board of Examiners or School Ethics Commission; all entries as to matters made on the record; any stenographic transcript; and all papers filed with the Commissioner[.]” petitioner did not represent that the newly submitted exhibits were on file with the SBOE. See OAL-2. Also, the pleadings transmitted by the Department of Education to the OAL do not include or reference these documents.

Maginnis testified politely, professionally, and respectfully. He comported himself in a manner that indicates that he is sincere and well-motivated. His dedication to his profession is clear and underscored by his family's close involvement with public education and his positive performance reviews. He does not present as a person who would intentionally attempt to mislead his employer or anyone else about his credentials. Indeed, there is neither evidence in the record nor an assertion that he is responsible for the discrepancy between his unofficial and official FDU transcripts.

Nonetheless, some aspects of his testimony about his graduation status were difficult to understand or reconcile. First, he assumed he graduated based upon the number of credits reported on his unofficial transcript; however, he did not receive a diploma and did not inquire about it. His claim that he did not inquire about it because it "slipped" his mind is difficult to understand. Second, he stated that he did not participate in the graduation ceremony because he did not like to celebrate himself. This is puzzling. This, coupled with his failure to inquire about the status of his diploma—regardless of whether it slipped his mind—calls into question the veracity of his explanation.

Also troubling is that, relying upon the unofficial transcript, Maginnis wrote on his job application that he earned a special education certificate. The transcript did not indicate that he earned the certificate. Importantly, he acknowledged that he was required to apply for his physical education certificate and pass post-graduation courses. His professed assumption that similar steps were not required before he could obtain a special education certificate, because no one told him what those steps were or Califon accepted his unofficial transcripts, strains credulity. It is reasonable to expect a professional who is pursuing higher education and certification to ensure that he understands the prerequisites to obtaining the degrees and certifications that his profession requires. Furthermore, when he first expressed interest in the Califon position, he did not represent that he had a special education certificate. He added this information when he submitted his application approximately two weeks later.

Accordingly, having considered the credibility of the witness' testimony, I **FIND** the following additional **FACTS**:

It has already been established that Maginnis misrepresented his education and certification status when he applied to work for Califon. His explanations for this are inconsistent and strain credulity. While he expressed remorse for his actions, his explanations were not entirely cogent, and he seemingly placed blame on others who allegedly did not inform him of the prerequisites for graduation or certification. Califon expected his credentials to be as he represented; Dr. Cone understood that he could take on a special education assignment.

### **LEGAL DISCUSSION**

The issue here is the appropriate penalty, if any, to be imposed in response to the prior finding that Maginnis misrepresented his credentials. There are no statutory or regulatory guidelines addressing when revocation or suspension is the appropriate remedy. Fargo, 91 N.J.A.R.2d (EDE) at 16–17. That “decision is discretionary, on a case-by-case basis, after considering the individual facts and circumstances.” Id. at 17. Consideration shall be given to factors such as the nature and gravity of the offense, any evidence as to provocation, extenuation, or aggravation, and any harm or injurious effect that the teacher’s conduct may have had on the maintenance of discipline and the proper administration of the school system. See In re Fulcomer, 93 N.J. Super. 404, 422 (App. Div. 1967).

As discussed at length in the Order on the SBOE’s motion for summary decision, the agency is entrusted with the issuance and revocation of certificates to teach pupils in public schools. N.J.S.A. 18A:6-38. N.J.A.C. 6A:9B-4.4 identifies the grounds for revocation and suspension of certification. It provides:

- (a) The Board of Examiners may revoke or suspend the certificate(s) of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher, or other just cause.

....

- (b) The Board of Examiners may revoke or suspend a certificate upon evidence that the certificate holder did not meet the qualifications for the certificate at the time of issuance or no longer satisfies the criteria set forth at N.J.A.C. 6A:9B-5.1(b).<sup>5</sup>
- (c) The Board of Examiners shall not revoke or suspend a certificate without providing the certificate holder an opportunity to be heard, pursuant to N.J.A.C. 6A:9B-4.5.

The SBOE bears the burden of proving its claims against certificate holders by a preponderance of the competent, credible evidence. See In re Certificate of Papadaniil, 2002 N.J. AGEN LEXIS 100 (March 13, 2002), adopted, State Bd. of Exam'rs, 2002 N.J. AGEN LEXIS 1393 (May 9, 2002); In re Polk, 90 N.J. 550 (1982); Atkinson v. Parsekian, 37 N.J. 143 (1962). It has held that the "tort standard for proving intentional fraud is not applicable here." In re the Certificates of Mesh, 2006 N.J. AGEN LEXIS 548, \*7 (May 16, 2006). During the hearing, the certificate holder is permitted "to demonstrate facts or circumstances that might counter the charges set forth in the Order to Show Cause," State Bd. of Exam'rs v. Brown, 91 N.J.A.R.2d (EDE) 5, 7. They shall be permitted to present mitigating circumstances toward the determination regarding what licensing sanction, if any, is appropriate. In re Certificates of Mantone, 96 N.J.A.R.2d (EDE) 5, 6.

"Conduct unbecoming" includes a broad range of behavior that impacts a certificate holder's ability to perform his or her duties or otherwise renders the certificate holder unfit to have the responsibility for the custody and care of students. See State Bd. of Exam'rs v. Charlton, 96 N.J.A.R. 2d (EDE) 18; In re Certificate of Fargo, 91 N.J.A.R.2d (EDE) 1. It has been described as an "elastic" phrase that includes "conduct which adversely affects the morale or efficiency" of the public entity or "which has a tendency to destroy public respect for [public] employees and confidence in the operation of [public] services." In re Emmons, 63 N.J. Super. 136, 140 (App. Div. 1960) (citation omitted).

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<sup>5</sup> N.J.A.C. 6A:9B-5.1(b) provides, "the certificate holder shall obtain any license, certificate, or authorization required by State or Federal law, a licensing board, or N.J.A.C. 6A:9B-4.1 and 4.2 for the individual to serve in a position. The district board of education that is considering employing the individual shall ensure the candidate holds all necessary licenses, certificates, or authorizations."

Guiding this is the well settled principle that “teachers are held to a high standard of conduct because of the influence they exercise over the students.” In re Tenure Hearing of Brewer, 2000 N.J. AGEN LEXIS 630, \*24; see also In re Grossman, 127 N.J. Super. 13, 30 (App. Div.), certif. denied, 65 N.J. 292 (1974) (“That the school authorities have the right and the duty to screen the officials, teachers, and employees as to their fitness to maintain the integrity of the schools as a part of ordered society, cannot be doubted” (citation omitted)).

Dishonesty about eligibility for a teaching position has been found to constitute unbecoming conduct. Certificates have been revoked when teachers purposefully altered proof of their credentials. See, e.g., In re Certificate of Tannen, Agency Dkt. No. 471-04/98-161, State Bd. of Exam’rs (September 24, 1998), <http://www.state.nj.us/education/legal/>. (“A teacher who knowingly alters her certificate in order to teach a subject matter for which she is not qualified does a great disservice to her students and her school district” and “has no place in a classroom”); In re Certificates of Escurra, Agency Dkt. No. 0304-196, State Bd. of Exam’rs (January 20, 2005), <http://www.state.nj.us/education/legal/> (SBOE revoked a certificate for unbecoming conduct when the holder altered a date on an employment approval letter from the Office of Criminal History Review).

Misrepresentation of credentials, without altering documents, has also been found to be conduct unbecoming a teacher. In In re the Certificates of Stasiuk, 2006 N.J. AGEN LEXIS 484 (July 26, 2006), adopted with modification, State Bd. of Exam’rs (Nov. 2, 2006), <https://www.nj.gov/education/legal/examiners/2006/nov/0405-318.pdf>, the ALJ found:

Although respondent did not submit any forged documents in support of her application for employment with the Ramsey Public Schools, she made a material oral misrepresentation as to her holding a certificate for Spanish that went to the core of her eligibility and qualification for the open position—namely, that of a Spanish teacher. Under the circumstances, respondent’s conduct constitutes conduct unbecoming a teacher pursuant to N.J.A.C. 6A:9-17.5 as it breaches an implicit standard of good behavior. In re Emmons, 63 N.J. Super. 136, 140 (App. Div. 1960).

Just as the submission of a fraudulent teaching certificate demeans the value of the entire certification system, the submission of material oral misrepresentations upon which a school district relies, albeit temporarily, subverts the integrity of the process emplaced to protect children. See In re DeBello, 97 N.J.A.R.2d (EDE) 1. Since schools must rely on the trustworthiness of information and documents provided by teaching or administrative applicants, the submission of inaccurate, misleading or fraudulent information is a serious offense.

[2006 N.J. AGEN LEXIS 484 at \*\*6–7.]

Stasiuk's certificates were suspended for two years.

The SBOE has disciplined educators who falsified or misrepresented information on a teaching certificate application, regardless of intent. In In re the Certificates of Ramo, the SBOE suspended a teacher's certificate for six months for failing to list his federal fraud convictions on his application for a teaching certificate in New Jersey. State Bd. of Exam'rs, Agency Dkt. No. 1213-172 (February 27, 2014), [www.nj.gov/education/legal/examiners/2014decisions.shtml](http://www.nj.gov/education/legal/examiners/2014decisions.shtml). The teacher admitted his failure to disclose his convictions but said that he did not do so intentionally. While the SBOE acknowledged that "the level of stress and responsibilities Ramo undertook at the time of his application were daunting and could easily have led to his incorrect answer, nonetheless the Board believes that his conduct cannot go unremarked." Id. at \*3. The SBOE determined that Ramo's "sincere sense of remorse coupled with his cogent explanation of what transpired in his life during that time period, militate against the revocation of his certificates," and instead suspended his certificates for six months. Id. at \*\*3–4.

In In re Certificates of Powell, EDE 00950-13, Initial Decision (June 23, 2014), <http://njlaw.rutgers.edu/collections/oal/>, adopted with modification, State Bd. of Exam'rs (October 23, 2014), <http://www.state.nj.us/education/legal/>, the ALJ found that Powell submitted fraudulent employment-verification letters in support of his application for certification as a supervisor and principal. The ALJ noted, "[I]t is not necessary to actually undermine morale or efficiency or destroy respect for the delivery of government services.

The focus is on the individual's conduct. The tendency to cause said effects, whether the conduct in question actually does so or not, makes it unbecoming." Id. at \*9. He recommended a one-year suspension of Powell's certificates, citing the following mitigating factors: the absence of evidence of improper conduct during Powell's ten-year career; evidence that he solely intended to obtain accurate information through appropriate means; he had the requisite experience; and his fraudulent conduct related only to the submission of documents.

The SBOE adopted the ALJ's findings of fact and conclusions but not the recommended penalty. It wrote:

As noted above, the ALJ concluded that, when applying for certification, Powell had altered an employment experience letter to increase the length of his employment and signed an individual's name to the letter on two occasions without authorization. (Initial Decision, slip op. at 10). When weighing that unbecoming conduct against several mitigating factors, the ALJ concluded that a one-year suspension of Powell's certificates was appropriate in this case. The Commissioner has long held that teachers serve as role models for their students. The Board does agree with the ALJ that, although Powell's fraud does not comport with "role model" behavior, the mitigating factors in this case militate against the harsher penalty of revocation, which this Board has imposed when an individual has submitted a fraudulent certificate to gain employment. See, e.g., In the Matter of the Certificate of Michael Bonsu, Dkt. No. 1112-225 (Examiners, January 17, 2014) (Individual who held only Teacher of the Handicapped certification fabricated Supervisor certificate for a promotion within his district); In the Matter of the Certificate of Deborah Cantz, Dkt. No. 1213-109 (Examiners, February 28, 2013) (Elementary school teacher fabricated Teacher of Mathematics certificate to obtain employment); In the Matter of the Certificates of Karen Ledden, Dkt. No. 0910-174 (Examiners, March 31, 2011) (Elementary school teacher fabricated two Teacher of the Handicapped certificates and submitted them to various districts). The Board diverges from the ALJ's decision, though, as to the penalty to be imposed. "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, the initial unsigned employment verification letter from Pride that Powell submitted was legitimately sent to him by Pride. However, Powell's acts of forging his former employer's name on his employment verification letter on two occasions and altering his employment end date at Pride in order to gain an additional year of experience, call for something more than a one-year suspension of his certificates. Powell's conduct was not de minimis in nature and should not be treated as such. The Board believes that the appropriate response to Powell's breach is a two-year suspension of his certificates. The Board therefore adopts the Initial Decision with modification as to the penalty.

[In re Certificates of Powell, Final Decision at \*\*4–5 (October 23, 2014), [http://www.state.nj.us/education/legal/.](http://www.state.nj.us/education/legal/)]

Maginnis argued that any penalty should be reduced or negated because he has effectively been penalized while this matter has been pending. However, he did not cite authority for this argument. Although the SBOE has the discretion to revoke or suspend a certificate, N.J.A.C. 6A:9B-4.4 does not authorize waiver or reduction of a suspension when a teacher has been “effectively suspended” pending a hearing. Rather, a suspension or a revocation goes into effect on the date it is ordered. See Ramo, State Bd. of Exam'rs, Agency Dkt. No. 1213-172, [www.nj.gov/education/legal/examiners/2014decisions.shtml](http://www.nj.gov/education/legal/examiners/2014decisions.shtml) (directing that SBOE's suspension order shall be immediately effective). This indicates prospective, not retrospective application.

Maginnis demonstrated mitigating circumstances. First, his misrepresentations did not touch on his eligibility for the position he sought. Second, while irresponsible, he relied upon the unofficial transcript, which he obtained through an official FDU source, to determine that he completed the FDU master's degree program. As noted, there is neither an allegation nor evidence suggesting that he altered the unofficial transcript or was otherwise responsible for the discrepancy between it and the official transcript. Third, there is no evidence in the record that he has been disciplined by Califon or his other employers. Rather, he received excellent performance reviews and some commendations.

However, there are also aggravating circumstances. First, and most importantly, Maginnis plainly wrote that he obtained a special education certificate, which was a false statement, and he did not offer a reasonable explanation for having done this. Second, notwithstanding the fact that he did not cause the discrepancy between the FDU transcripts, it is concerning that he did not question why he did not receive a diploma. His rationale for not inquiring about it and for not attending his graduation ceremony is also concerning. Third, he seemingly blames others for not having explained the steps required for graduation or certification, which he should have independently researched.

Finally, it should be noted that while Maginnis seeks to argue that his misrepresentations are irrelevant here because no one from Califon relied upon them, this does not constitute a mitigating circumstance. As the above-referenced cases demonstrate, the act of misrepresentation is the focus of the analysis. Even though there is no evidence in the record that the misrepresentations impacted his ability to competently serve as a physical education and health teacher and athletic coordinator, they are nonetheless significant because school employees are held to a high standard, and it is axiomatic that they must be expected to accurately report their own credentials.

Here, unlike some of the educators whose cases are cited above, Maginnis did not fabricate a document in an effort to obtain a position for which he was not qualified. Because he was qualified for the position for which he was hired, his misrepresentations did not impact his eligibility. However, while he asserted that he was confused about the status of his master's degree and blamed FDU for generating an inaccurate transcript, this does not negate the fact that he incorrectly represented his credentials. Also, he did not offer a cogent explanation for his own misrepresentation of his certification status. Accordingly, weighing the aggravating and mitigating factors, and considering as guidance the periods of suspension imposed in other cases,<sup>6</sup> I **CONCLUDE** that a six-month suspension is warranted.

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<sup>6</sup> Recognizing, of course, that those cases are not binding here.

**ORDER**

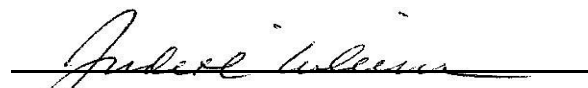
It is **ORDERED** that the charge of conduct unbecoming a teacher is sustained and that respondent's teaching certificates be suspended for six months.

I hereby **FILE** my initial decision with the **STATE BOARD OF EXAMINERS** for consideration.

This recommended decision may be adopted, modified or rejected by the **STATE BOARD OF EXAMINERS**, which by law is authorized to make a final decision in this matter. If the State Board of Examiners does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **SECRETARY OF THE STATE BOARD OF EXAMINERS, 100 Riverview Plaza, PO Box 500, Trenton, New Jersey 08625-0500**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

November 4, 2024  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
**JUDITH LIEBERMAN, ALJ**

Date Received at Agency: \_\_\_\_\_

Date Mailed to Parties: \_\_\_\_\_

JL/mg

**APPENDIX**

**Witnesses**

**For petitioner:**

None

**For respondent:**

Luke Maginnis

**Exhibits**

**Court:**

OAL-1 Joint Stipulation of Facts

OAL-2 Certification of Michael Lombardi, DAG, attached to post-hearing brief

**Joint Exhibit:**

J-1 Email Patton to Ruberto, February 25, 2020

**For petitioner:**

P-1 through 7 Not in evidence

P-8 Email Cone to Maginnis, April 20, 2021

P-9 Email Cone to Maginnis, April 21, 2021

P-10 Not in evidence

**For respondent:**

R-1 Job Posting

R-2 Not in evidence

R-3 Employment application

R-4 FDU unofficial transcript

R-5 FDU official transcript

R-6 Letter, Patton to Maginnis, December 16, 2019

R-7 Letter, Ruberto to Maginnis, May 24, 2019

- R-8 Letter, Patton to Maginnis, May 28, 2019
- R-9 Not in evidence
- R-10 Maginnis introduction letter
- R-11 through 12 Not in evidence
- R-13 Califon classroom observation, March 11, 2019
- R-14 Summative evaluation report, 2018–19
- R-15 Califon observation, October 30, 2019
- R-16 Califon observation, December 11, 2019
- R-17 Califon observation, February 13, 2020
- R-18 Califon observation, October 16, 2020
- R-19 Califon observation, December 2, 2020
- R-20 Califon observation, February 24, 2021
- R-21 Evaluation ratings
- R-22 Not in evidence
- R-23 Email, Cone to Maginnis, April 20, 2021
- R-24 Email, Cone to Maginnis, April 21, 2021
- R-25 Letter, Cone to Maginnis, April 27, 2021
- R-26 Zoom invitation from FDU, May 20, 2021
- R-27 through 28 Not in evidence
- R-29 Resume
- R-30 Highlights since May 2021
- R-31 Bernardsville observation
- R-32 Bernards Township observation, April 8, 2022
- R-33 Observation, April 18, 2023
- R-34 Observation, April 26, 2023
- R-35 Summative Conference, April 26, 2023
- R-36 Hanover Park observation
- R-37 through 39 Not in evidence
- R-40 Email Patton to Ruberto, February 25, 2020