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OAL Dkt. No. EDU 15686-25
Agency Dkt. No. 228-7/25

New Jersey Commissioner of Education
Final Decision

Vicki Plowden,
Petitioner,
v.
New Jersey Department of Education, State Board
of Examiners,
Respondent.

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed and considered. The parties did not file exceptions.

Upon review, the Commissioner concurs with the Administrative Law Judge that petitioner failed to file the petition of appeal within the time period required by N.J.A.C. 6A:3-1.3(i). Additionally, the Commissioner finds that petitioner has not presented any exceptional circumstances that would justify a waiver of the 90-day filing limitation. *Kaprow v. Bd. of Educ. of Berkeley Twp.*, 131 N.J. 572, 590-91 (1993).

Accordingly, the Initial Decision is adopted as the final decision in this matter, and the petition of appeal is hereby dismissed as untimely.

IT IS SO ORDERED.¹



COMMISSIONER OF EDUCATION

Date of Decision: January 23, 2026
Date of Mailing: January 27, 2026

¹ 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.



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

DISMISSAL

OAL DKT. NO. EDU 15686-25

AGENCY DKT. NO. 228-7/25

VICKI PLOWDEN,

Petitioner,

v.

**NEW JERSEY DEPARTMENT OF
EDUCATION, STATE BOARD OF
EXAMINERS,**

Respondent.

Vicki Plowden, petitioner, pro se

David Kalisky, Deputy Attorney General, for respondent (Matthew J. Platkin,
Attorney General of New Jersey, attorney)

Record Closed: November 11, 2025

Decided: December 4, 2025

BEFORE PATRICE E. HOBBS, ALJ:

STATEMENT OF THE CASE

Vicki Plowden was issued a Substance Abuse Awareness Coordinator Certificate of Eligibility with Advanced Standing (CEAS) from the New Jersey Department of

Education, State Board of Examiners (respondent). Subsequently, the respondent filed an order to show cause (OTSC) seeking to revoke this CEAS because she failed to disclose unbecoming conduct from 2020. While the OTSC was pending, Plowden applied for a Student Assistance Coordinator Certificate and was blocked for unbecoming conduct. Must the board issue her certificate? No. A board acting within the scope of its authority is “entitled to a presumption of correctness unless it’s arbitrary, capricious, or unreasonable.” Thomas v. Bd. of Educ., 89 N.J. Super. 327, 332 (App. Div. 1965).

PROCEDURAL HISTORY

In January 2020, Plowden filed applications for School Psychologist and School Social Worker Certificates. On February 28, 2020, respondent blocked her applications for providing false information on the application. On October 4, 2020, Plowden was charged with simple assault and possession of a weapon.

On February 25, 2021, Plowden applied for a Substance Abuse Awareness Coordinator Certificate. Plowden did not disclose the 2020 blocked application or the criminal charges. Respondent issued the CEAS. On May 19, 2022, respondent filed an OTSC to revoke the CEAS because Plowden failed to disclose the 2020 blocked application and the criminal charges.

On July 26, 2023, while the OTSC was pending, Plowden applied for a Student Assistance Coordinator Certificate. On December 8, 2023, respondent vacated the OTSC, and Plowden’s 2021 CEAS remained valid.

On January 19, 2024, respondent blocked Plowden’s July 26, 2023, application for a Student Assistance Coordinate Certificate for unbecoming conduct. Specifically, on the 2023 application, Plowden stated that she had never had an education or professional certificate revoked, suspended, invalidated or denied for cause in New Jersey.

On January 26, 2024, Plowden sent a letter to Governor Murphy seeking his assistance in her blocked application. On May 23, 2025, Plowden requested instructions

on how to appeal the blocked application. On June 6, 2025, respondent provided Plowden with the process for an appeal.

On July 29, 2025, Plowden filed her appeal. On September 9, 2025, the case was transmitted from the Department of Education to the Office of Administrative Law (OAL) for a hearing as a contested case under N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13. On September 2, 2025, respondent filed a Motion to Dismiss in Lieu of an Answer because her appeal was untimely and must be dismissed as a matter of law. On October 1, 2025, I held a status conference, and Plowden advised that she had retained an attorney, Kenneth Brown. I requested that Brown file a notice of appearance and respond to respondent's motion by November 14, 2025. On October 9, 2025, Plowden advised that Brown will not be representing her in this case, she will be representing herself, and she will provide her response to the motion by November 14, 2025. On November 11, 2025, Plowden filed her response, and on that date, I closed the record.

FINDINGS OF FACT

Based upon the documents the parties submitted and my assessment of their sufficiency, I **FIND** the following **FACTS**:

In 2020, Plowden filed an application with the respondent for School Psychologist and School Social Worker Certificates. Her application included a Verification of Program Completion (VOPC) form. On that form, Plowden stated that she completed her Master of Social Work program at Kean University and that the university recommended her for the certificates. Respondent contacted Kean University and determined that the information on the VOPC was untrue. (R-A.) Respondent blocked Plowden's applications. Plowden did not file an appeal.

On October 4, 2020, Plowden was charged with simple assault and possession of a weapon. (R-B.) On February 25, 2021, Plowden applied for the CEAS. Plowden did not disclose the pending criminal charges or that she had filed previous applications for certificates in 2020 that were blocked. Respondent issued the CEAS.

On May 19, 2022, respondent issued an OTSC to revoke the CEAS because Plowden failed to disclose the pending criminal charges and the previously blocked applications. (R-B.) Plowden did not respond to the OTSC, and a second notice was sent. (P-9.) On September 26, 2022, Plowden responded to the second notice of the pending OTSC. She stated that she did not provide false information on her VOPC. (P-8.) She said that she was misled by Kean University, and ultimately, she transferred to Montclair State University, where she completed a Student Assistance Coordinator Certification. She stated that the criminal charges were dropped and expunged. (P-7.) Because the charges were expunged, she was advised by her attorney that she did not need to disclose the criminal charges.

On July 26, 2023, while the OTSC was pending, Plowden applied for a standard Student Assistance Coordinator Certificate from respondent. On this application, Plowden again did not disclose that she had prior blocked applications or criminal charges filed against her. In addition, she failed to disclose that respondent had issued an OTSC for her CEAS. The OTSC stated that Plowden answered “no” to the question: “Have you ever had an education or other professional certificate, license, or credential revoked, suspended, invalidated or denied for cause in New Jersey or any other state or jurisdiction?” Respondent determined that her response to the question was unbecoming conduct sufficient to block her application. (R-C.)

On August 20, 2023, Plowden sent a letter to Governor Murphy. (P-3.) A copy of the letter was not sent to the respondent. In her letter to the Governor, Plowden admitted that she was charged criminally and that the charges were eventually dropped and expunged. She stated that she responded to the questions as advised by her attorney. She stated that any wrong answers to the questions were honest mistakes. She requested the Governor’s assistance in her OTSC.

On September 21, 2023, respondent blocked her application. (R-C.) However, on December 8, 2023, respondent vacated the OTSC, and her CEAS remained valid (P-6), and her July 26, 2023, application for a Student Assistance Coordinator Certificate remained pending. Respondent reviewed her 2023 application. Based on the information provided in the 2023 application, her responses to the questions on the application, the

prior blocked application, the criminal charges, and the OTSC, respondent blocked Plowden's 2023 application for a standard Student Assistance Coordinator Certificate.

On January 26, 2024, Plowden sent a letter to the Governor requesting an appeal. (P-4.) In this letter, Plowden stated that she read the questions wrong, that she did not understand the question, and that it was all a mistake. She stated that she would not have denied something that she knew to be true. She stated that she knew the state had access to her file, and she would therefore not lie. Plowden did not send this letter to the respondent.

On May 23, 2025, Plowden sent a letter to the respondent asking for reconsideration of her blocked application, stating that her lack of candor was a mistake.

CONCLUSIONS OF LAW

The central issue is whether the respondent's motion to dismiss should be granted or whether Plowden is entitled to an evidentiary hearing to show that the respondent acted arbitrarily, capriciously or unreasonably.

Summary decision "may be rendered if the papers and discovery which have been filed, together with the affidavits, if any, show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to prevail as a matter of law." N.J.A.C. 1:1-12.5(b). This rule is substantially like the summary judgment rule embodied in the N.J. Court Rules, R. 4:46-2. See Judson v. Peoples Bank & Trust Co. of Westfield, 17 N.J. 67, 74 (1954). All inferences of doubt are drawn against the party filing the motion and in favor of the party against whom the motion is directed. Id. at 75. The judge's function is to determine whether there are genuine issues of fact to be adjudicated. Brill v. Guardian Life Ins. Co., 142 N.J. 520 (1995).

Having read the briefs and certifications and having reviewed the exhibits, I **CONCLUDE** that no issues of material fact exist and that the case is ripe for summary decision.

Timeliness of Appeal

All petitions for appeal of a board of education decision must be filed no later than the ninetieth day from receipt of the notice of a final action from a district board of education that is the subject of a contested case. N.J.A.C. 6A:3-1.3(i). This limitation for the resolution of disputes serves both the litigants and the district by affording petitioners the fair opportunity to present their case and the board to defend it. Kaprow v. Bd. of Educ. of Berkeley Twp., 131 N.J. 572, 587 (1993).

On January 19, 2024, Plowden was notified that her 2023 application was blocked. On January 26, 2024, Plowden sent a letter to the Governor to appeal this denial. Plowden did not send this letter to the respondent. Plowden did not initiate any other contact with respondent. Plowden's only action from January 19, 2024, to May 23, 2025, was to send a letter to the Governor. More than a year had passed since she received the respondent's January 19, 2024, letter, and therefore, her May 23, 2025, appeal is untimely. Therefore, I **CONCLUDE** that the petition was not timely filed and must be **DISMISSED**.

Dismissal as a Matter of Law

The Commissioner must ascertain whether the decision made by the State Board of Examiners is supported by sufficient credible evidence in the record. N.J.A.C. 6A:4-4.1. The Board of Examiners can block a certificate to a candidate who meets the requirements if it determines, based on the record before it, that the candidate is not suitable for employment as a teaching staff member in public schools. N.J.A.C. 6A:9B-4.4.

When a local board of education acts within its discretionary authority, its decision is entitled to a presumption of correctness and will not be disturbed unless there is an affirmative showing that the decision was "patently arbitrary, without rational basis or induced by improper motives." Kopera v. W. Orange Bd. of Educ., 60 N.J. Super. 288, 294 (App. Div. 1960). Furthermore, "where there is room for two opinions, action is not arbitrary or capricious when exercised honestly and upon due consideration," and the

commissioner will not substitute his judgment for that of the board. Bayshore Sewerage Co. v. Dep't of Env't. Prot., 122 N.J. Super. 184, 199 (Ch. Div. 1973).

Here, even if the petition was deemed timely, Plowden's failure to be candid with the respondent cannot be ignored. Her 2020 application was blocked by the board because her VOPC contained false statements. Immediately following her blocked application, she was charged with criminal conduct. She did not file an appeal for her 2020 blocked application. Instead, months later she applied for and was granted a CEAS. Respondent issued an OTSC seeking to revoke the CEAS. In the OTSC, respondent stated with specificity that they wanted to revoke her CEAS because she failed to disclose her 2020 blocked application and criminal charges. Ultimately, the respondent vacated the OTSC, and her CEAS remained in good standing. While the OTSC was pending, Plowden applied for another certificate. At the time of her 2023 application, she knew that her applications were being scrutinized for lack of candor. She also knew that there was an OTSC and the specific reasons for the OTSC. Further, she wrote to the respondent explaining the reasons for her answers on the VOPC, the criminal charges, the expungement and the reason she denied having criminal charges. She was very cognizant that her applications were being scrutinized for a lack of candor. Knowing this, she applied for a certificate and still failed to disclose her prior blocked application, the criminal charges and the OTSC. She again stated that it was a mistake and that she did not understand the questions on the application. Perhaps the first time it could be a mistake or a lack of understanding. However, once it was fully clarified for her in the OTSC, it can no longer be a mistake or a lack of understanding. Plowden blatantly failed to be completely candid with the respondent.

Therefore, based on the foregoing, I **CONCLUDE** that the respondent's decision to block Plowden's 2023 application was not arbitrary, capricious or unreasonable, and the appeal must be **DISMISSED**.

ORDER

I **ORDER** that respondent's motion to dismiss in lieu of an answer is **GRANTED**, and the petition is **DISMISSED**.

I hereby **FILE** this initial decision with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION** for consideration.

This recommended decision may be adopted, modified, or rejected by the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION**, who by law is authorized to make a final decision in this matter. If the Commissioner of the Department of Education 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 **COMMISSIONER OF THE DEPARTMENT OF EDUCATION**. Exceptions may be filed by email to **ControversiesDisputesFilings@doe.nj.gov** or by mail to **Office of Controversies and Disputes, 100 Riverview Plaza, 4th Floor, PO Box 500, Trenton, New Jersey 08625-0500**. A copy of any exceptions must be sent to the judge and to the other parties.

December 4, 2025

DATE



PATRICE E. HOBBS, ALJ

Date Received at Agency:

December 4, 2025

Date Mailed to Parties:

December 4, 2025

APPENDIX

Moving papers for petitioner:

The State response, dated November 11, 2025

Moving papers for respondent:

Motion to Dismiss in Lieu of an Answer, dated September 2, 2025

Exhibits

For petitioner:

- P-1 Letter from the respondent to petitioner, dated July 15, 2025
- P-2 Letter from the respondent to petitioner, dated June 6, 2025
- P-3 Letter from petitioner to Gov. Murphy, dated August 20, 2023
- P-4 Letter from petitioner to Gov. Murphy, dated January 26, 2024
- P-5 Letter from petitioner to respondent, dated June 24, 2025
- P-6 Letter from respondent to Attorney Brown, dated December 13, 2023
- P-7 Expungement History for petitioner
- P-8 Letter from petitioner to respondent, dated September 26, 2022
- P-9 Second Notice of OTSC to petitioner, dated September 22, 2022

For respondent:

- R-A Board Decision IMO Vicki Plowden Docket 1920-157, dated March 3, 2020
- R-B Order to Show Cause IMO Vicki Plowden Docket No. 1920-157, dated May 19, 2022
- R-C Board Decision IMO Vicki Plowden Docket No. 1920-157, dated January 19, 2024
- R-D Letter from Plowden to respondent, dated May 23, 2025
- R-E Letter from respondent to Plowden, dated June 6, 2025
- R-F Letter from Plowden to respondent, dated June 24, 2025
- R-G Letter from respondent to Plowden, dated July 15, 2025