

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CREDENTIAL OF : STATE BOARD OF EXAMINERS
ABEL ODERANTI : ORDER OF SUSPENSION
_____ : DOCKET NO: 0708-204

At its meeting of March 27, 2008, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that respondent Abel Oderanti was arrested on February 6, 2008 and charged with Criminal Attempt to Entice, Lure A Child By Various Means, Criminal Attempted Aggravated Sexual Assault, Criminal Attempted Sexual Assault and Criminal Attempted Endangering the Welfare of Children. As a result of this arrest, Oderanti faces potential disqualification from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Oderanti currently holds a Substitute Credential, which expires in July 2011.

Oderanti did not challenge the accuracy of his criminal history record before the Commissioner of Education. Upon review of the above information, at its meeting of May 1, 2008, the State Board of Examiners voted to issue Oderanti an Order to Show Cause as to why his credential should not be suspended pending the outcome of the criminal charges against him.

The Board sent Oderanti the Order to Show Cause by regular and certified mail on May 14, 2008. The Order provided that Oderanti must file an Answer within 30 days. Oderanti filed an Answer on June 10, 2008.

In his Answer, Oderanti admitted that he been arrested but asserted that he had not been tried or convicted. (Answer, ¶ 1.) He added that there was no victim in the matter and that the case was before a Grand Jury which had not yet recommended that he should be tried. (Answer, ¶¶ 3, 4.) He stated that he did not have a criminal record as he had never been tried and that, if the matter came to trial, he would “vigorously defend” himself. (Answer, ¶¶ 5, 6.) Oderanti

concluded that “while I believe that a decision to suspend my license is not warranted, I pledge not to use the license until the proceedings against me are resolved in my favor.” (Answer, ¶ 6.)

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on June 20, 2008, the Board sent Oderanti a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Oderanti was offered an opportunity to submit written arguments on the issue of whether the conduct addressed in the Order to Show Cause constituted conduct unbecoming a certificate holder. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the State Board of Examiners would determine if his disqualifying offense warranted action against his credential. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any.

Oderanti did not file a response. Neither the certified mail return receipt card nor the regular mail copy of the notice was returned.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether the conduct underlying Oderanti’s arrest and potentially disqualifying offense constitutes conduct unbecoming a certificate holder. Since Oderanti failed to respond to the hearing notice, the State Board of Examiners considered his Answer as the only responsive pleading in the hearing process.

At its meeting of January 7, 2010, the State Board of Examiners reviewed the charges and papers Oderanti filed in response to the Order to Show Cause. After review of the response, the Board of Examiners determined that no material facts related to Oderanti’s offense were in dispute since he did not deny that he had had been arrested for the charges as outlined in the Order to Show Cause. Thus, the Board of Examiners determined that summary decision was

appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The State Board of Examiners must now determine whether the conduct underlying Oderanti's arrest and possible resultant disqualification, as set forth in the Order to Show Cause, represent just cause to act against his credential pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that they do.

In enacting the Criminal History Review statute, *N.J.S.A. 18A:6-7.1 et seq.* in 1986, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be dangerous. Individuals convicted of crimes such as Criminal Attempt to Entice, Lure A Child By Various Means, Criminal Attempted Aggravated Sexual Assault, Criminal Attempted Sexual Assault and Criminal Attempted Endangering the Welfare of Children fall squarely within this category. This strong legislative policy statement is in accord with the Commissioner's long-held belief that teachers must serve as role models for students. "Teachers... are professional employees to whom the people have entrusted the care and custody of ... school children. This heavy duty requires a degree of self-restraint and controlled behavior rarely requisite to other types of employment." *Tenure of Sammons*, 1972 *S.L.D.* 302, 321.

In this case, Oderanti has an arrest for a crime that directly involved danger to children. A teacher's behavior outside the classroom may be relevant in determining that person's qualifications and continued fitness to retain his certificate. *In re Grossman*, 127 *N.J. Super.* 13, 30 (Sup. Ct. 1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). Moreover, unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. *Redcay v. State Bd. of Educ.*, 130 *N.J.L.* 369, 371 (Sup. Ct. 1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). Accordingly, the State Board of Examiners finds that Oderanti's potential disqualification from service in the

public schools of this State because of his arrest for Criminal Attempt to Entice, Lure A Child By Various Means, Criminal Attempted Aggravated Sexual Assault, Criminal Attempted Sexual Assault and Criminal Attempted Endangering the Welfare of Children provides just cause to take action against his credential.

Accordingly, on January 7, 2010, the Board of Examiners voted to suspend Oderanti's credential pending resolution of the criminal charges against him. On this 25th day of March 2010 the Board formally adopted its written decision to suspend and it is therefore ORDERED that Abel Oderanti's Substitute Credential be suspended effective this day. If the charges are resolved in his favor, he shall notify the Board of Examiners for appropriate action regarding the suspension order. It is further ORDERED that Oderanti return his credential to the Secretary of the State Board of Examiners, Office of Licensure and Credentials, PO Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Secretary
State Board of Examiners

Date of Mailing:

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

RRH:MZ: