

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
ERIN MARKAKIS : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1011-109

At its meeting of September 16, 2010, the State Board of Examiners (Board) reviewed information received from the Office of Criminal History Review indicating that respondent Erin Markakis was convicted in August 2010 of third degree Assault by Auto. Markakis currently holds a Teacher of Elementary School in Grades K-5 Certificate of Eligibility With Advanced Standing, issued in July 2006 and a Teacher of Elementary School in Grades K-5 certificate, issued in April 2007. Upon review of the above information, the Board voted at its meeting of October 28, 2010 to issue Markakis an Order to Show Cause why her certificates should not be revoked.

The Board sent Markakis the Order to Show Cause by regular and certified mail on November 3, 2010. The Order provided that Markakis must file an Answer within 30 days. Markakis responded on November 24, 2010.

In her Answer, Markakis indicated that she was currently serving 364 days in County jail as the result of her conviction. (Answer, p. 1.) She stated that she was ashamed about what had occurred and was thankful that those injured in the accident were able to recover. (Answer, p. 1.) Markakis also noted that she had apologized directly to those she had injured. (Answer, p. 1.) She added that even though she was guilty, she did not believe her teaching certificates should be revoked, since the accident did not take place during the school year and did not affect her teaching. (Answer, p. 2.) Markakis claimed that, at the time of the accident, she was suffering from an eating disorder that had resurfaced and that she was being treated for anxiety and depression. (Answer, p. 3.) She stated that the night before the accident, she drank all night and

took medication for her depression. (Answer, p. 3.) She drank the next morning and took additional medication and got into her car three hours later. (Answer, p. 3.) After her accident, Markakis was diagnosed with Bipolar Disorder and began receiving treatment for her alcohol abuse, bipolar disorder and eating disorder. (Answer, p. 4.) She stated that she completed a total of six months of rehabilitation programs and planned to continue with AA and individual therapy. (Answer, p. 4.) She added that she never intended on hurting anyone. (Answer, p. 4.) Markakis stated that she was a very good teacher who had a wonderful relationship with students, parents and other teachers. (Answer, p. 5.) She added that many parents wrote letters of support for her when she was facing criminal charges. (Answer, p. 5.) She noted that revoking her certificates “would take a qualified and caring teacher out of the schools, and it would tear the life right out of me.” (Answer, p. 6.) Markakis claimed that she did not know what she would do if she could no longer teach. (Answer, p. 6.) She reiterated that she was “a very good person who made a very poor choice” and had no intentions of ever hurting anyone. (Answer, p. 7.)

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on December 10, 2010, the Board sent Markakis a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Markakis was offered an opportunity to submit written arguments on the issue of whether the conduct addressed in the Order to Show Cause constituted conduct unbecoming a certificate holder, as well as arguments with regard to the appropriate sanction in the event that the Board found just cause to take action against her certificates. It also explained that upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if her offense warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any.

Markakis was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was signed and returned and the regular mail copy was not returned. Markakis did not file a response.

The threshold issue before the Board in this matter is whether Markakis' conviction constitutes conduct unbecoming a certificate holder. At its meeting of March 31, 2011, the Board reviewed the allegations in the Order to Show Cause and Markakis' Answer. The Board determined that no material facts related to Markakis' offense were in dispute since she admitted that she had been convicted of the offense charged and had been sentenced accordingly. Thus, the Board 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 Board must now determine whether Markakis' conviction, as set forth in the Order to Show Cause, represents just cause to act against her certificates pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that it does.

The Board may revoke or suspend the certification of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher or other just cause. *N.J.A.C. 6A:9-17.5*. The Commissioner has long held that teachers 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. 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 (1943), *aff'd*,

131 *N.J.L.* 326 (E & A 1944). In this instance, Markakis' conviction for third degree Assault by Auto demonstrates behavior that falls far short of a role model.

Furthermore, her offense is egregious enough to warrant revocation. It is well established that the Board has the right to revoke a certificate where the teacher was involved in criminal activities, even if the activities were unrelated to the classroom. *See Cox v. State Board of Examiners*, (App. Div. Docket No. A-3527-81T3) (November 18, 1983); *State Board of Examiners v. Krupp*, 3 *N.J.A.R.* 285 (1981). In this case, Markakis has been convicted of a crime that is predicated upon her having knowingly driven while under the influence of drugs and alcohol and caused serious bodily injury to others. A teacher's behavior outside the classroom may be relevant in determining that person's qualifications and continued fitness to retain her certificates. *In re Grossman*, 127 *N.J. Super.* 13, 30 (App. Div. 1943), cert. denied 65 *N.J.* 292 (1974).

Finally, notwithstanding Markakis' contentions of rehabilitation, this is not the proper context for such considerations. The purpose of this proceeding is "to permit the individual certificate holder to demonstrate circumstances or facts to counter the charges set forth in the Order to Show Cause, not to afford an opportunity to show rehabilitation." *See In the Matter of the Revocation of the Teaching Certificate of Gloria Jackson by the State Board of Examiners*, 96 *N.J.A.R.* 2D (EDE) 1, 16 *aff'd*, App. Div. Dkt. No. A-1246-96T5 (September 9, 1997) citing *In the Matter of the Revocation of the Teaching Certificate of James Noll*, State Bd. of Examiners decision (February 7, 1990). Thus, the fact that Markakis has undergone treatment for her bipolar disorder, alcohol abuse and eating disorder, while a step in the right direction, has no bearing on the decision the Board of Examiners must make with regard to her certification.

Accordingly, on March 31, 2011, the Board voted to revoke Erin Markakis' Teacher of Elementary School in Grades K-5 Certificate of Eligibility With Advanced Standing and her Teacher of Elementary School in Grades K-5 certificate. On this 12th day of May 2011 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Markakis' certificates be effective immediately. It is further ORDERED that Markakis return her certificates to the Secretary of the State Board of Examiners, Office of Licensure, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

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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.