

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
DENNIS POWERS : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0405-272

At its meeting of July 15, 2014, the State Board of Examiners (Board) reviewed information received from the staff of the Office of Certification and Induction regarding Dennis Powers. On May 12, 2005, Powers pled guilty to Endangering the Welfare of a Child-Duty. Powers holds a Teacher of Spanish Certificate of Eligibility, issued in August 2003 and a Teacher of Spanish certificate, issued in August 2004. Upon review of the above information, at its July 24, 2014 meeting, the Board voted to issue Powers an Order to Show Cause.

The Board sent Powers the Order to Show Cause by regular and certified mail on July 29, 2014. The Order provided that Powers had 30 days to respond. The certified mail receipt was signed and returned and the regular mail copy was not returned. Powers did not respond. Thereafter, on September 8, 2014, the Board sent Powers another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail receipt was signed and returned and the regular copy was not returned. Powers did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.7(e)*, on October 2, 2014, the Board sent Powers a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Powers 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 determined to take action against his certificates. It also

explained that upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if Powers' offense warranted action against his certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Powers was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Neither the certified mail copy nor the regular mail copy was returned. Once again, Powers did not respond.

The threshold issue before the Board in this matter is whether Powers' conduct and crime constitute conduct unbecoming a certificate holder. Since Powers failed to respond to the Order to Show Cause or the hearing notice, at its meeting of December 12, 2014, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Powers' offense were in dispute since he never denied that he had been convicted. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.7(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 Powers' conviction, as set forth in the Order to Show Cause, provides just cause to act against his certificates pursuant to *N.J.A.C. 6A:9B-4.5*. 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:9B-4.5*. "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 matter, Powers has a conviction for an offense against children. That conviction leaves no doubt that he is unfit to be a teacher. His conduct demonstrates behavior that falls so far short of a role model that the Board believes that the only appropriate sanction in this case is the revocation of Powers' certificates.

Accordingly, on December 12, 2014, the Board voted to revoke Powers' Teacher of Spanish Certificate of Eligibility and his Teacher of Spanish certificate. On this 23rd day of January 2015 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Dennis Powers' certificates be effective immediately. It is further ORDERED that Powers return his 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.

RRH:MZ:th