

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
ANN MARIE BALLENTINE : ORDER OF REVOCATION
_____ : DOCKET NO: 1718-137

At its meeting of November 1, 2017, the State Board of Examiners (Board) reviewed information the National Association of State Directors of Teacher Education and Certification (NASDTEC) and the Pennsylvania Commonwealth Professional Standards and Practices Commission (PCPSPC) had forwarded regarding Ann Marie Ballentine. On March 31, 2017, Ballentine surrendered her Pennsylvania certificate following a conviction for Theft. Ballentine was ordered to pay \$362,104.27 in restitution for loses to the First Presbyterian Church of Easton and Guide One Insurance.

Ballentine currently holds Teacher of Elementary School, Teacher of the handicapped and Teacher of Nursery School certificates. Upon review of the above information, at its December 8, 2017 meeting, the Board voted to issue Ballentine an Order to Show Cause as to why her certificates should not be revoked.

The Board sent Ballentine the Order to Show Cause by regular and certified mail on December 13, 2017. The Order provided that Ballentine had 30 days to respond. The certified mail receipt was signed and returned and the regular mail copy was not returned. Ballentine did not respond. On February 15, 2018 the Board sent Ballentine another notice by certified and regular mail providing her an additional 15 days to respond to the Order to Show Cause. The certified mail copy was returned as "Unclaimed" and the regular mail copy was not returned. Ballentine did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on March 16, 2018, the Board sent Ballentine a hearing notice by regular and certified mail. The notice explained that the allegations in the Order to Show Cause were deemed to be admitted as a result of her failure to file an Answer. Thus, Ballentine 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 Ballentine's offense warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Ballentine 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. Once again, Ballentine did not file a response.

The threshold issue before the Board in this matter is whether Ballentine's conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Ballentine failed to respond to the Order to Show Cause, the allegations therein are deemed admitted. *N.J.A.C. 6A:9B-4.6(c)*. Consequently, at its meeting of May 24, 2018, the Board considered only the allegations in the Order to Show Cause and the information received from NASDTEC and the PCPSPC. The Board concluded that no material facts related to Ballentine's offense were in dispute since she never denied that she had engaged in the conduct alleged. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*. After reviewing the allegations, the Board found that Ballentine had engaged in unbecoming conduct.

The Board must now determine whether Ballentine's conduct, as set forth in the Order to Show Cause, provides just cause to act against her certificates pursuant to *N.J.A.C. 6A:9B-4.4*. 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-4.4*. "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). Ballentine's conviction for Theft clearly demonstrates conduct that is unacceptable for a role model. The Board therefore concludes that the appropriate response to her breach is the revocation of her certificates.

Accordingly, on May 24, 2018, the Board voted to revoke Ann Marie Ballentine's Teacher of Elementary School, Teacher of the Handicapped and Teacher of Nursery School certificates. On this 29th

day of June 2018 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Ballentine's certificates be effective immediately. It is further ORDERED that Ballentine return her 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.

Robert R. Higgins, Secretary
State Board of Examiners

RRH/MZ/th

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.