

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CREDENTIAL OF : STATE BOARD OF EXAMINERS
ELIANA ARISTIZABAL : ORDER OF REVOCATION
_____ : DOCKET NO: 1819-132

At its meeting of December 17, 2018, the State Board of Examiners (Board) reviewed information the Union County Prosecutor's Office and the Criminal History Review Unit (CHRU) had forwarded regarding Eliana Aristizabal. On March 23, 2018, Aristizabal received an Order of Postponement and was accepted into a Pre-Trial Intervention program for a period of 12 months after having been charged with Endangering the Welfare of a Child, (3rd degree) and DWI-Parent/Guardian with Minor in Vehicle. Aristizabal failed field sobriety tests and had a Blood Alcohol Level of .17% after she was pulled over. At the time of the stop, she had two minor children in the car.

Aristizabal currently holds a Substitute Credential, which expires in July 2022. Upon review of the above information, at its January 24, 2019 meeting, the Board voted to issue Aristizabal an Order to Show Cause as to why her credential should not be revoked.

The Board sent Aristizabal the Order to Show Cause by regular and certified mail on January 29, 2019. The Order provided that Aristizabal had 30 days to respond. The certified mail receipt was signed and returned and the regular mail copy was not returned. Aristizabal did not respond. Thereafter, on March 7, 2019, the Board sent another notice providing Aristizabal an additional 15 days to respond to the Order to Show Cause. The certified mail receipt was signed and returned and the regular mail copy was not returned. Once again, Aristizabal did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on March 28, 2019, the Board sent Aristizabal 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, Aristizabal 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 credential. It

also explained that, upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if Aristizabal's offense warranted action against her credential. Thereupon, the Board would also determine the appropriate sanction, if any. Aristizabal 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 returned. Once again, Aristizabal did not file a response.

The threshold issue before the Board in this matter is whether Aristizabal's conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Aristizabal 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 June 28, 2019, the Board considered only the allegations in the Order to Show Cause and the information received from the Prosecutor's Office and the CHRU. The Board concluded that no material facts related to Aristizabal's offense were in dispute since she never denied that she had engaged in the alleged conduct. 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 Aristizabal had engaged in unbecoming conduct.

The Board must now determine whether Aristizabal's conduct, as set forth in the Order to Show Cause, provides just cause to act against her credential 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). Aristizabal's actions of driving while intoxicated with two minors in her vehicle clearly demonstrate conduct that is unacceptable

for a role model. The Board therefore concludes that the appropriate response to her breach is the revocation of her credential.

Accordingly, on Jun 28, 2019, the Board voted to revoke Eliana Aristizabal's Substitute Credential. On this 1st day of August 2019 the Board voted to adopt its formal written decision and it is therefore ORDERED that Aristizabal's credential is hereby revoked, effective immediately. It is further ORDERED that Aristizabal return her credential 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.

Rani Singh, Acting Secretary
State Board of Examiners

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.