

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
MICHAEL T. WILLIAMS, Jr. : ORDER OF REVOCATION
_____ : DOCKET NO: 1819-156

At its meeting of January 24, 2019, the State Board of Examiners (Board) reviewed information the Office of Student Protection (OSP) provided regarding Michael T. Williams, Jr. On February 27, 2018, Williams pled guilty to Unlawful Possession of a Weapon-Handgun without Permit to Carry (2nd degree) and Unlawful Possession of Weapon-Handgun (2nd degree). On November 8, 2018, Williams was sentenced to 5 years in prison with one year of parole ineligibility. After being stopped by police following an altercation at a McDonalds, Williams' car was searched. Police found a large amount of marijuana, approximately \$2000 in cash and two loaded handguns in the car.

The OSP notified the Board that, as a result of his conviction, Williams was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Williams currently holds a Teacher of Elementary School in Grades K-6 Certificate of Eligibility.

Williams did not challenge the accuracy of his criminal history record before the Commissioner of Education. Upon review of the above information, the Board voted at its meeting of March 8, 2019 to issue Williams an Order to Show Cause as to why his certificates should not be revoked.

After obtaining a correct address for Williams, the Board sent Williams the Order to Show Cause by regular and certified mail on May 6, 2019. The Order provided that Williams had 30 days to respond. The certified mail copy was received and signed for and the regular mail copy was not returned. Williams did not file a response.

Thereafter, on June 13, 2019 the Board sent Williams another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail copy was received and signed for and the regular mail copy was not returned. Williams filed a response dated July 1, 2019 indicating that he would have his counsel provide a response.

The Board received no response, by way of a letter of representation or Answer, as indicated in the July 1, 2019 letter from Williams. Accordingly, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on July 11, 2019, the Board sent Williams 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 his failure to file an Answer. Thus, Williams 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 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 his offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Williams was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy was received and signed for and the regular mail copy was not returned.

In order to ensure that Williams had every opportunity to participate in this process, the Board sent him another letter dated August 7, 2019 wherein it granted him additional time to file an Answer and/or to allow for his counsel to make the necessary submission. It indicated that if the Board did not receive an Answer by September 13, 2019, the Board would act in accordance

with its July 11, 2019 letter, which was enclosed for reference. The Board has not received notice of representation, nor did it receive a response within the defined timeframe indicated in its letter to Williams.

The threshold issue before the Board in this matter is whether Williams's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. Since Williams 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 November 1, 2019, the Board considered only the allegations in the Order to Show Cause and the information received from the OSP. The Board concluded that no material facts related to Williams's offense were in dispute since he never denied that he engaged in the conduct alleged and had been convicted and therefore 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 Williams engaged in unbecoming conduct.

The Board must now determine whether Williams' conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against his certificates pursuant to *N.J.A.C.* 6A:9B-4.4. 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 were not proper examples for them. Individuals convicted of crimes such as Unlawful Possession of a Weapon, 2nd degree fall squarely within this category. The strong legislative policy statement is also in accord with the Commissioner's long-standing belief that teachers must 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, Williams' conviction for Unlawful Possession of a Weapon demonstrates behavior that falls far short of a role model.

The strong policy statement on the part of the Legislature set forth in *N.J.S.A.* 18A:6-7.1(b) also offers guidance to the Board as to the appropriate sanction in this matter. An individual whose offense is so great that he or she is barred from service in public schools should not be permitted to retain the certificate that authorizes such service. Nor should a person who has been disqualified from teaching in a public school be permitted to continue to hold himself out as a teacher. Thus, because the Legislature and the Commissioner consider Williams' offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of his certificates.

Accordingly, on November 1, 2019, the Board voted to revoke Michael T. Williams, Jr.'s Teacher of Elementary School in Grades K-6 Certificate of Eligibility. On this 13th day of December 2019, the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Williams' certificates be effective immediately. It is further ORDERED that Williams return his 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.

Rani Singh, Secretary
State Board of Examiners

Date of Mailing:
By 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.