

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS  
TIMOTHY G. EGAN : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 2021-157

At its meeting of May 13, 2021, the State Board of Examiners (Board) reviewed information the Office of Student Protection (OSP) and the Essex County Prosecutor's Office provided regarding Timothy G. Egan. On or about February 4, 2021, Egan pled guilty to a charge of Assault by Auto/Vessel (3<sup>rd</sup> Degree) in the Superior Court of New Jersey, Essex County. The OSP notified the Board that as a result of his conviction, Egan is disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Egan currently holds a Teacher of Music Certificate of Eligibility with Advanced Standing.

Egan 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 June 25, 2021 to issue Egan an Order to Show Cause as to why his certificate should not be revoked.

The Board sent Egan the Order to Show Cause by regular and certified mail on June 29, 2021. Egan submitted an Answer through counsel, admitting that he pled guilty to Assault by Auto. He denied that the conviction should result in disqualification from teaching.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on November 16, 2021, the Board sent Egan<sup>1</sup> a hearing notice by regular and certified mail. The notice explained that there were no material facts regarding the allegations in the Order to Show Cause. Thus, Egan 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 certificate. 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 certificate. Thereupon, the Board would also

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<sup>1</sup> The Board sent the notice to both Egan and his counsel.

determine the appropriate sanction, if any. Egan was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt letter that was sent to counsel was signed and returned and the regular mail copy was not returned. The certified mail receipt letter that was sent to Egan was left with an individual and the regular mail copy was not returned. Once again, Egan did not file a response.

The threshold issue before the Board in this matter is whether Egan's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. Since Egan admitted the conviction, the allegations therein are admitted. *N.J.A.C.* 6A:9B-4.6(c). Consequently, at its meeting of March 4, 2022, the Board considered only the allegations in the Order to Show Cause and the information received from the OSP and the Essex County Prosecutor's Office. The Board concluded that no material facts related to Egan's offense were in dispute since he did not deny that he was 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 Egan engaged in unbecoming conduct.

The Board must now determine whether Egan's conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against his certificate 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 to be a danger. Individuals convicted of a crime such as Assault by Auto/Vessel (3<sup>rd</sup> 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, Egan's conviction for Assault by Auto/Vessel (3<sup>rd</sup> degree) 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 Egan's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of his certificate.

Accordingly, on March 4, 2022, the Board voted to revoke Timothy G. Egan's Teacher of Music Certificate of Eligibility with Advanced Standing. On this 7<sup>th</sup> day of April 2022, the Board voted to adopt its formal written decision and it is therefore ORDERED that Egan's certificate is revoked, effective immediately. It is further ORDERED that Egan return his certificate 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.

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Rani Singh, 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.