

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
RICHARD N. LEONARD : ORDER OF REVOCATION
_____ : DOCKET NO: 1920-130

At its meeting of December 13, 2019, the State Board of Examiners (Board) reviewed information provided by the Essex County Superior Court and the Office of Student Protection (OSP) regarding Richard N. Leonard (Leonard). Leonard was charged with Conspiracy to Engage in Conduct Constituting a Crime – Official Misconduct Unauthorized Use of Official Function (2nd degree), following allegations that he agreed not to take official action as a member of the Roseland Council for a benefit that exceeded \$200 in value. Leonard pled guilty to Conspiracy to Engage in Conduct Constituting a Crime – Official Misconduct Unauthorized Use of Official Function (3rd degree) and was sentenced on November 8, 2019 to probation for a period of one year along with other terms and conditions, including forfeiture of public employment. The OSP notified the Board that, as a result of his conviction, Leonard is disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Leonard currently holds a Teacher of Social Studies Certificate.

On January 23, 2020, the Board issued an Order to Show Cause to Leonard. On March 9, 2020, the Board placed the matter in abeyance because Leonard indicated he was appealing the OSP's disqualification determination. This disqualification is part of the allegations in the Order to Show Cause, and thus resolution of this appeal was appropriate before the Board could move forward on the Order to Show Cause.

On or about January 6, 2021, Leonard withdrew the pending appeal of OSP's disqualification. Accordingly, the OSP's determination of disqualification pursuant to *N.J.S.A.*

18A:6-7.1 stands. On January 27, 2021, the Board sent Leonard's counsel a notice that the matter would be moved from abeyance and requested that counsel file an Answer in this matter.

The Board was advised that there was an error in the Order to Show Cause relating to the Judgment of Conviction; it required correction before moving forward in the matter. Accordingly, on June 25, 2021 the Board vacated the original Order to Show Cause and issued a new, corrected, Order to Show Cause.

The Board sent Leonard the corrected Order to Show Cause by regular and certified mail on July 1, 2021. The Order provided that Leonard had 30 days to respond. Leonard filed an Answer on July 30, 2021. In that Answer, Leonard admitted to the charges and indicated that the prosecution downgraded it to a 3rd degree conspiracy to engage in official misconduct. *See* Answer at ¶ 3. He further stated that he pled guilty to the downgraded third-degree charge and was sentenced to noncustodial probation for one year. *Id.* He states that on May 13, 2020, after 7 months of probation, Leonard was discharged from PTI after he performed 70 hours of community service, which was more than double the 30 hours required by his sentence. *Id.*

Leonard admits that his third-degree conviction automatically disqualifies him from holding public school employment under N.J.S.A. 2C:51-2d but does not disqualify him under N.J.S.A. 18A:6-7.1. Further, it does not warrant revocation of his teaching certificate. *Id.* at ¶ 3, 4 and 5.

Leonard states that the allegations of the Order to Show Cause are derived from allegations three (3) years ago when he was a Councilman in Roseland, New Jersey. *Id.* at ¶ 7. Leonard voted against a motion to recommend a proposed Payment in Lieu of Taxes redevelopment plan for property located next to his realty business, allegedly because the owner of the redevelopment property refused to provide snow plowing services to him/his business. Leonard admits that he

should have abstained from voting on the motion but denies that he voted against it because of a desire for snow plowing services or any other benefit to him or his business. *Id.* Further, he states that his opposing vote was not motivated by monetary or other benefit to him or his business. *Id.* at ¶ 9. He also indicates that the council attorney nor any other council member advised him to abstain. *Id.* at ¶ 10.

Thereafter, pursuant to *N.J.A.C.* 6A:9B-4.6(e), on September 8, 2021, the Board sent Leonard a hearing notice by regular and certified mail. The notice explained that there were no material facts in dispute. Thus, Leonard 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 determine the appropriate sanction, if any. Leonard was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Leonard filed a written response on October 8, 2021 and requested to appear before the Board.

In that response, Leonard argued that although his conviction “automatically disqualified him from holding public employment generally under N.J.S.A. 2C:51-2d, it did not disqualify him from holding public school employment specifically under N.J.S.A. 18A:6-7.” *See* Hearing Submission at p. 1. He states that the Court in his criminal matter found that Leonard’s public employment disqualification does not disqualify him from maintaining his teacher certificates. *Id.*

He further states that the allegations against him were false and brought over three years after the vote. He says they were “proven to be politically motivated, brought by Mr. Leonard’s

political opponents in retaliation for his disclosing antisemitic and racist comments made by those opponents.” *Id.* at p. 2. Leonard devoted his entire professional life to public service and support of public education. He is 72 years old and has not taught since 1986 and has no plans to return to teaching. Nevertheless, he wishes to maintain his certificate in recognition of his career. *Id.*

Leonard also submits detailed information on his personal and professional history. *Id.* at p. 3-4. He provides information on the circumstances surrounding the alleged conduct. *Id.* at p. 4-13. Leonard argues that his conduct does not warrant action against his certificate because his conduct was a single act almost 7 years ago; the conduct was unrelated to teaching in the classroom; it was a momentary lapse of judgment and not a pattern of misconduct; he is not disqualified from public school employment pursuant to N.J.S.A. 18A:6-7.1; and the Court in his criminal matter affirmatively found that the disqualification should not disqualify him from maintaining his teacher certificate. *Id.* at p. 18-19. Finally, Leonard states that he believes no sanction against his educator certificate is warranted, but any sanction should be less than revocation. *Id.* at p. 20.

The hearing was scheduled for the Board’s December 16, 2021 meeting. Mr. Leonard appeared with his counsel, David W. Fassett, Esquire. Mr. Fassett began the hearing by indicating that he would not reiterate what is in his submissions, but that Leonard wished to speak on his behalf. Prior to the hearing, Counsel for Leonard provided additional documents for the Board to review as part of Leonard’s hearing.

Leonard appeared and began by stating that he wanted the Board to know who he was as a person. He wants to give back and is involved in Goodwill and Habitat for Humanity. He spent time discussing his personal ventures and history, his beliefs and the importance of teaching and giving back.

The threshold issue before the Board in this matter is whether Leonard's conduct constitutes conduct unbecoming a certificate holder or other just cause. At its meeting of January 21, 2022, the Board considered the allegations in the Order to Show Cause, the Answer, as well as Leonard's Hearing Response and testimony. The Board determined that no material facts related to Leonard's offense were in dispute since he pled guilty to Conspiracy – Agree/Engage in Conduct Constituting a Crime (3rd degree). Moreover, as a result his conviction, Leonard is disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* 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 Leonard engaged in unbecoming conduct.

The Board must now determine whether Leonard's conduct, as set forth in the Order to Show Cause, provides just cause to act against his certificate pursuant to *N.J.A.C. 6A:9B-4.4*. The Board finds that it does.

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 poor example for them. Individuals convicted of crimes such as Conspiracy 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, Leonard's conviction demonstrates behavior that falls short

of a role model. Leonard argues that he is not disqualified under N.J.S.A. 18A:6-7.1; nevertheless, he abandoned the appeal of that determination in January 2021. He cannot now argue the merits of that appeal before this Board and seek a different outcome. Accordingly, the disqualification from OSP stands and the Board takes its action consistent with that determination.

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 Leonard's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of his certificate.

Accordingly, on January 21, 2022, the Board voted to revoke Richard N. Leonard's Teacher of Social Studies Certificate. On this 4th day of March 2022, the Board voted to adopt its formal written decision and it is therefore ORDERED that Leonard's certificate is hereby revoked, effective immediately. It is further ORDERED that Leonard 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.

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.