

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CREDENTIAL OF : STATE BOARD OF EXAMINERS
CLIVE L. CARELSE : ORDER OF REVOCATION
_____ : DOCKET NO: 2122-139

At its meeting of October March 4, 2022, the State Board of Examiners (Board) reviewed information the Cape May County Prosecutor's Office and the Office of Student Protection (OSP) submitted regarding Clive L. Carelse. On February 7, 2020, Carelse pled guilty to Stalking – Stalking in Violation of Court Order (3rd degree). As a result, Carelse was sentenced to probation for a period of two (2) years with the following condition: Carlese is committed to the custody of the Cape May County Correctional Facility for a period of 163 days with credit for time served of 163 days.

The OSP notified the Board that, as a result of his conviction, Carelse was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Carelse currently holds a substitute credential expiring in July 2023. Upon review of the above information, the Board voted at its meeting of April 7, 2022 to issue Carelse an Order to Show Cause as to why his credential should not be revoked.

The Board sent Carelse the Order to Show Cause by regular and certified mail. The Order provided that Carelse must file an Answer within 30 days. After receiving an extension of time, Carelse filed an Answer on May 11, 2022.

In his Answer, Carelse admitted that he pled guilty to Stalking. (Answer, ¶ 2). He stated that he did not agree with the disqualification because he is a first offender and never had prior trouble with the law. *Id.* ¶ 3. He explained that the charges were related to a divorce that left him with depression and anxiety. *Id.* He admitted he made a huge mistake but that he complied and completed all recommendations by the court including therapy and counseling. *Id.*

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on August 2, 2022, the Board sent Carelse a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute as Carelse admitted to the conviction and conduct. Thus, Carelse 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 credential. 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 disqualifying offense warranted action against his credential. Thereupon, the Board would also determine the appropriate sanction, if any. Carelse was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Carelse responded that he wished to appear before the Board.

Carelse appeared before the Board on October 28, 2022. Carelse stated the criminal conviction stemmed from behavior relating to his pending divorce which caused him to not see his daughter. He said he wanted to see her, so he approached them on the beach. He has never been in trouble. He completed therapy. He stated that he is emotionally stable, he now has shared custody, and he sees the child every weekend. He wished for the Board to reconsider this matter.

The threshold issue before the Board in this matter is whether Carelse's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. At its meeting of December 9, 2022, the Board considered the allegations in the Order to Show Cause as well as Carelse's Answer, Hearing Response and testimony. The Board determined that no material facts related to Carelse's offense were in dispute since he admitted that he had pled guilty to the offense charged. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C.* 6A:9B-4.6(h).

Although Carelse stated that he is a first time offender and the conviction should not be disqualifying, there is no record that he appealed the disqualification with the Commissioner challenging the disqualification. Accordingly, the Board is compelled to treat his conviction as a disqualifying offense.

The Board must now determine whether Carelse's conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against his credential 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 inappropriate role models for them. Individuals convicted of a crime such as Stalking, 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 exemplars 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, Carelse’s conviction demonstrates behavior that falls 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 Carelse’s offense so significant and the Board must render its determination within the confines of his disqualification, it believes that the only appropriate sanction in this case is the revocation of Carelse’s credential.

Accordingly, on December 9, 2022 the Board voted to revoke Clive L. Carelse’s substitute credential. On this 26th day of January 2023, the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Carelse’s credential be effective immediately. It is further ORDERED that Carelse return his 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, 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.