

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
DAVID HAGGERTY : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 2122-141

At its meeting of March 4, 2022, the State Board of Examiners (Board) reviewed information it received from the National Association of State Directors of Teacher Education and Certification and the Ohio State Board of Education (Ohio) regarding David Haggerty (Haggerty). Haggerty voluntarily surrendered his Ohio educator certificate after it was alleged that he modified a license to secure employment.

Haggerty currently is the holder of a Teacher of Health and Physical Education Certificate of Eligibility with Advanced Standing, issued October 2001, a standard Teacher of Health and Physical Education certificate, issued July 2002, and a Principal Certificate of Eligibility, issued March 2016. After reviewing the above information, the Board voted to issue an Order to Show Cause (OTSC) to Haggerty as to why his certificates should not be suspended at its meeting on April 7, 2022.

The Board sent Haggerty the Order to Show Cause by regular and certified mail on April 12, 2022. The Order provided that Haggerty must file an Answer within 30 days. Haggerty answered the Order to Show Cause on May 3, 2022. Because there were material facts in dispute, the Board transmitted the matter to the Office of Administrative Law (OAL) on July 11, 2022 for hearing as a contested case. The matter was heard by Administrative Law Judge (ALJ) Kim C. Belin on cross motions for summary decision filed by the parties on April 21, 2023, and fully briefed on June 6, 2023. *In the Matter of the Certificates of David Haggerty*, Dkt. No. EDE 05711-22 (Initial Decision, August 16, 2023).

After reviewing the evidentiary materials presented by the parties in their respective motions, the ALJ found the relevant facts, that no material facts were in dispute as to whether Haggerty engaged in conduct unbecoming of a teacher and the matter was ripe for summary decision. (Initial Decision, slip op. at p. 2-6, 8). Specifically, the ALJ found that Haggerty held a five-year Multi-Age, Health and Physical Education license, issued by the Ohio Department of Education in 2013, that was marked inactive in 2018, but extended through 2021, due to Covid-19; that the Ohio certificate that Haggerty sent to Edmentum showed an issue date of

October 16, 2020, and effective through June 30, 2025; that Edmentum sent an inquiry to the Ohio Office of Educator Licensure seeking to verify the effective dates of Haggerty's teaching credentials; and that an administrative professional with the Ohio Office of Educator Licensure responded that Haggerty had not applied in 2020 and that he believed Haggerty may have altered the issue year and effective years on the Ohio certificate. *Id.* at 2-3.

Further, the ALJ found that "the Board received notice from the Ohio Department of Education that Haggerty voluntarily surrendered his Ohio educator credentials after it was alleged that he proffered a fraudulent Ohio educator certificate to Edmentum for employment purposes." *Id.* at 8. The ALJ determined that the issue in this matter was "whether [Haggerty] surrendering his out-of-state license was conduct unbecoming a teacher in New Jersey." *Id.* at 9. Following a discussion of case law presented on behalf of the board, the ALJ reasoned that each was distinguishable because Haggerty had not admitted to submitting a fraudulent document nor had Ohio adjudicated the allegations that Haggerty had altered the issue and effective dates on his Ohio credential that he submitted to Edmentum. *Id.* at 9-11. Due to the foregoing, the ALJ found that the Board did not meet its burden to prove that Haggerty's decision to relinquish his Ohio certificates is evidence of unbecoming conduct in New Jersey and concluded revocation of Haggerty's certificates was not warranted. *Id.* at 11-12. As a result, the ALJ denied the Board's motion for summary decision and granted Haggerty's motion for summary decision. *Id.* at 12.

The Deputy Attorney General (DAG) representing the Board filed Exceptions to the Initial Decision. The DAG argued that the facts found by the ALJ warrant a finding of unbecoming conduct and a penalty of revocation. In his Exceptions, the DAG recounted the documentary evidence presented that Edmentum had emailed the Ohio Department of Education to request clarification regarding the license Haggerty submitted as part of a job application. (Exceptions, p. 2). Following a review of its records, the Ohio Department of Education discovered that it issued Haggerty an Ohio certificate in 2013, which was marked inactive in 2018, but had been extended through 2021 due to Covid. *Id.* at 3. And the certificate that Haggerty submitted to Edmentum had the same credential number as the one it issued in 2013, although it had an issue date of October 16, 2020. *Ibid.* The Ohio Department of Education also discovered that Haggerty submitted an application in

July 2021 which was declined because Haggerty held a license that should be properly renewed. *Ibid.* The DAG noted that the OTSC stated that Haggerty voluntarily surrendered his Ohio educator credential following allegations that he proffered a fraudulent educator credential to Edmentum, and that the nature and level of Haggerty's alleged conduct, and the surrender of his Ohio certificates provides just cause for the consideration of the revocation of his New Jersey certificates. *Id.* at 6-7. In his responses to discovery requests, Haggerty admitted that his Ohio five-year certificate was issued in 2013 and that the certificate he submitted to Edmentum had an issue date of 2020. *Id.* at 7.

The DAG had asserted in the motion for summary decision that the "Board has consistently revoked the certificates of teachers who were unable to proffer any explanation for how a falsified document that they admittedly submitted for employment came to be forged or altered, regardless of whether that teacher claimed to have done so inadvertently or unknowingly." *Id.* at 8-9. However, the ALJ rejected the Board's reliance on *IMO the Certificate of William Beltran*, Agency Dkt. No. 1011-156 (Sept. 20, 2013), *In re Shaffer*, 92 N.J.A.R. 2d (EDE) 1, State Bd. Of Educ. (May 2, 1991), and *IMO the Certificate of Sandi I. Tannen*, Agency Dkt. No. 471-04/98-161 (Sept. 24, 1998) as misplaced because she found these matters "inapposite and factually distinguishable" from the Haggerty matter. *Id.* at 9.

The DAG argued that the ALJ failed to fully account for evidence presented establishing that Haggerty admitted to submitting a fraudulent teaching certificate when applying for employment at Edmentum. *Id.* at 11. The DAG recounted the evidence demonstrated that Haggerty admitted that: he was issued his Ohio certificate in 2013, which was extended to June 2021 due to Covid-19; he was never granted an Ohio certificate with an issuance date of October 16, 2020; the certificate Edmentum received from Haggerty had an issue date of October 16, 2020; his July 2021 application for a new Ohio certificate was declined because he held a license that should be properly renewed; and he personally submitted the fraudulent Ohio certificate, with the October 16, 2020 issue date, to Edmentum but denied he did so on purpose and "the reason he did so was because 'he did not review the document' before submitting it, and therefore, he 'was not aware of the dates reflected on the certificate.'" *Id.* at 12-13. As a result, the DAG maintained that while Haggerty claims he never intended to submit a fraudulent version of his Ohio certificate to Edmentum, the evidence demonstrated that because

Haggerty never received a new Ohio certificate following his application in July 2021, he must have been aware that he no longer held a valid Ohio certificate when he submitted his job application to Edmentum in September 2021. *Id.* at 13. And contrary to the ALJ's conclusion, the DAG emphasized that the Board's authority to revoke or suspend an individual's teaching credentials is not dependent on the determinations of other agencies, i.e. the Ohio Department of Education. *Id.* at 16-17.

Regarding the ALJ's determination that the case law cited was inapposite, the DAG stressed that in *Schaffer* and in *Tannen*, the Board rejected claims of inadvertent error because where no credible explanation is provided as to where they obtained the "bogus certificate" guilty knowledge can be imputed. *Id.* at 16. Further, the DAG underscored that in *IMO Certificate of William Green*, Agency Dkt. No. 506-01/99-213 (April 6, 2000), the Board rejected Green's statement as not credible – that he never applied for a job at a district that received an application from him along with fraudulent standard certificate with his name on it – and revoked his certificates reasoning that, pursuant to *Shaffer*, "Green's inability to explain the existence and submission of the bogus certificate is sufficient to impute culpability." *Id.* at 18. The DAG stressed that, based on *Green*, *Shaffer* and *Tannen*, the Board should reject the ALJ's conclusion that the DAG failed to demonstrate revocation of Haggerty's certificate was warranted and find that Haggerty's failure to offer any credible explanation for how the bogus Ohio certificate came into existence is sufficient to impute his culpability warranting revocation of his certificates. *Id.* at 19.

In his Reply Exceptions, Haggerty argued that the Initial Decision should be adopted because the ALJ did not make any judicial errors with the Decision and the Board failed to produce competent and credible evidence sufficient to meet its burdens of proof on the OTSC. (Reply Exceptions, p. 5). Haggerty contends that the DAG, in his exceptions, rehashes and reasserts all of the same arguments presented to and rejected by the ALJ and improperly makes new arguments and cites new legal authority that should be disregarded and not considered. *Id.* at 1-2. Furthermore, Haggerty argues that the DAG's exceptions should be rejected as there is no legal or factual basis to allow the Board to substitute its opinion and position for the detailed and well-reasoned opinion and Decision of the ALJ. *Id.* at 2. Haggerty stresses that the evidence detailed in the DAG's exceptions does not establish that he admitted that he altered the issue year and/or effective years. *Id.*

at 3. Haggerty maintains that the DAG's exceptions propose a finding of fact that Haggerty "must have been aware" that his Ohio certificate was no longer valid when he submitted it in support of a job application to Edmentum and that such an exception is not proper. *Id.* at 3-4. Finally, in rejecting the DAG's assertion that the record establishes that Haggerty uploaded an altered certificate, Haggerty argues that the ALJ "was clear in determining that the Board could not prove by a preponderance of competent and credible evidence that [Haggerty] engaged in unbecoming conduct that warrants a suspension or revocation[.]" *Id.* at 4. Consequently, Haggerty contends that the Board should adopt the Initial Decision, granting his motion for summary decision and dismissing the OTSC. *Id.* at 5.

The Board must now determine whether to adopt, modify or reject the Initial Decision in this matter. At its meeting of October 27, 2023, the Board reviewed the Initial Decision, Exceptions and Reply Exceptions. After full and fair consideration of the Initial Decision and the administrative record, the Board voted to reject the Initial Decision of the ALJ dismissing the OTSC and find unbecoming conduct based on the facts determined by the ALJ, warranting revocation of Haggerty's certificates.

"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. The Board disagrees with the ALJ's legal determination that the issue in this matter is whether Haggerty surrendering his out of state license was conduct unbecoming. (Initial Decision at 9). Rather, the ultimate issue in this matter is whether the act of submitting an altered or inaccurate document for purposes of employment is conduct unbecoming a certificate holder. A finding or admission that the certificate holder altered the document is not necessary in this matter.

As noted above, after assessing the proffered evidence, the ALJ made several findings of fact in this matter. (Initial Decision at 2-6). It is undisputed that Haggerty uploaded an Ohio certificate to Edmentum in furtherance of an employment application. *Id.* at 6. The certificate received by Edmentum showed an issue date of October 16, 2020 and effective dates of July 1, 2020 to June 30, 2025. *Id.* at 3. Edmentum sought to verify with the Ohio Office of Educator Licensure (Ohio Office) the effective dates of Haggerty's teaching credentials. *Ibid.* Haggerty's five-year Multi-Age, Health and Physical Education license was issued in 2013,

marked inactive in 2018, but extended through June 30, 2021 due to Covid-19. *Id.* at 2. The Ohio Office advised Edmentum that Haggerty had not applied in 2020, but had applied for a new certificate in July 2021, which was declined because Haggerty held a license that should be properly renewed. *Id.* at 3. The Ohio Office found discrepancies between the credential report on the database and the license Edmentum provided from Haggerty. *Ibid.* As a result, the Ohio Department of Education opened a case to investigate the allegations that Haggerty may have engaged in conduct unbecoming. *Ibid.* Prior to any determination in that Ohio case, Haggerty voluntarily surrendered his Ohio teaching credentials in lieu of formal disciplinary proceedings. *Id.* at 3-4.

Based upon the ALJ's factual findings, the Board has determined that Haggerty's actions constitute unbecoming conduct. Edmentum received a certificate that had discrepancies and Haggerty admits he submitted the document to Edmentum. Thus, Haggerty committed unbecoming conduct when he submitted a bogus, altered and/or inaccurate document to Edmentum. The Board acknowledges that the allegations before the Ohio Department of Education were never adjudicated. And that Haggerty denies he submitted the document to Edmentum "on purpose" or acted knowingly or fraudulently in submitting the bogus certificate to Edmentum. However, Haggerty's intent here is irrelevant to the determination of whether his conduct was unbecoming. Submitting a bogus, altered or inaccurate document for the purposes of employment is unbecoming conduct. The Board agrees with the DAG that the appropriate response for such conduct is revocation of his certificates.

Accordingly, on October 27, 2023, the Board voted to reject the Initial Decision dismissing the OTSC, adopt the factual findings in the Initial Decision, find unbecoming conduct warranting the revocation of Haggerty's certificates. On this 8<sup>th</sup> day of December 2023, the Board formally adopts the factual findings in the initial decision, finds unbecoming conduct warranting the penalty of revocation. It is therefore ORDERED that David Haggerty's Teacher of Health and Physical Education Certificate of Eligibility with Advanced Standing, standard Teacher of Health and Physical Education certificate, and Principal Certificate of Eligibility are hereby revoked, effective immediately. It is further ORDERED that Haggerty return his certificates to the

Secretary of the State Board of Examiners, Office of Recruitment, Certification and Preparation, 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

RS/SMN

**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.