

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
RICHARD V. SULLIVAN : ORDER OF REVOCATION
_____ : DOCKET NO: 2122-172

At its meeting of May 19, 2022, the State Board of Examiners (Board) reviewed information from the Ocean County Prosecutor’s Office and the Office of Student Protection (OSP) regarding Richard V. Sullivan. Sullivan pled guilty on August 11, 2020 to Invasion of Privacy – Observe Sex Act without consent (4th degree), N.J.S.A. 2C:14-9A, and was sentenced on October 6, 2020 to one year of probation, along with other requirements. Sullivan is disqualified from public school employment pursuant to N.J.S.A. 18A:6-7.1 *et seq.* as the result of his conviction. Sullivan did not challenge the accuracy of his criminal history record before the Commissioner of Education.

Sullivan currently holds a Teacher of Mathematics certificate, issued in September of 1985; a Supervisor certificate, issued in May of 2007; a Principal Certificate of Eligibility, issued in May of 2007; and a Principal certificate, issued in September of 2012.

Upon review of the above information, the Board voted, at its meeting of May 19, 2022, to issue Sullivan an Order to Show Cause as to why his certificates should not be revoked. On June 30, 2022, the Board formally adopted its written Order to Show Cause.

The Board sent Sullivan the Order to Show Cause by regular and certified mail on July 5, 2022. The Order provided that Sullivan had thirty (30) days to respond. The Board received the certified return receipt card, and the regular mail was not returned. On September 21, 2022, the Board sent Sullivan another notice by certified and regular mail providing him an additional fifteen (15) days to respond to the Order to Show Cause. The Board received the certified return receipt card, and the regular mail was not returned. Sullivan responded on October 6, 2022. In his

Answer, Sullivan admitted he pled guilty to a charge of Invasion of Privacy – Observe Sex Act without consent (4th degree) but claimed that because this charge did not include a minor, he did not believe that any of the references in part (c) of N.J.S.A. 18A:6-7.1 apply to his case.

Thereafter, pursuant to N.J.A.C. 6A:9B-4.6(e), on May 23, 2023, the Board sent Sullivan a hearing notice by regular and certified mail. The notice explained that since it appeared no material facts were in dispute, Sullivan 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 regarding the appropriate sanction if 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 disqualifying offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Sullivan was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail card was delivered, and the regular mail copy was not returned. Sullivan did not file a response. The matter was scheduled for a hearing on the papers at the Board's January 19, 2024 meeting. Sullivan did not appear for a hearing.

The threshold issue before the Board in this matter is whether Sullivan's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. At its meeting of January 19, 2024, the Board considered the allegations in the Order to Show Cause as well as Sullivan's Answer. The Board determined that no material facts related to Sullivan's offense were in dispute since he did not deny that he engaged in the conduct alleged in the Order to Show Cause and he was convicted. Thus, the Board determined that summary decision was appropriate in this matter. N.J.A.C. 6A:9B-4.6(h).

The Board must now determine whether Sullivan's 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 OSP 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 such as Sullivan, who are convicted of a crime involving invasion of privacy and observing a sex act without consent 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, Sullivan's conviction and resulting disqualification from service in the public schools of this State for invasion of privacy 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(a) 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 of this State should not be permitted to retain the certificate(s) that authorize 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. Because the Legislature and the Commissioner consider Sullivan's offense so significant, and the Board must render its determination within the confines of his disqualification,

the Board believes that the only appropriate sanction in this case is the revocation of Sullivan's certificates.

Accordingly, on January 19, 2024, the Board voted to revoke Richard V. Sullivan's certificates. On this 1st day of March 2024, the Board voted to adopt its formal written decision and it is therefore ORDERED that Sullivan's Teacher of Mathematics certificate, Supervisor certificate, Principal Certificate of Eligibility, and Principal certificate are hereby revoked, effective immediately. It is further ORDERED that Pawlowski return his certificates to the Secretary of the State Board of Examiners, Office of Licensure, P.O. Box 500, Trenton, NJ 08625-0500 within 20 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.