

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
RICHARD H. BRENTON : ORDER OF REVOCATION
_____ : DOCKET NO: 2223-114

At its meeting of October 28, 2022, the State Board of Examiners (Board) reviewed information the National Association of State Directors of Teacher Education and Certification (NASDTEC) and the Pennsylvania Professional Standards and Practices Commission (Pennsylvania Commission) provided regarding Richard H. Brenton. Brenton currently holds a New Jersey Teacher of Social Studies Certificate of Eligibility with Advanced Standing and a Teacher of Elementary Grades K-8 Certificate of Eligibility with Advanced Standing. Additionally, Brenton holds Pennsylvania Instructional II Social Studies 7-12 and Instructional II Ment and/or Phys Handicapped K-12 certificates.

On December 13, 2021, the Pennsylvania Commission issued a public reprimand to Brenton after it was determined that, in 2002, he viewed pornography on the school's computer system and, on May 26, 2016, he offered an undercover officer posing as a prostitute \$20.00 in exchange for oral sex and asked the officer to meet him in a nearby alley.

Upon review of the above information, at its December 9, 2022 meeting, the Board voted to issue Brenton an Order to Show Cause as to why his certificate should not be revoked.

The Board sent Brenton the Order to Show Cause by regular and certified mail on December 14, 2022. The Order provided that Brenton had 30 days to respond pursuant to N.J.A.C. 6A:9B-4.6(b). The certified mail receipt was delivered but not returned and the regular mail copy was not returned. Brenton did not respond. On February 16, 2023, the Board sent Brenton another notice by certified and regular mail pursuant to N.J.A.C. 6A:9B-4.6(c) providing him an additional

15 days to respond to the Order to Show Cause. The certified mail receipt was signed and returned and the regular mail copy was not returned. Brenton did not file a response.

Thereafter, pursuant to N.J.A.C. 6A:9B-4.6(e), on October 26, 2023, the Board sent Brenton a hearing notice by regular and certified mail. The notice explained that the allegations in the Order to Show Cause were deemed to be admitted as a result of his failure to file an Answer. Thus, Brenton 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 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 Brenton's offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Brenton was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy was delivered but not returned and the regular mail copy was not returned. Once again, Brenton did not file a response.

The threshold issue before the Board in this matter is whether Brenton's conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Brenton failed to respond to the Order to Show Cause, the allegations therein are deemed admitted. *N.J.A.C.* 6A:9B-4.6(c). Consequently, at its meeting of March 1, 2024, the Board considered only the allegations in the Order to Show Cause and the information received from NASDTEC and the Pennsylvania Commission. The Board concluded that no material facts related to Brenton's offense were in dispute since he never denied that he had engaged in the conduct alleged. 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 Brenton's conduct, as set forth in the Order to Show Cause, provides just cause to act against his certificates pursuant to *N.J.A.C.* 6A:9B-4.4. The Board finds that it does.

The Board may revoke or suspend the certification of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher or other just cause. *N.J.A.C.* 6A:9B-4.4. The Board's long-standing belief is 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. A "violation of the implicit standard of good behavior which devolves upon one who stands in the public eye as an upholder of that which is morally and legally correct" may provide the basis for a finding of unbecoming conduct. *Bound Brook Bd. of Educ. v. Ciripompa*, 228 N.J. 4, 14 (2017) (quoting *Karins v. City of Atlantic City*, 152 N.J. 532, 555 (1998)) (internal quotation marks omitted). The "elastic" concept of "conduct unbecoming" includes "conduct which adversely affects the morale or efficiency" of the public entity or "which has a tendency to destroy public respect for . . . [public] employees and confidence in the operation of [public] services." *In re Emmons*, 63 N.J. Super. 136, 140 (App. Div. 1960) (internal quotations and citations omitted); *see also Bound Brook Bd. of Educ.*, 228 N.J. at 13. 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).

After reviewing the allegations, the Board finds that Brenton engaged in unbecoming conduct. In this instance, Brenton's actions in viewing pornography on a school's computer system is clearly conduct that is unacceptable for a role model. Further, soliciting prostitution is

also conduct that is unacceptable for a role model⁴. It is well established that the Board has the right to revoke a certificate where the teacher was involved in criminal activities, even if the activities were unrelated to the classroom. *See Cox v. State Board of Examiners*, (App. Div. Docket No. A-3527-81T3) (November 18, 1983); *State Board of Examiners v. Krupp*, 3 N.J.A.R. 285 (1981). "A teacher's whole life is subject to scrutiny, not just his [or her] actions within the schoolhouse doors." In re Certificates of Kevin Jordan, OAL Dkt. No. EDE 00460-07, Initial Decision (Dec. 6, 2007), adopted, Final Decision, Comm'r, Agency Dkt. No. 0506-287 (Feb. 28, 2008), aff'd, In re Certificates of Kevin Jordan, 2009 N.J. Super. Unpub. LEXIS 2439 (App. Div. 2009). The Board finds that Brenton breached his duty to be a role model for students by viewing pornography on a school's computer system and soliciting prostitution. The Board concludes that the appropriate response to that breach is the revocation of his certificates.

Accordingly, on March 1, 2024, the Board voted to revoke Richard H. Brenton's Teacher of Social Studies Certificate of Eligibility with Advanced Standing and a Teacher of Elementary Grades K-8 Certificate of Eligibility with Advanced Standing. On this 11th day of April 2024, the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Brenton's certificates be effective immediately. It is further ORDERED that Brenton return his certificates 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.