

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
MICHAEL P. BROWN : ORDER OF REVOCATION
_____ : DOCKET NO: 2223-141

At its meeting of April 13, 2023, the State Board of Examiners (Board) reviewed information the Office of Student Protection (OSP) provided regarding Michael P. Brown (Brown). Brown currently holds a Teacher of Health and Physical Education Certificate of Eligibility with Advanced Standing and a Teacher of Health and Physical Education certificate.

On or about May 18, 2022, Brown was indicted on two counts of Terroristic Threats (3rd degree), N.J.S.A. 2C:12-3A; one count of Unlawful Possession of a Weapon (4th degree), N.J.S.A. 2C:39-5D; one count of Possession of a Weapon for Unlawful Purpose (3rd degree), N.J.S.A. 2C:39-4D; and one count Criminal Mischief-Damage Property (4th degree), N.J.S.A. 2C:17-3A. On February 27, 2023, Brown was convicted by guilty plea of an amended charge of Criminal Mischief-Damage Property (4th degree), N.J.S.A. 2C:17-3A, and sentenced to probation for a period of one year. As a result of his conviction, Brown is disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.*

Brown did not challenge the accuracy of his criminal history record before the Commissioner of Education. Upon review of the above information, the Board voted at its meeting of May 18, 2023 to issue Brown an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Brown the Order to Show Cause by regular and certified mail on June 6, 2023. The Order provided that Brown had 30 days to respond pursuant to N.J.A.C. 6A:9B-4.6(b).

The certified mail receipt was unclaimed, and the regular mail copy was not returned. Brown did not file a response.

Thereafter, on August 9, 2023, the Board sent Brown 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 card was unclaimed, and the regular mail copy was not returned. Again, Brown did not file a response.

Thereafter, pursuant to N.J.A.C. 6A:9B-4.6(e), on November 3, 2023, the Board sent Brown a hearing notice by regular and certified mail. The notice explained that there appeared to be no material facts in dispute. Thus, Brown 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 his offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Brown was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was unclaimed, and the regular mail copy was not returned. Brown did not file a response, nor did he notify the Board that he wished to appear for a hearing.

The threshold issue before the Board in this matter is whether Brown's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. Since Brown 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

OSP. The Board concluded that no material facts related to Brown's offense were in dispute since he never denied that he had been convicted of the offense charged and been subsequently disqualified. The Board therefore determined that summary decision was appropriate in this matter. *N.J.A.C.* 6A:9B-4.6(h).

The Board must now determine whether Brown'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 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 danger. A conviction for Criminal Mischief is clearly one of the listed crimes for which an individual is permanently disqualified from public school employment. *N.J.S.A.* 18A:6-7.1(c)(2). 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, Brown's conviction demonstrates behavior that falls far short of a role model and thus, the Board finds Brown engaged in unbecoming conduct.

The strong policy statement on the part of the Legislature set forth in *N.J.S.A.* 18A:6-7.1(c) 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 Brown's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of his certificates. Moreover, 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).

Accordingly, on March 1, 2024, the Board voted to revoke Michael P. Brown's Teacher of Health and Physical Education Certificate of Eligibility with Advanced Standing and a Teacher of Health and Physical Education certificate. On this 11th day of April 2024, the Board voted to adopt its formal written decision and it is therefore ORDERED that Brown's certificates be revoked, effective immediately. It is further ORDERED that Brown 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:
By 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.