

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION

THE CERTIFICATES OF : STATE BOARD OF EXAMINERS

BRIAN E. HOLTON : ORDER OF REVOCATION

_____ : DOCKET NO: 1718-219

At its meeting of January 19, 2024, the State Board of Examiners (Board) reviewed information from the Office of Student Protection (OSP) and Warren County Prosecutor's Office (WCPO) regarding Brian E. Holton. Holten currently holds a Teacher of Physical Science Certificate of Eligibility, issued November 1997, and a standard Teacher of Physical Science certificate, issued August 1999.

On or about October 13, 2021, Holton was indicted on charges of Knowingly Possess/View/Control at least 1,000 Items but less than 100,000 Items Depicting Sexual Exploitation or Abuse of a Child (2nd degree), in violation of *N.J.S.A. 2C:24-4b(5)(b)(ii)*. It is alleged that the victims in the photographs were between the ages of 14-16 when the photographs were taken, and that the victims were known to the defendant. On April 14, 2023, Holton pled guilty to Knowingly Possess/View/Control at least 1,000 Items but less than 100,000 Items Depicting Sexual Exploitation or Abuse of a Child (2nd degree), *N.J.S.A. 2C:24-4b(5)(b)(ii)*. On December 19, 2023, he was sentenced to five years in jail, suspended, submit to and comply with the filing requirements of Megan's Law and Parole Supervision for Life, submit to a DNA analysis, and ordered to pay costs and fees. On April 20, 2023, OSP notified the Board that pursuant to *N.J.S.A. 18A:6-7.1 et seq.*, Holton was disqualified from public school employment as the result of his conviction.

Upon review of the above information, the Board voted at its March 1, 2024 meeting to issue Holton an Order to Show Cause as to why his certificates should not be revoked. The Board sent Holton the Order to Show Cause by regular and certified mail, return receipt requested, on

March 6, 2024. The Order provided that Holton had 30 days to respond pursuant to *N.J.A.C.* 6A:9B-4.6(b). The certified mail copy was marked “Unclaimed,” and the regular mail copy was not returned. Holton did not file a response.

On June 3, 2024, the Board sent Holton another notice by certified and regular mail providing him with an additional 15 days to respond to the Order to Show Cause pursuant to *N.J.A.C.* 6A:9B-4.6(c). The certified mail copy was marked “Unclaimed,” and the regular mail copy was not returned. Holton did not file a response.

Thereafter, pursuant to *N.J.A.C.* 6A:9B-4.6(e), the Board sent Holton a hearing notice by regular and certified mail, return receipt requested, on August 15, 2024. The notice explained that there appeared to be no dispute as to material facts in this matter. Thus, Holton 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. Holton was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was signed and returned, and the regular mail copy was not returned. Holton did not file a response or request to appear before the Board.

The Board has the authority to “issue appropriate certificates to teach or to administer” and “may revoke the same under rules and regulations prescribed by the State board.” *N.J.S.A.* 18A:6-38; *see also N.J.A.C.* 6A:9B-3.2 and -4.4); *Morison v. Willingboro Bd. of Educ.*, 478 N.J. Super. 229 (App. Div. 2024), *cert. denied* 258 N.J. 143 (July 11, 2024). The Board may take action against a 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; *see also Morison*, 478 N.J. Super. at 246, 248 (the Board is responsible for protecting schoolchildren from improper teacher conduct and may suspend or revoke an educator’s continued ability to serve as a teacher at any public

school based on unbecoming conduct).

The threshold issue before the Board in this matter is whether Holton's actions here constitute conduct unbecoming a certificate holder or other just cause. Because Holton failed to respond to the Order to Show Cause, the allegations are deemed admitted. *N.J.A.C.* 6A:9B-4.6(c). Consequently, at its meeting of April 11, 2025, the Board considered only the allegations in the Order to Show Cause and the information received from OSP and WCPO. Because the allegations were deemed admitted, the Board concluded that no material facts related to Holton's offenses were in dispute. And because no material facts related to Holton's conduct are in dispute, the Board determined that summary decision was appropriate in this matter. *N.J.A.C.* 6A:9B-4.6(h).

The Board finds that Holton engaged in conduct unbecoming of an educator. Unbecoming conduct is defined as "conduct 'which adversely affects the morale or efficiency of the [department]' or 'has a tendency to destroy public respect for [government] employees and confidence in the operation of [public] services.'" *Bound Brook Bd. of Educ. v. Ciripompa*, 228 N.J. 4, 13 (2017) (quoting *In re Young*, 202 N.J. 50, 66 (2010), *Karins v. Atl. City*, 152 N.J. 532, 554 (1998)). "[A] finding of unbecoming conduct 'need not be predicated upon the violation of any particular rule or regulation, but may be based merely upon the 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 legal correct.'" *Id.* at 13-14 (quoting *Karins*, 152 N.J. at 555). "It focuses on the morale, efficiency, and public perception of an entity, and how those concerns are harmed by allowing teachers to behave inappropriately while holding public employment." *Id.* at 14. "The touchstone of the determination lies in the certificate holder's 'fitness to discharge the duties and functions of one's office or position.'" *Young*, 202 N.J. at 66 (citing *In re Grossman*, 127 N.J. Super. 13, 29 (App. Div. 1974)).

Here, the Board finds that a conviction for Knowingly Possess/View/Control at least 1,000 Items but less than 100,000 Items Depicting Sexual Exploitation or Abuse of a Child (2nd degree),

N.J.S.A. 2C:24-4b(5)(b)(ii) clearly demonstrates violation of the implicit standard of good behavior expected of public school teachers. Further, 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. 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. OSP determined that Holton's conviction permanently disqualifies him from public school employment. *See N.J.S.A.* 18A:6-7.1(c)(2) and (d). Thus, the Board finds that Holton engaged in conduct unbecoming an educator and provides the basis for the Board's finding.

Having found that Holton engaged in unbecoming conduct, the Board must now determine the appropriate penalty to be applied. In doing so, the Board considers the "nature and gravity of the offenses under all the circumstances involved, any evidence as to provocation, extenuation or aggravation," and any "harm or injurious effect" on the maintenance of discipline and the proper administration of the school system. *In re Fulcomer*, 93 N.J. Super. 404, 422 (App. Div. 1967). "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. Fitness to teach depends on a broad range of factors, including the teacher's impact and effect upon the students, because a "teacher works in a sensitive area in a schoolroom" and "shapes the attitude of young minds toward the society in which they live." *Grossman*, 127 N.J. at 30 (*quoting Adler v. Bd. of Educ. of City of New York*, 342 U.S. 485 (1952)). Importantly, unfitness to hold a position in a school system may be shown by one incident if sufficiently flagrant. *Fulcomer*, 93 N.J. Super. at 421; *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, the Board concludes that the appropriate response to Holton's breach in

conduct of an educator is revocation of his certificate. Holton's conduct in possessing over 1,000 items depicting child pornography demonstrates his unfitness to discharge his duties and functions as a public school teacher. Allowing him to maintain certification to teach in a public school would have a negative impact on the proper administration of the school system. Further, the record established that, as a result of his conviction for Knowingly Possess/View/Control at least 1,000 Items but less than 100,000 Items Depicting Sexual Exploitation or Abuse of a Child (2nd degree), *N.J.S.A. 2C:24-4b(5)(b)(ii)*, Holton is disqualified from public school employment. An educator who is not qualified for public school employment should not be able to hold himself out as a public educator. Thus, revocation of his certificates is the appropriate response in this matter.

Accordingly, on April 11, 2025, the Board voted to revoke Brian Holton's Teacher of Physical Science Certificate of Eligibility and standard Teacher of Physical Science certificate. On this 22nd day of May 2025, the Board voted to adopt its formal written decision, and it is therefore ORDERED that Holton's certificates be REVOKED, effective immediately. It is further ORDERED that Holton return his paper certificates, if issued, 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*.