

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
BRETT H. BAKER : ORDER OF SUSPENSION
_____ : DOCKET NO: 2324-173

At its meeting of June 27, 2024, the State Board of Examiners (Board) reviewed information from the Office of Student Protection (OSP) and the Union County Prosecutor's Office (UCPO) regarding Brett H. Baker. Baker currently holds a Teacher of Elementary Certificate of Eligibility, issued in June 2008; and a standard Teacher of Elementary certificate, issued in July 2013.

On February 16, 2024, Baker was charged with Theft by Deception (3rd degree), *N.J.S.A.* 2C:20-3A. It was alleged that Baker unlawfully took money from a charitable organization, Imagine: A Center for Coping with Loss. On May 22, 2024, Baker received an Order of Postponement and was entered into Pre-Trial Intervention (PTI) for twelve (12) months, and was ordered to pay restitution of \$11,756.35 and complete 60 hours of community service, among other conditions.

Upon review of the above information, the Board voted at its September 19, 2024 meeting to issue Baker an Order to Show Cause as to why his certificates should not be revoked. The Board sent Baker the Order to Show Cause by regular and certified mail, return receipt requested, on September 23, 2024. The Order provided that Baker had 30 days to respond pursuant to *N.J.A.C.* 6A:9B- 4.6(b). On October 18, 2024, Baker submitted an Answer to the Order to Show Cause. *See Answer.*

In his Answer, Baker acknowledged he was charged with the crime and was entered into PTI; however, he “emphasize[d] that PTI is a *non-criminal disposition*” and “does not equate to a

conviction.” *Id.* at p.1 (original emphasis). Baker also stated that, upon request by his previous employer, he paid restitution in full more than a year before being charged. *Ibid.* After being charged, he was “informed that there was an expectation for reimbursement ‘of all undocumented expenses.’” *Ibid.* Further, he stated that, on January 23, 2023, he promptly paid the reimbursement in full, which he claims “displays [his] willingness to take ownership over [his] mistakes.” *Ibid.* He also stated that his “acceptance into PTI, [his] compliance with its terms, and [his] commitment to community service and restitution reflect a determination to make amends for past mistakes.” *Id.* at p.2. Further, he stated that he is “in the process of fulfilling all requirements of [his] PTI program and [is] on a path to the charges being expunged[.]” *Ibid.*

Baker argued that “revocation of [his] teaching certificate would be an excessively harsh penalty, considering the charges have not resulted in a criminal conviction.” *Ibid.* He also argues that any disciplinary action “should be directly tied to the individual’s ability to perform their professional responsibilities and should be proportionate to the misconduct.” *Ibid.* And because his “charges do not relate to [his] duties as an educator, and no evidence has been presented indicating that my ability to teach has been compromised, a revocation would be disproportionate to the circumstances.” *Ibid.*

Pursuant to *N.J.A.C.* 6A:9B-4.6(e), on March 21, 2025, the Board sent Baker a hearing notice by regular and certified mail, return receipt requested. The notice explained that there appeared to be no dispute as to material facts in this matter. Thus, Baker 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. Baker was also offered the opportunity to appear before the Board to provide

testimony on the sanction issue.

On April 14, 2025, Baker submitted a written response and requested to appear before the Board. *See Written Submission*. In his response, Baker stated that he has now successfully completed all conditions of PTI and his case was “formally referred to the Union County Superior Court for dismissal as of Friday, April 11, 2025[.]” *Id.* at p.1. Baker argues that “[p]ursuant to *N.J.A.C.* 6A:9B-4.4(b), the Department may only revoke certificates for behavior involving moral turpitude or conduct unbecoming a certificate holder[.]” which “requires **clear evidence of misconduct**, not **dismissed allegations** or **non-criminal dispositions**.” *Id.* at p.2 (original emphasis). He further argues that he has not taught under his certificate in over ten years, and that the “incident giving rise to this matter was unrelated to teaching or education[.]” and “occurred entirely outside of the school context and involved no students, school, or colleagues.” *Ibid.* Lastly, he claims that the court has stated that “misconduct **unconnected to professional duties** should not result in professional discipline unless the conduct directly implicates the individual’s fitness to serve.” *Ibid* (original emphasis). At its meeting of August 8, 2025, the Board heard testimony from Baker.

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 (explaining 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 Baker's actions here constitute conduct unbecoming a certificate holder or other just cause. Baker did not dispute the allegations in the Order to Show Cause. Consequently, at its meeting of September 19, 2025, the Board considered only the allegations in the Order to Show Cause and the information received from OSP and UCPO. Because the allegations were not disputed, the Board concluded that no material facts related to Baker's offenses were in dispute. And because no material facts related to Baker's conduct were 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 Baker 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) (citing *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 (quoting *In re Grossman*, 127 N.J. Super. 13, 29 (App. Div. 1974)).

Here, the Board finds that unlawfully taking money from a charitable organization clearly demonstrates conduct that is unacceptable for a role model. Thus, the Board finds that Baker engaged in conduct unbecoming an educator and provides the basis for the Board's finding.

Having found that Baker 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 Baker's breach in conduct of an educator is a suspension of his certificates. Baker admitted that he unlawfully took money from a charitable organization, a serious offense. However, based on the testimony he provided, and the evidence submitted, the Board finds that revocation of his certificates is now warranted. Specifically, Baker demonstrated that he reimbursed the charitable organization in full

prior to being criminally charged and demonstrated mitigation evidence of remorse and ownership of the consequences of his actions, warranting a two-year suspension. Thus, a suspension of his certificates is the appropriate response in this matter.

Accordingly, on September 19, 2025, the Board voted to suspend Brett H. Baker's Teacher of Elementary Certificate of Eligibility and standard Teacher of Elementary certificate. On this 30th day of October 2025, the Board voted to adopt its formal written decision, and it is therefore ORDERED that Baker's certificates are SUSPENDED for a period of two (2) years, effective immediately. It is further ORDERED that Baker 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.