

SBE # 573-05/00-259  
SB # 19-02

IN THE MATTER OF THE REVOCATION :  
OF THE TEACHING CERTIFICATE OF : STATE BOARD OF EDUCATION  
PATRICIA RECTOR BY THE : DECISION  
STATE BOARD OF EXAMINERS. :

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Decided by the State Board of Examiners, May 10, 2001

For the Respondent-Appellant, Wills, O'Neill & Mellk (Arnold M. Mellk,  
Esq., of Counsel)

For the Petitioner-Respondent, Michael C. Walters, Deputy Attorney  
General (David Samson, Attorney General of New Jersey)

On March 13, 2000, the Department of Education's Criminal History Review Unit notified Patricia Rector that she was disqualified from employment in New Jersey's public schools pursuant to N.J.S.A. 18A:6-7.1 et seq. The reason for her disqualification was her conviction in 1975, when she was 21 years old, for a disorderly persons offense, possession of marijuana. As the Director of the Criminal History Unit advised Ms. Rector, the State Board of Examiners was also notified of her disqualification. Consequently, the Board of Examiners initiated proceedings that resulted in the revocation of Ms. Rector's Certificate of Eligibility on May 10, 2001.<sup>1</sup>

On April 3, 2002, Ms. Rector appealed to the State Board of Education from the Board of Examiners' determination. On May 15, 2002, counsel representing Ms. Rector

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<sup>1</sup> The Board of Examiners' decision was not mailed until March 13, 2002.

filed a brief in support of the appeal. Appended to the appeal brief was an order issued on May 31, 2001 by the Superior Court Criminal Division granting expungement of the 1975 arrest. Since the order was not issued until after the Board of Examiners had decided this matter, it was not part of the record.

Initially, pursuant to N.J.A.C. 6A:4-1.9(b), we direct that the record be supplemented with the expungement order. However, after carefully reviewing the record in this matter and the arguments of counsel, we affirm the decision of the State Board of Examiners to revoke Ms. Rector's Certificate of Eligibility on the basis of her disqualification. In doing so, we reject the arguments of Ms. Rector's counsel as entirely without merit.

We also stress that although the Board of Examiners did not have the expungement order before it when it acted to revoke, it does not have the authority to set aside a disqualification rendered pursuant to N.J.S.A. 18A:6-7.1 et seq. Rather, Ms. Rector must first apply to the Criminal History Review Unit in order to have the disqualification removed and then reapply to the State Board of Examiners for certification pursuant to N.J.A.C. 6:11-3.6(g).

Anne S. Dillman and Arnold G. Hyndman opposed.

August 7, 2002

Date of mailing \_\_\_\_\_