

EDE # 3111-03
SBE #0405-186
SB # 13-05

IN THE MATTER OF THE SUSPENSION :
OF THE CERTIFICATES OF COREY : STATE BOARD OF EDUCATION
YOUNGER BY THE STATE BOARD OF : DECISION ON MOTIONS
EXAMINERS. :

Decision by the State Board of Examiners issued on March 7, 2005

Decision on motion by the State Board of Education, May 4, 2005

Decision on motion by the State Board of Examiners, May 12, 2005

For the Petitioner-Respondent, Cindy M. Campbell, Deputy Attorney
General (Peter C. Harvey, Attorney General of New Jersey)

For the Respondent-Appellant, Ashton Thomas, Esq.

On March 14, 2005, the appellant, Corey Younger, filed an appeal to the State Board of Education from a decision of the State Board of Examiners suspending his teaching certificates for a period of two years. The Board of Examiners found that the appellant had engaged in unbecoming conduct in failing to properly supervise students for whom he was responsible during the Penn Relays in Philadelphia in 1998, and it concluded that a suspension of his certificates for two years was the appropriate penalty.

On March 18, 2005, the appellant filed a motion seeking to conduct additional discovery and to supplement the record on appeal pursuant to N.J.A.C. 6A:4-1.9. On May 4, 2005, we denied the appellant's motion, concluding that he had not

demonstrated that additional discovery was warranted. We added that the information sought to be discovered was not material to the issue before the State Board of Examiners, i.e., whether the appellant had engaged in unbecoming conduct warranting revocation or suspension of his teaching certificates.

On May 12, 2005, the Board of Examiners denied the appellant's application for a stay, concluding that he had failed to satisfy the standard for such relief set forth in Crowe v. De Gioia, 90 N.J. 126 (1982). The Board of Examiners found that the appellant had failed to demonstrate that the legal rights underlying his claim were settled or that he had a likelihood of prevailing on the merits of his appeal.

On May 23, 2005, the appellant filed the instant motions, seeking 1) a stay of the State Board of Examiners' decision suspending his certificates, and 2) reconsideration of our decision of May 4 denying his motion to conduct additional discovery and to supplement the record. The appellant also requests to enlarge the time for filing his motion for reconsideration. N.J.A.C. 6A:4-2.7.

Initially, we grant the appellant's request to enlarge the time for filing his motion for reconsideration. However, upon review of the papers submitted, we deny his motion, concluding that he has provided no basis for altering our decision of May 4, 2005. We find that the appellant has not presented anything that would warrant disturbing our determination that additional discovery is not warranted and that the information sought to be discovered is not material to the issue before the State Board of Examiners.

In addition, we deny the appellant's motion for a stay. Like the Board of Examiners, we conclude that the appellant has failed to satisfy the standards set forth in

Crowe, supra. In particular, we find that the appellant has not demonstrated a likelihood of prevailing on the merits of this matter.

Therefore, we deny the appellant's motions for a stay and for reconsideration of our decision of May 4, 2005 in this matter.

Arcelio Aponte and Frederick J. LaGarde, Jr. abstained.

August 3, 2005

Date of mailing _____