

STATE BOARD OF EXAMINERS DKT. NO. 1213-122  
AGENCY DKT NO. 7-5/14A

IN THE MATTER OF THE :  
REVOCATION OF THE CERTIFICATE : COMMISSIONER OF EDUCATION  
OF QUINCEY HOLLOWAY BY THE : DECISION  
STATE BOARD OF EXAMINERS. :

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Order of Revocation by the State Board of Examiners, April 4, 2014

For the Respondent-Appellant, Louis P. Bucceri, Esq.

For the Petitioner-Respondent State Board of Examiners, Angela L. Velez,  
Deputy Attorney General (John J. Hoffman, Acting Attorney General of  
New Jersey)

The Commissioner has reviewed the record and the papers filed in connection with the appellant Quincey Holloway's appeal of the State Board of Examiners' (Board of Examiners) Order of April 4, 2014, revoking his School Social Worker Certificate. On appeal, the appellant contends that the record in this matter does not support the Board of Examiners' modification of the two-year suspension recommended by the Administrative Law Judge (ALJ). The appellant argues that the Board of Examiners engaged in arbitrary and capricious conduct when it modified the penalty without rejecting or modifying the ALJ's findings of fact as to the credibility of the Board of Examiners' witnesses. As a result, the appellant maintains that the Commissioner should reject the Board of Examiners' decision revoking his certificate, and impose a two-year suspension of his certificate as was recommended by the ALJ.

In reviewing appeals from decisions of the State Board of Examiners, the Commissioner may not substitute his judgment for that of the Board of Examiners so long as the appellant received due process and the Board of Examiners' decision is supported by sufficient

credible evidence in the record. Further, the Board's decision should not be disturbed unless the appellant demonstrates that it is arbitrary, capricious, or unreasonable. *N.J.A.C. 6A:4-4.1(a)*.

After full consideration of the record and all submissions, the Commissioner finds that the record adequately supports the Board's determination that the appellant engaged in unbecoming conduct and that the revocation of the appellant's certificate was the appropriate penalty. Despite the appellant's contentions to the contrary, it was not necessary for the Board to reject or modify the ALJ's findings of fact and/or credibility determinations in order for the Board to determine that the conduct found by the ALJ necessitated the removal of the appellant's certificate. The Board revoked the appellant's certificate based on the fact that the ALJ found that the appellant exposed his penis to a coworker on school grounds, and made other unwelcomed comments to four other female staff members. Notwithstanding the appellant's positive interactions with the students, the Board determined that on balance his inappropriate conduct with other staff members warrants the revocation of his certificate. There is nothing in the record to suggest that the Board's decision to revoke the appellant's certification – based on the nature and extent of the unbecoming conduct proven during the hearing at the Office of Administrative Law – was arbitrary, capricious or unreasonable. Therefore, the Commissioner finds no basis upon which to disturb the decision of the State Board of Examiners.

Accordingly the decision of the State Board of Examiners is affirmed for the reasons expressed therein.\*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: August 5, 2014  
Date of Mailing: August 12, 2014

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\*This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36*.