

STATE BOARD OF EXAMINERS DOCKET NO. 1314-188  
OAL DOCKET NO. EDE 12836-14  
COMMISSIONER APPEAL NO. 5-11/15

IN THE MATTER OF THE :  
REVOCATION OF THE CERTIFICATES : COMMISSIONER OF EDUCATION  
OF WILLIAM McMEEKAN BY THE : DECISION  
STATE BOARD OF EXAMINERS. :

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Order of Revocation by the State Board of Examiners, September 17, 2015

For the Respondent-Appellant, Sanford R. Oxfeld, Esq.

For the Petitioner-Respondent State Board of Examiners, Laura M. Console,  
Deputy Attorney General (John Jay Hoffman, Acting Attorney General of  
New Jersey)

Appellant challenges the determination of the New Jersey State Board of Examiners (Board) that he engaged in unbecoming conduct warranting revocation of his teaching certificates. Specifically, appellant contends that revocation is too severe a penalty here and that mitigating factors were not properly considered. In response, the Board argues that its determination was not arbitrary, capricious or contrary to law and that it appropriately deferred to the credibility determinations made by the Administrative Law Judge (ALJ) following two days of hearing at the Office of Administrative Law (OAL).<sup>1</sup>

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

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<sup>1</sup> The hearing transcripts were not provided to the Commissioner.

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).

Initially, the Commissioner notes that appellant's objections to the Board's decision are fundamentally rooted in his disagreement with the ALJ's credibility determinations and the resultant weighing of testimonial and documentary evidence. The legal standard with respect to objections of this type is well established,<sup>2</sup> and in the present instance, the Commissioner finds the ALJ's credibility and fact determinations – as adopted by the Board – to be both clearly explained in the Initial Decision and sufficiently supported by the record. The Commissioner further finds that appellant has offered nothing in his papers that would warrant disturbing the deference to which the ALJ – as finder of fact with the greatest opportunity to observe the demeanor of witnesses – is entitled to in this regard. *In re Morrison*, 216 *N.J. Super.* 143, 158 (App. Div. 1987).

Contrary to appellant's assertions on appeal, the credible evidence in the record amply supports the Board's assessment of appellant's conduct, which included inappropriate and unprofessional behavior. Further, in light of appellant's serious lapses in judgment – as evidenced by the pattern of deception and dishonesty he exhibited through his interaction with the district and police – the Commissioner finds that revocation of appellant's certificates is the appropriate penalty. Although appellant obviously disagrees with the penalty, it is clear from the record that he was afforded due process throughout the proceedings, and that all of his arguments were fully considered by both the ALJ and the Board; any mitigating factors are outweighed, in this instance, by the serious nature of appellant's unbecoming conduct.

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<sup>2</sup> *N.J.S.A.* 52:14B-10(c) states in pertinent part: "The agency head may not reject or modify any findings of fact as to issues of credibility of lay witness testimony unless it is first determined from a review of the record that the findings are arbitrary, capricious or unreasonable or are not supported by sufficient, competent, and credible evidence in the record."

Because there is nothing in the record to suggest that the Board's decision to revoke appellant's certificates – 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, 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.<sup>3</sup>

COMMISSIONER OF EDUCATION

Date of Decision: March 22, 2016

Date of Mailing: March 22, 2016

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<sup>3</sup> Final determinations of the Commissioner may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36 (N.J.S.A. 18A:6-9.1)* and applicable Appellate Division rules.