

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
ANTHONY BELLAMY : ORDER OF REVOCATION
_____ : DOCKET NO: 483-06/98-170

At its meeting of June 18, 1998, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that Anthony Bellamy was convicted in December 1985 and November 1986 on charges of possession of marijuana. As a result of those convictions, Respondent was disqualified from public service pursuant to N.J.S.A. 18A:6-7.1 et seq. Respondent did not appeal the disqualification before the Commissioner of Education. In addition, on his application for a certificate, Bellamy did not indicate that he had been convicted of a crime. Upon review of the above information, at that June meeting, the State Board of Examiners voted to issue an Order to Show Cause to Respondent. Bellamy currently holds a County Substitute certificate.

The Order to Show Cause was mailed to Respondent by regular and certified mail on July 17, 1998. The certified mail card was returned. The regular mail copy was not returned. The Order provided that if Bellamy desired to file an Answer to the Order, such Answer must be filed within 20 days. Bellamy never filed an Answer. On November 4, 1998, Bellamy was provided an additional 10 days to respond to the Order to Show Cause. At its meeting of November 5, 1998, the Board of Examiners voted to table the matter, so that Bellamy could respond to the second notice. The regular mail copy of the November 4, 1998, notice was not returned. The certified mail receipt card was returned, signed.

The threshold issue before the State Board of Examiners in this matter, therefore, is to determine whether Bellamy's disqualification provides just cause to suspend or revoke his

County Substitute certificate. Since Bellamy failed to respond to the Order to Show Cause, the State Board of Examiners considered only the Order to Show Cause and the information it had received from the Office of Criminal History Review in the hearing process. At its meeting of January 21, 1999, the State Board of Examiners reviewed the charges in the Order to Show Cause.

As Bellamy has not responded to the charges in the Order to Show Cause, it is therefore ORDERED that those charges are deemed admitted for the purpose of this proceeding. The issue before the State Board of Examiners in this matter, therefore, is to determine whether Respondent's disqualification, which was predicated on the same drug possession offenses as were set forth in the Order to Show Cause, as well as his dishonest representation on his certification application represent just cause to act against Respondent's certificate pursuant to N.J.A.C. 6:11-3.6(a)1. We find that they do.

In enacting the Criminal History Review statute, N.J.S.A. 6-7.1 et seq. in 1986, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be a danger to them. In 1989 the Legislature specifically amended the statute to include all convictions concerning controlled dangerous substances as disqualifying offenses. See, N.J.S.A. 18A:6-7.1b. This amendment was a clear recognition on the part of the Legislature that individuals with such drug convictions should not be permitted to be in contact with school-aged children. The consistent and long-standing policy of this State is to eliminate the use of illegal drugs. See, In the Matter of the Tenure Hearing of David Earl Humphreys, 1978 S.L.D. 689. To that end, the State and the schools herein have engaged in extensive educational efforts to warn the citizenry of the perils of illicit drugs. See, In the Matter of the Certificate of Barbara Corwick, OAL Dkt. No. EDE 3562-87, State Board of Examiners decision (March 24, 1988).

Those who violate this deep-rooted policy, whether by the use of drugs or their manufacture and distribution, endanger the public welfare; they cannot be entrusted with the responsibility of caring for school aged pupils. Accordingly, the State Board of Examiners finds that the disqualification of Bellamy from service in the public schools of this State because of his convictions for possession of marijuana provides just cause to take action against his certificate.

That strong policy statement on the part of the Legislature set forth in N.J.S.A. 18A:6-7.1b also offers guidance to the State Board of Examiners as to the appropriate sanction in this matter. An individual whose offense is so great that he or she is barred from service in public schools should not be permitted to retain the certificate that authorizes such service. Nor should a person who has been disqualified from teaching in a public school be permitted to continue to hold himself out as a teacher. Because the Legislature considers Bellamy's offenses so significant, the State Board of Examiners in this matter believes that the appropriate sanction for his disqualification is the revocation of his certificate to teach.

Moreover, Bellamy's act of withholding information regarding his convictions provides further justification for the revocation. Dishonesty in teaching staff members cannot be tolerated, especially in regard to matters so germane to their fitness to teach.

Accordingly, it is therefore ORDERED that Anthony Bellamy's County Substitute certificate be revoked on this 21st day of January, 1999. It is further ORDERED that Anthony Bellamy return his County Substitute certificate to the Secretary of the State Board of Examiners, Office of Licensing, CN 500, Trenton, NJ 08625-0500 within fifteen (15) days of receipt of this decision.

Secretary
State Board of Examiners

Date of Mailing: February 22, 1999

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A.
18A:6-28.

IBG:MZ:br:bellamy