

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
FRANKLIN KNOWLES : ORDER OF REVOCATION
_____ : DOCKET NO: 507-01/99-199

At its meeting of January 21, 1999, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that Franklin Knowles was convicted in 1991 on charges of burglary. As a result of such conviction, Respondent was disqualified from public service pursuant to N.J.S.A. 18A:6-7.1 et seq. Respondent did not challenge the accuracy of his criminal history record before the Commissioner of Education. In addition, on his application for a County Substitute certificate, Knowles indicated that he had never been convicted of a crime. Upon review of the above information, at that meeting the State Board of Examiners voted to issue an Order to Show Cause to Respondent. Knowles currently holds a County Substitute certificate.

The Order to Show Cause was mailed to Respondent by regular and certified mail on February 24, 1999. The Order provided that if Respondent desired to file an Answer to the Order that Answer must be filed within 20 days. Knowles filed his response on March 22, 1999.

In his Answer, Knowles asserted that he was told that trespassing did not count as a crime for purposes of completing his certificate application. (Answer, ¶1). He stated that when he discovered he was disqualified, he went to the municipal court to retrieve his records. After much searching, he discovered he had been charged with burglary. (Answer, ¶¶4-5). Although Knowles did not agree with the accuracy of his record, he claimed that he was out of time to challenge it by the time he found out the extent of the record reported. Moreover, he insisted that

when he plead guilty it was only to the trespassing offense, not the burglary charge. (Answer, ¶5).

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on May 6, 1999, Knowles was sent a hearing notice by regular and certified mail. The notice explained that since it appeared no material facts were in dispute, Knowles was offered an opportunity to submit written arguments on the issue of whether his disqualification and his dishonest representation on his certification application constituted just cause to consider taking action against his certificate. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the State Board of Examiners would determine if his disqualifying offense warranted action against his certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Knowles did not respond to the hearing notice. On June 14, 1999, respondent was advised by certified and regular mail that he was being provided an additional ten days to file a response to the initial hearing notice. On July 7, 1999, Knowles filed a duplicate of his response to the Order to Show Cause as his reply to the hearing notice. Since Knowles failed to respond to the hearing notices in a meaningful way, the State Board of Examiners considered his Answer as the only responsive pleading in the hearing process.

At its meeting of September 23, 1999, the State Board of Examiners reviewed the charges and papers filed by respondent in response to the Order to Show Cause. After review of the response, the Board of Examiners determined that no material facts related to respondent's offense were in dispute.

It is therefore ORDERED that the charges in the Order to Show Cause 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 burglary offense as was set forth in the Order to Show Cause, as well as his withholding of information on his 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. One of the enumerated offenses that automatically disqualify an individual from public school employment is burglary. N.J.S.A. 18A:6-7.1(c)(2). Thus, even if we accept as true Knowles' claims that he was unaware of the burglary charge, since it is uncontested on his record his disqualification is statutorily mandated and valid. Accordingly, the State Board of Examiners finds that Knowles' disqualification from service in the public schools of this State because of his burglary conviction 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 warrants his ban 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. Since the Legislature considers Knowles' offense 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.

Accordingly, it is therefore ORDERED that Franklin Knowles' County Substitute certificate be revoked on this 23rd day of September, 1999. It is further ORDERED that

Knowles return his 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: November 9, 1999

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

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