

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
DANIEL LYNN : ORDER OF REVOCATION
_____ : DOCKET NO: 549-02/00-282

At its meeting of February 24, 2000, the State Board of Examiners reviewed information the Division of Criminal Justice had forwarded indicating that on March 24, 1995, Daniel Lynn had pled guilty to two counts of sexual assault, one count of criminal sexual contact and one count of official misconduct. Lynn was sentenced to serve seven years at the Adult Diagnostic and Treatment Center at Avenel, forfeit his public office and be subject to lifetime community supervision. Lynn's judgment of conviction was later amended to reflect the elimination of lifetime community supervision. Lynn is currently the holder of a Teacher of the Handicapped certificate. Upon review of the above information, at that February 2000 meeting, the State Board of Examiners voted to issue Lynn an Order to Show Cause.

The Board sent Lynn the Order to Show Cause by regular and certified mail on April 5, 2000. The Order provided that an Answer must be filed within 20 days. Both copies of the order were returned indicating that delivery was "attempted-not known." On June 26, 2000, the Board contacted New Jersey Motor Vehicle Services to obtain a current address for Lynn. On July 12, 2000 Motor vehicle Services provided a different address for Lynn. On August 2, 2000 the Board sent Lynn the Order to Show Cause by regular and certified mail at the new address. Both copies of the order were again returned with the notation "attempted-not known." Thereafter, on August 12, 2001 and August 13, 2001 a public notice was filed in the New Jersey Home News Tribune newspaper advising that on February 24, 2000 the State Board of Examiners had issued an Order to Show Cause to Lynn in the matter of his teaching certificate and that he had 30 days to respond to the order. Lynn did not respond.

The threshold issue before the State Board of Examiners in this matter, therefore, is to determine whether Lynn's guilty plea to sexual assault, criminal sexual contact and official misconduct constitutes conduct unbecoming a certificate holder. Since Lynn did not respond to the Order to Show Cause, the State Board of Examiners had no responsive pleading to consider in the hearing process. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding. *N.J.A.C. 6:11-3.6(a)1*. Since Lynn's offenses as set forth in the Order to Show Cause, are admitted, the Board of Examiners must now decide whether that constitutes a sufficient basis to act against his certificate pursuant to *N.J.A.C. 6:11-3.6(a)1*. We find that it does.

The State Board of Examiners may revoke or suspend the certification of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher or other just cause. *N.J.A.C.* 6:11-3.4. “Teachers... are professional employees to whom the people have entrusted the care and custody of ... school children. This heavy duty requires a degree of self-restraint and controlled behavior rarely requisite to other types of employment.” *Tenure of Sammons*, 1972 *S.L.D.* 302, 321. By committing such egregious acts, Lynn has engaged in conduct that is inexcusable for any individual, teacher or not.

Moreover, the Commissioner has long held that teachers serve as role models for their students. Unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. *Redcay v. State Board of Education*, 130 *N.J.L.* 369, 371 (S. Ct. 1943), *aff’d*. 131 *N.J.L.* 326 (E & A 1944). Certainly Lynn’s conviction for sexual offenses and official misconduct qualifies as a flagrant violation of his responsibility as a role model. The sentencing judge had no doubt of that and neither does this Board.

Accordingly, it is therefore ORDERED that Daniel Lynn’s Teacher of the Handicapped certificate be revoked on this 6th day of December 2001. It is further ORDERED that Lynn return his certificate to the Secretary of the State Board of Examiners, Office of Licensing, CN 500, Trenton, NJ 08625-0500 within 15 days of receipt of this decision.

Michael K. Klavon, Acting Secretary
State Board of Examiners

Date of Mailing:

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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