

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
WILLIAM TIERNEY : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO. 603-12/00-264

At its meeting of December 7, 2000 the State Board of Examiners voted to issue an Order to Show Cause to William Tierney, who holds Secondary School Teacher of Science, Principal/Supervisor and Supervisor certificates in New Jersey. The Wayne Board of Education had brought tenure charges of unbecoming conduct, insubordination, incapacity and abandonment of position against Tierney. As a result of a settlement agreement between them, the Wayne School District withdrew the tenure charges in exchange for the voluntary surrender of Tierney's teaching certificates and his agreement not to contest the State Board of Examiners' revocation of those certificates.

The Board of Examiners initially reviewed the matter at its December 11, 1997 meeting. The Board voted to table the matter so that Tierney could submit an affidavit that would include the necessary language allowing the Board to accept the voluntary surrender of his certificates. Although the Board sent two letters to Tierney over the next few years, he did not respond. The Board's second letter had indicated that the matter would be put on its agenda if it did not hear from Tierney by October 16, 2000. Tierney's attorney responded on September 18, 2000 and indicated that he would attempt to contact his client. The Board had not heard from either Tierney or his attorney by November, 2000 and therefore scheduled the matter for review at its December 2000 meeting when it then voted to issue the Order to Show Cause.

The Board of Examiners' Order to Show Cause was mailed to Tierney on February 26, 2001 by regular and certified mail after the resolution of the tenure matter. Prior to that mailing, Tierney's attorney advised the Board of Examiners that correspondence to Tierney had been returned indicating that he had moved and left no forwarding address.

The Board of Examiners contacted the New Jersey Motor Vehicle Services to secure a current address for Tierney. On April 21, 2001, Motor Vehicle Services indicated that it had no current address on file for Tierney. On August 12-13, 2001, the Board of Examiners published a public notice in the Home News Tribune newspaper advising Tierney of the Order to Show Cause that it had issued on December 10, 2000 and allowing him 30 days to respond. Tierney did not respond to the Order.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Tierney's agreement to voluntarily surrender his certificates and not to contest their revocation gives the Board just cause to act against his certificates pursuant to N.J.A.C. 6:11-3.6(a)1. Since Tierney 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. This admission serves as a sufficient predicate for the Board's revocation of Tierney's certificates.

Accordingly, it is therefore ORDERED that William Tierney's Secondary School Teacher of Science, Principal/Supervisor and Supervisor certificates be revoked on this 17th day of January 2002. It is further ORDERED that Tierney return his certificates 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.

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Secretary  
State Board of Examiners

Date of Mailing: July 10, 2002

IBG:MZ:kb:Tierney,William