

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
PATRICK COLLINS : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 664-12/01-307

At its meeting of December 21, 2002, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that Patrick Collins pled guilty in August 2000 to charges of possession of a controlled dangerous substance (marijuana) with intent to distribute. As a result of such conviction, on October 6, 2000, Collins was sentenced to one year's probation and fined. On September 11, 2001, the court also ordered Collins to forfeit his public employment and forever barred him from holding any office or position of honor, trust or profit under this State or any of its administrative or political subdivisions pursuant to N.J.S.A. 2C:51-2d. Upon review of the above information, at that December meeting, the State Board of Examiners voted to issue Collins an Order to Show Cause as to why his certificates should not be suspended or revoked. Collins currently holds a Teacher of Elementary School Certificate of Eligibility with Advanced Standing issued in June 1999 and a Teacher of Elementary School certificate issued in September 2000.

The Board of Examiners sent the Order to Show Cause to Collins by regular and certified mail on April 5, 2002. The Order provided that an Answer had to be filed within 20 days. Collins filed an Answer on April 21, 2002. In that Answer, Collins claimed that his occasional use of marijuana never interfered with his abilities as a teacher. (Answer, p.1.) He also stated that he never used marijuana outside of his home and had not used marijuana or any other CDS since his arrest on August 16, 1999. (Answer, p.1.) Collins added that his school district offered him continued employment and the only reason he did not accept was because his family had decided to relocate to California. (Answer, p.1.) Finally, Collins admitted that his decision to

use marijuana showed poor judgment. He stated that his performance as a teacher had been exemplary and that he did not believe that this mistake should be the cause of the suspension or revocation of his teaching certificates. (Answer, p.2.)

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on June 3, 2002, the Board of Examiners sent Collins a hearing notice by regular and certified mail.<sup>1</sup> The notice explained that since it appeared no material facts were in dispute regarding his conviction, Collins was offered an opportunity to submit written arguments on the issue of whether the conduct addressed in the Order to Show Cause constituted conduct unbecoming a certificate holder. 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 conduct warranted action against his certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. The certified mail return receipt was signed and returned. The regular mail copy was not returned. Collins did not respond to the Hearing Notice.

At its meeting of April 3, 2003, the State Board of Examiners reviewed the charges and papers Collins filed in response to the Order to Show Cause. Since Collins failed to respond to the hearing notice, the State Board of Examiners considered his Answer as the only responsive pleading in the hearing process. After review of that response, the Board of Examiners determined that no material facts related to Collins' offense were in dispute.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Collins' conviction for possession of a controlled dangerous substance with intent to

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<sup>1</sup> On January 20, 2004, the State Board of Education adopted a new administrative code governing professional licensure and standards. N.J.A.C. 6A:9-1 et seq. Although this decision was mailed after the effective date of the new code, the Board of Examiners' decision in this case predates the effective date of the new code and was therefore decided under the old code. All citations in this decision therefore are to the prior administrative code.

distribute constitutes conduct unbecoming a teaching staff member and gives the Board just cause to act against his certificates pursuant to N.J.A.C. 6:11-3.6(a)1.

In rendering its decision, the State Board of Examiners first notes that notwithstanding Collins' contentions of rehabilitation, this is not the proper context for such considerations. The purpose of this proceeding is "to permit the individual certificate holder to demonstrate circumstances or facts to counter the charges set forth in the Order to Show Cause, not to afford an opportunity to show rehabilitation." See, In the Matter of the Revocation of the Teaching Certificate of Gloria Jackson by the State Board of Examiners, 96 N.J.A.R. 2D (EDE) 1, 16 aff'd App. Div. Dkt. No. A-1246-96T5 (September 9, 1997)(citing In the Matter of the Revocation of the Teaching Certificate of James Noll, State Bd. of Examiners decision (February 7, 1990)). Hence, the State Board of Examiners did not consider Collins' statements concerning his alleged rehabilitation or how long he has been drug free, but instead focused on assessing whether his conviction for drug possession constitutes conduct unbecoming a certificate holder. We find that it does.

In this regard, school law cases have traditionally recognized the right of the State Board of Examiners to revoke certificates where the teacher was involved in criminal activities, even if the activities were not related to the classroom. See, Cox v. State Board of Examiners (App. Div. Docket No. A-3527-81T3) (November 18, 1983); State Board of Examiners v. Krupp, 3 N.J.A.R. 285 (1981). 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. Thus, the misuse of drugs by students, or by the role models to whom students look to for guidance, will not be tolerated under any

circumstance. 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, in light of this State's strong policy opposing the use of illegal drugs, the State Board of Examiners finds Collins' conviction for possession of a controlled dangerous substance conduct unbecoming a certificate holder. That conduct also provides just cause to take action against Collins' certificates. Consequently, the Board determines that the appropriate penalty here is the revocation of those certificates.

Accordingly, it is therefore ORDERED that Patrick Collins' Teacher of Elementary School Certificate of Eligibility with Advanced Standing and Teacher of Elementary School certificate be revoked on this 3rd day of April 2003. It is further ORDERED that Collins return his certificates to the Secretary of the State Board of Examiners, Office of Licensure and Credentials, PO Box 500, Trenton, NJ 08625-0500 within 15 days of receipt of this decision.

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Michael K. Klavon, Acting Secretary  
State Board of Examiners

Date of Mailing: November 17, 2004

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