

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
ALLEN LOPEZ : ORDER OF REVOCATION
_____ : DOCKET NO: 0304-153

At its meeting of June 11, 2002, the State Board of Examiners reviewed information received from the Middlesex County Prosecutor's Office indicating that in August 2001, Allen Lopez pled guilty to three counts of possession with intent to distribute (cocaine.) Upon review of the above information, at that June meeting the State Board of Examiners voted to issue Lopez an Order to Show Cause. Lopez currently holds a Teacher of Health and Physical Education Certificate of Eligibility with Advanced Standing issued in November 1998, a Teacher of Health and Physical Education certificate issued in March 2000 and a Teacher of Driver Education certificate issued in November 2000.

The Board mailed the Order to Show Cause to Lopez by regular and certified mail on December 19, 2002. The Order provided that Lopez must file an Answer within 20 days. Lopez responded to the Order on January 17, 2003. In that Answer Lopez stated that he was told by many attorneys that it was senseless to defend a third degree offense like his. (Answer, ¶1.) He stated that he had learned so much from his experience and was now alcohol and drug free. He also added that he was now a productive member of society. (Answer, ¶2.) Finally, Lopez noted that he had a lot to offer because of his experiences but would understand if he was not able to retain his certificates. (Answer, ¶3.)

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on March 27, 2003, the Board sent Lopez a hearing notice by regular and certified mail.¹ The notice explained that since it appeared no

¹ 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

material facts were in dispute regarding his drug conviction, Lopez 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 offense warranted action against his certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Neither copy of the hearing notice was returned, although the Office of Licensure and Credentials did not have a signed copy of the certified mail return receipt from Lopez. Lopez did not file a response to the hearing notice.

At its meeting of October 30, 2003, the State Board of Examiners reviewed the charges and papers Lopez filed in response to the Order to Show Cause. Since Lopez failed to respond to the hearing notices, the State Board of Examiners considered his Answer as the only responsive pleading in the hearing process. After review of the response, the Board of Examiners determined that no material facts related to his 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 whether Lopez' conviction represents just cause to act against his certificates pursuant to N.J.A.C. 6:11-3.6(a)1. We find that it does.

The consistent and long standing policy of this State has been 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

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.

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 Lopez' conviction on three counts of possession with intent to distribute provides just cause to take action against his certificates.

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 license 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 Lopez' 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. See In the Matter of the Revocation of the Teaching Certificate of Patricia Rector, Agency Dkt. No. 19-02 (St. Bd. of Education, August 7, 2002) (affirming the decision of the State Board of Examiners to revoke Rector's teaching certificate on the basis of the disqualification pursuant to N.J.S.A. 18A:6-7.1.)

Accordingly, it is therefore ORDERED that Allen Lopez' Teacher of Health and Physical Education Certificate of Eligibility with Advanced Standing, and Teacher of Health and Physical Education and Teacher of Driver Education certificates be revoked on this 30th day of October 2003. It is further ORDERED that Lopez 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.

Michael K. Klavon, Secretary
State Board of Examiners

Date of Mailing: November 5, 2004

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