

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
JOSEPH GARRAHAN : ORDER OF REVOCATION
_____ : DOCKET NO: 0405-140

At its meeting of October 28, 2004, the State Board of Examiners reviewed information the Office of Criminal History Review had forwarded indicating that Joseph Garrahan was convicted in 2004 on charges of possession of a controlled dangerous substance. As a result of the conviction, Garrahan was disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Garrahan did not appeal the disqualification before the Commissioner of Education. Garrahan currently holds a Teacher of Elementary School Certificate of Eligibility, issued in November 1996. Upon review of the above information, at its October 28, 2004 meeting, the State Board of Examiners voted to issue Garrahan an Order to Show Cause.

The Board sent Garrahan the Order to Show Cause by regular and certified mail on January 6, 2005. The Order provided that Garrahan must file an Answer within 30 days. Garrahan filed an Answer on February 28, 2005. In that Answer, Garrahan acknowledged that he had been convicted of possession of a controlled dangerous substance. (Answer, ¶ 1.) He added that he had ceased use of all CDS more than a year before and was attending Narcotics Anonymous meetings often each week. (Answer, ¶¶ 3, 5.) He also stated that he had completed more than 100 hours of Community Service. (Answer, ¶ 4.) Garrahan also stated that he was not using his Certificate of Eligibility and did not plan to do so for the foreseeable future. (Answer, ¶ 7.)

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on March 16, 2005, the Board of Examiners sent Garrahan a hearing notice by regular and certified mail. The notice explained

that since it appeared no material facts were in dispute regarding his offense, Garrahan 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 disqualifying offense warranted action against his certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Garrahan did not file a response even though his attorney signed for the certified mail copy of the Hearing Notice.

Since Garrahan failed to respond to the hearing notice, the State Board of Examiners considered his Answer as the only responsive pleading in the hearing process. At its meeting of June 9, 2005, the State Board of Examiners reviewed the charges and papers Garrahan filed in response to the Order to Show Cause. After review of the response, the Board of Examiners determined that no material facts related to Garrahan's offense were in dispute. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*.

The issue before the State Board of Examiners in this matter, therefore, is whether Garrahan's disqualification, which was predicated on the same offense as was set forth in the Order to Show Cause, represents just cause to act against his certificate pursuant to *N.J.A.C. 6A:9-17.5*.

In enacting the Criminal History Review statute, *N.J.S.A. 18A: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. In 1989, the Legislature specifically amended the statute to include all convictions concerning controlled dangerous substances as disqualifying offenses. *See N.J.S.A.*

18A:6-7.1(b). This amendment was a clear recognition on the part of the Legislature that individuals with such drug convictions should not be permitted to be in contact with school-aged children. 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 its schools have engaged in extensive educational efforts 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 Garrahan's disqualification from service in the public schools of this State because of his conviction for possession of a controlled dangerous substance 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:6-7.1(b) 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 Garrahan's offense so significant, the State Board of Examiners in this matter believes that the appropriate sanction for his disqualification is the revocation of his teaching certificate. *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 Joseph Garrahan's Teacher of Elementary School Certificate of Eligibility be revoked on this 9th day of June 2005. It is further ORDERED that Garrahan return his certificate to the Secretary of the State Board of Examiners, Office of Licensure and Credentials, PO Box 500, Trenton, NJ 08625-0500 within 20 days of the mailing date of this decision.

Michael K. Klavon, Secretary
State Board of Examiners

Date of Mailing: JULY , 2005

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