

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
SALLY ANNE MESH : ORDER OF DISMISSAL
_____ : DOCKET NO: 0304-232

At its meeting of April 1, 2004, the State Board of Examiners voted to issue Sally Anne Mesh an Order to Show Cause. The Order was predicated on charges of unbecoming conduct. Mesh currently holds a Teacher of Art certificate, issued in May 1975; a Teacher of the Handicapped certificate, issued in December 1978; a Supervisor certificate, issued in April 1979; a Principal/Supervisor certificate, issued in December 1980 and a Learning Disabilities Teacher-Consultant certificate, issued in November 1982.

This case originated when the Superintendent of Schools for the Eastern Camden County Regional School District, Dr. Barry J. Galasso, provided information to the Board of Examiners regarding Mesh. Dr. Galasso's staff had reviewed all personnel files to verify that appropriate credentials were on file for all staff. During the course of this investigation, he determined that Mesh's file was incomplete since it contained no documentation to support the Ph.D. or Ed.D degrees that she represented she had. After repeated requests for official transcripts and degrees, Mesh failed to provide original documentation regarding her degrees. In addition, Dr. Galasso's staff attempted to contact the universities from which Mesh had claimed to receive advanced degrees. Galasso claimed that not one university confirmed that she had received a degree from that institution. In fact, correspondence from Phillips University verified that documents Mesh had provided to the district regarding that institution were fraudulent. Thereafter, on April 1, 2004, the Board of Examiners issued an Order to Show Cause to Mesh based upon the documentation Dr. Galasso had provided.

The Board sent the Order to Show cause to Mesh by regular and certified mail on June 29, 2004. The Order provided that Mesh's Answer was due within 30 days. Mesh filed her Answer on July 23, 2004. In that Answer, Mesh denied that she failed to provide documentation regarding her degrees to Dr. Galasso upon his request. (Answer, ¶ 4). She also denied that she had committed any fraud in connection with her degrees and instead stated that if any fraud was committed it was committed against her. (Answer, ¶ 4). Mesh claimed that the Board of Examiners did not have sufficient cause to suspend or revoke her certificates. (Answer, ¶ 6).

The Board of Examiners transmitted the case to the Office of Administrative Law (OAL) for hearing. Administrative Law Judge (ALJ) Donald Stein heard testimony on June 10 and November 28, 2005. After receiving post-hearing submissions, the record closed and the ALJ issued an Initial Decision on January 30, 2006. *In the Matter of the Certificates of Sally Anne Mesh*, OAL Dkt. No. EDE 8424-04 (January 30, 2006).

In that decision, the parties stipulated that Mesh had no monetary interest in depicting herself with advanced degrees since she had already attained the maximum salary available for her position. (Initial Decision, slip op. at 4). The district's concern was solely Mesh's use of the doctorate after her name. (Initial Decision, slip op. at 4). After reviewing the testimony, ALJ Stein determined that the Board of Examiners did not produce any evidence to dispute the accuracy or authenticity of Mesh's Corona University doctorate. (Initial Decision, slip op. at 8). The ALJ found no evidence of fraud with respect to the Corona University degree. (Initial Decision, slip op. at 8). As to Mesh's degree from Phillips University, the ALJ determined that all of the evidence presented as to that degree was hearsay. (Initial Decision, slip op. at 8-9). He found that no competent legal evidence was produced regarding the legitimacy of the Phillips degree. As there was no evidence that Mesh misrepresented her degrees or perpetrated a fraud

on the district, the ALJ concluded that she had not engaged in conduct unbecoming a teacher. (Initial Decision, slip op. at 10-11). Accordingly, the ALJ discharged the Order to Show Cause and ordered the matter dismissed with prejudice. (Initial Decision, slip op. at 12).

In response to the Initial Decision, the Deputy Attorney General (DAG) representing the Board of Examiners filed exceptions challenging the ALJ's dismissal of the Order to Show Cause. The DAG argued that the ALJ erred in concluding that because the Board of Examiners did not prove that Mesh had committed fraud by clear and convincing evidence that no just cause existed to suspend or revoke her certificates. (Exceptions, p. 2). The DAG stated that the Board of Examiners need only "prove its basis for revocation or suspension by a preponderance of the evidence, and need not prove the existence of legal fraud by the civil standard of clear and convincing evidence." (Exceptions, p. 2). According to the DAG, in this matter there was no allegation that Mesh made representations in order to induce the Board of Examiners to rely on such representations to its detriment. (Exceptions, p. 4). Rather, the DAG further argued that the "present matter simply alleges that a teacher has claimed to hold several doctorates while knowing that she has not actually earned them." (Exceptions, p. 4). Thus, the DAG said that the ALJ's conclusion that no action was warranted against Mesh's certificates was in error. (Exceptions, pp. 5-13). The DAG also argued that the ALJ improperly found that the documents submitted by Phillips Theological Seminary were hearsay unsupported by legally competent evidence. (Exceptions, pp. 14-17). The DAG stated that legally competent evidence existed to support the admission of the hearsay documents. (Exceptions, pp. 15-16). Specifically, the DAG argued that the superintendent testified that he repeatedly made written and oral requests for documentation of Mesh's degrees and that Mesh failed to provide such proof. (Exceptions, p. 16). Also, the DAG argued that the superintendent and his secretary had authenticated the letter

they wrote to Phillips requesting information regarding Mesh's advanced degree. (Exceptions, p. 16).

In reply exceptions, Mesh argued that the ALJ's decision to dismiss the Order to Show Cause was correct. (Reply Exceptions, p. 2). Mesh stated that the Board of Examiners first had to present "competent legal evidence upon which a decision in its favor could be based" before any standard of proof could be applied. (Reply Exceptions, p. 2). Thus, according to Mesh, the ALJ did not apply a wrong standard of proof, since there was no evidence presented. (Reply Exceptions, p. 2). Mesh claimed that "[n]one of the witnesses presented by Petitioner at hearing had any personal knowledge whatsoever regarding the alleged lack of authenticity of Respondent's credentials." (Reply Exceptions, p. 3). Moreover, Mesh argued that whether the allegation was fraud or unbecoming conduct, the Board of Examiners did not produce competent, credible evidence to sustain its claims. (Reply Exceptions, pp. 6-11).

The Board must now determine whether to adopt, modify or dismiss the Initial Decision in this matter. At its meeting of March 30, 2006, the State Board of Examiners reviewed the Initial Decision, exceptions and reply exceptions. After full and fair consideration of all the submissions, the Board voted to adopt the Initial Decision. However, the Board must clarify that in all proceedings involving the suspension or revocation of teaching certificates pursuant to *N.J.A.C. 6A:9-17.5*, the correct standard of proof is a preponderance of the competent, credible evidence. The tort standard for proving intentional fraud is not applicable here.

After reviewing the evidence before it the State Board of Examiners finds that the proofs did not demonstrate that Mesh's actions rise to the level of conduct unbecoming a teacher. As stipulated by the parties, Mesh had no interest in depicting herself as a holder of advanced degrees. Rather, the district was only concerned with her use of the degrees' initials after her

name. After a review of the evidence, the Board of Examiners therefore agrees with the ALJ that nothing in this case warrants either the suspension or revocation of her certificates.

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. 6A:9-17.5*. In this case because there has been no finding that Mesh has engaged in conduct unbecoming a teacher or the presentation of “other just cause” the Board will take no action against her certificates.

Accordingly, pursuant to the Board of Examiners’ vote, it is therefore ORDERED that the Order to Show Cause issued to Sally Anne Mesh seeking to suspend or revoke her Teacher of Art, Teacher of the Handicapped, Supervisor, Principal/Supervisor and Learning Disabilities Teacher-Consultant certificates be dismissed effective this 4th day of May 2006.

Robert R. Higgins, Acting Secretary
State Board of Examiners

Date of Mailing: MAY 10, 2006

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