

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
JAMES HAYDEN : ORDER OF REVOCATION
_____ : DOCKET NO: 0506-245

At its meeting of June 8, 2006, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that on June 13, 2005, James Hayden had pled guilty to charges of Theft By Failure to Make a Required Disposition of Property. On June 15, 2005, Hayden was sentenced to one year of probation. The court also ordered him to forfeit his public position 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*. Hayden currently holds Teacher of General Business and Teacher of Bookkeeping and Accounting Certificates of Eligibility, both issued in July 1993, a School Business Administrator Certificate of Eligibility, issued in November 1997, and a School Business Administrator certificate, issued in August 2000. Upon review of the above information, at its July 20, 2006 meeting, the State Board of Examiners voted to issue Hayden an Order to Show Cause.

The Board sent Hayden the Order to Show Cause by regular and certified mail on July 26, 2006. The Order provided that Hayden's Answer was due within 30 days. Due to a problem with the address the Board had for Hayden, it re-sent to Order to Show Cause to him on November 13, 2006. Hayden responded on November 17, 2006. In that Answer, Hayden stated that he was the victim of a conspiracy and political corruption. (Answer, p. 1). He claimed that when he resigned from his position as a School Business Administrator for the Somerdale school district to take a full-time position elsewhere, people there "lied, conspired, shredded and altered documents to discredit my character so that no one would believe what I had to say about them."

(Answer, p. 1). Hayden noted that he contacted the Camden County Prosecutor's office regarding the theft, insurance fraud, election fraud, and sexual harassment going on in Somerdale but that "they weren't interested." (Answer, p. 1). He also claimed that his attorney did not defend him, misrepresented him, threatened him verbally and in writing and physically threatened his wife. (Answer, p. 2). Hayden further maintained that the prosecutor offered him entry into a Pre-Trial Intervention (PTI) program and then "pulled the old bait and switch" and told him he was not eligible. (Answer, p. 2). He stated that the false accusations against him were leveled by the Somerdale superintendent, Dr. Debra Bruner, who had been sexually harassing him and had allegedly told teachers "You watch I'll get his certificate." (Answer, p. 2). Hayden maintained that "not one penny is missing from the district on my account." (Answer, p. 2). He also stated that the Attorney General's office was investigating the matter. (Answer, p. 3).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on December 4, 2006, the Board of Examiners sent Hayden a hearing notice by regular and certified mail. The notice explained that since it appeared no material facts were in dispute, Hayden 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 Hayden's offense warranted action against his certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. On January 1, 2007, Hayden submitted his reply.

In that response, Hayden recounted his poor childhood and detailed his children's accomplishments. (Hearing Response, pp. 1-2). He also told the Board of Examiners that he

pled guilty because the prosecutor's office put pressure on him and that he was misled about his right to enter PTI. (Hearing Response, pp. 2, 4). He also reiterated his accusations of conspiracy and sexual harassment against the Somerdale Superintendent, Dr. Debra Bruner. (Hearing Response, p.5). Finally, Hayden included voluminous documentation with his response that supported his claim of being "set up." (Hearing Response, p.5).

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Hayden's guilty plea to Theft By Failure to Make Required Disposition of Property received and his disqualification from future public employment constitute conduct unbecoming a certificate holder. At its meeting of February 22, 2007, the State Board of Examiners reviewed the charges and papers Hayden filed in response to the Order to Show Cause. After review of Hayden's submissions, the Board of Examiners determined that no material facts related to Hayden's offense were in dispute since he admitted that he had pled guilty to the offenses charged and had been sentenced accordingly. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*.

The State Board of Examiners must now determine whether Hayden's offense and subsequent disqualification as set forth in the Order to Show Cause, provide just cause to act against his certificates pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that it does.

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*. "Teachers... are professional employees to whom the people have entrusted the care and custody of ... school children. This heavy duty requires a degree of self-restraint and controlled behavior rarely requisite to other types of employment." *Tenure of Sammons*, 1972 *S.L.D.* 302, 321. Moreover, the Commissioner has long held that

teachers serve as role models for their students. Furthermore, unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. *Redcay v. State Bd. of Educ.*, 130 *N.J.L.* 369, 371 (Sup. Ct. 1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). In this instance, Hayden was convicted of theft and his offense touched upon his employment. Clearly he cannot act as a role model for students and should not hold a certificated position.

Accordingly, pursuant to the Board of Examiners' vote, it is therefore ORDERED that James Hayden's Teacher of General Business Studies Certificate of Eligibility, Teacher of Bookkeeping and Accounting Certificate of Eligibility, School Business Administrator Certificate of Eligibility and School Business Administrator certificate be revoked effective this 29th day of March, 2007. It is further ORDERED that Hayden return his certificates to the Secretary of the State Board of Examiners, Office of Licensure, PO Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Acting Secretary
State Board of Examiners

Date of Mailing: April 2, 2007

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