

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CREDENTIAL OF : STATE BOARD OF EXAMINERS  
FELIPE SILVA : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0708-274

At its meeting of July 17, 2008, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that on November 26, 2007, Felipe Silva pled guilty to charges of aggravated assault. On February 15, 2008, Silva was sentenced to two years' probation. Silva currently holds a County Substitute Credential, which expires on July 1, 2009. Upon review of the above information, at its January 13, 2009 meeting, the State Board of Examiners voted to issue Silva an Order to Show Cause why his credential should not be suspended or revoked.

The Board sent Silva the Order to Show Cause by regular and certified mail on July 31, 2008. The Order provided that Silva's Answer was due within 30 days. Silva filed a response to the Order. In that Answer, he admitted that he had pled guilty to a charge of aggravated assault and had been sentenced. (Answer, ¶ 1). He also stated that he did not believe his Credential should be revoked since he had made a mistake and that he had not committed such an offense either prior or subsequent to this incident. (Answer, ¶ 2). Silva added that, although he could not take back what he had done, he would treat it as a learning experience. (Answer, ¶ 3).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on August 19, 2008, the Board of Examiners sent Silva a hearing notice by regular and certified mail. The notice explained that since it appeared no material facts were in dispute, Silva was offered an opportunity to submit written arguments on the issue of whether the conduct addressed in the Order to Show Cause provided cause for the Board to take action against his credential and, if so, the appropriate

sanction. Silva was also provided the opportunity to appear before the Board to testify on the sanction issue. Silva did not respond to the hearing notice.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether the conduct underlying Silva's guilty plea to aggravated assault constitutes conduct unbecoming a certificate holder. At its meeting of January 13, 2009, the State Board of Examiners reviewed the charges and papers Silva filed in response to the Order to Show Cause. After review of Silva's submissions, the Board of Examiners determined that no material facts related to his offense were in dispute since he admitted that he had pled guilty to the offense 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 Silva's offense as set forth in the Order to Show Cause, provides just cause to act against his credential 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. Silva's commission of an aggravated assault is inexcusable for any individual, teacher or not.

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, Silva's committed a violent crime and the only proper response to his behavior is the revocation of his teaching credential.

Accordingly, on January 13, 2009 the Board of Examiners voted to revoke Felipe Silva's County Substitute Credential. On this 23rd day of February 2009 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Silva's Credential be effective immediately. It is further ORDERED that Silva return his Credential to the Secretary of the State Board of Examiners, Office of Licensure, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

---

Robert R. Higgins, Secretary  
State Board of Examiners

Date of Mailing:

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

RRH:MZ: