

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
GEORGE CLARKE : ORDER OF REVOCATION
_____ : DOCKET NO: 0405-279

At its meeting of June 9, 2005, the State Board of Examiners reviewed information the Linden Board of Education forwarded indicating that on January 27, 2005, George Clarke was convicted of attempting to solicit commercial sex with an individual under the age of 18, attempting to travel in foreign commerce and engage in commercial sex with a person under the age of 18 and using the mail and means of interstate and foreign commerce to attempt to induce an individual under the age of 18 to engage in prostitution. On April 11, 2005, Clarke was sentenced to five years' incarceration in federal prison. Clarke currently holds a Teacher of Elementary School Certificate of Eligibility, issued in July 1992, a Teacher of Psychology Certificate of Eligibility, issued in April 1993 and Teacher of Elementary School and Teacher of Psychology certificates, both issued in August 1993. Upon review of the above information, at its June 9, 2005 meeting, the State Board of Examiners voted to issue Clarke an Order to Show Cause.

The Board sent Clarke the Order to Show Cause by regular and certified mail on July 12, 2005. The Order provided that Clarke's Answer was due within 30 days. The certified mail receipt was signed and returned. The regular mail copy was not returned. Clarke filed his response on July 28, 2005. In that Answer, he admitted that he had been charged and convicted in federal court regarding the charges of attempting to engage in a commercial sex act with an individual under the age of 18. (Answer, ¶ 2.) Clarke added that it was premature of the Board

to act against his certificates because he was appealing his conviction and had “every confidence that my appeal will be successful.” (Answer, ¶ 5.)¹

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on September 5, 2005, the Board of Examiners sent Clarke a hearing notice by regular and certified mail. The notice explained that since it appeared no material facts were in dispute, Clarke 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. On October 5, 2005, Clarke submitted his reply.

In that response, Clarke told the Board of Examiners that he wished to appear at the hearing by telephone from prison. (Hearing Response, p. 1). On January 31, 2008, a notice was sent to Clarke providing him with the opportunity to file a written submission with regard to the appropriate sanction in the event that the Board found just cause to revoke or suspend his certificates and offering him the opportunity to appear to testify on the sanction issue. Clarke did not respond to that notice. At its meeting on May 1, 2008, the Board voted to table the matter to ensure that Clarke was receiving the notice at his current address. On August 13, 2008 after verifying his address with the Department of Motor Vehicles, another notice was sent to Clarke on August 13, 2008. He did not respond. Finally, another notice was sent to Clarke in federal prison. Clarke did not respond to that notice either.

¹ On December 15, 2005, Clarke’s conviction was affirmed on appeal by the United States Court of Appeals for the Eleventh Circuit. *U.S. v. Clarke*, 159 Fed. Appx. 128 (11th Cir., Dec. 15, 2005).

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Clarke's conviction for attempting to solicit commercial sex with an individual under the age of 18, attempting to travel in foreign commerce and engage in commercial sex with a person under the age of 18 and using the mail and means of interstate and foreign commerce to attempt to induce an individual under the age of 18 to engage in prostitution constitutes conduct unbecoming a certificate holder. At its meeting of March 31, 2009, the State Board of Examiners reviewed the charges and papers Clarke filed in response to the Order to Show Cause. After review of Clarke's submissions, the Board of Examiners determined that no material facts related to his offense were in dispute since he admitted that he had been convicted of 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)*. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The State Board of Examiners must now determine whether Clarke's offense as set forth in the Order to Show Cause, provides 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. Clarke's acts of trying to solicit commercial sex from an individual under the age of eighteen are inexcusable for any individual, teacher or not.

Even if Clarke were an exceptional teacher in the classroom, he has not demonstrated like behavior outside that arena.

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, Clarke's conduct was egregious by any standard and warrants only one penalty: revocation of his teaching certificates.

Accordingly, on March 31, 2009, the Board of Examiners voted to revoke George Clarke's Teacher of Elementary School Certificate of Eligibility, Teacher of Psychology Certificate of Eligibility, and Teacher of Elementary School and Teacher of Psychology certificates. On this 11th day of May 2009 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Clarke's certificates be effective immediately. It is further ORDERED that Clarke return his certificates 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 Commissioner of Education pursuant to the provisions of *N.J.S.A.* 18A:6-28.

RRH:MZ: