

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS  
RAYMOND GILMORE : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0809-112

At its meeting of September 11, 2008, the State Board of Examiners reviewed an Appellate Division decision forwarded by New Jersey City University (University) affirming Raymond Gilmore's dismissal from his tenured social worker position at the A. Harry Moore School, a demonstration school run by the University's Department of Education. The University had investigated allegations that Gilmore had touched a student inappropriately on several occasions and, after a hearing, had dismissed Gilmore for unbecoming conduct. *Raymond Gilmore v. New Jersey City University*, Docket No. HEC 1206-06 (Trustees' Decision, February 26, 2007). Gilmore currently holds a School Social Worker certificate, issued in May 1995.

This case originated on November 2, 2005 when the University issued tenure charges against respondent, Raymond Gilmore. The University charged him with unbecoming conduct for touching a female student, J.R., on the breasts and buttocks and attempting to kiss her on several occasions. Gilmore denied the charges and asked that the matter be transferred to the Office of Administrative Law (OAL). The case was transmitted to the OAL and Administrative Law Judge (ALJ) Carol Cohen heard testimony on several days in August, September and October 2006. After receiving post-hearing submissions, the record closed and the ALJ issued an Initial Decision on December 4, 2006. *Gilmore v. New Jersey City University*, OAL Dkt. No. HEC 1206-06 (Initial Decision, December 4, 2006.)

In that decision ALJ Cohen found that J.R., a student with cerebral palsy that attended the A. Harry Moore School (AHM), had many interactions with Gilmore, who was the school's only social worker and J.R.'s advisor. (Initial Decision, slip op. at 24.) Gilmore helped students in obtaining outside services and helped J.R. to participate in the University's work-study program. (Initial Decision, slip op. at 24.) Gilmore would escort J.R. and two other students to their jobs in the University's mailroom and pick them up there when their shift was done. (Initial Decision, slip op. at 24.) When Gilmore would forget to escort the students to the University, J.R. would go to his office and remind him. (Initial Decision, slip op. at 24.) J.R. testified that during the 2002-2003 school year, Gilmore touched her on her breast and buttocks and attempted to kiss her when she came to his office to remind him to take the students to the University. (Initial Decision, slip op. at 25.) During the 2003-2004 school year, J.R. continued to see Gilmore as her advisor several times a week. (Initial Decision, slip op. at 25.) During this time, he "continued to make sexual advances toward her and touched her inappropriately on her breast, buttocks and vaginal area." (Initial Decision, slip op. at 25.) J.R. did not report the inappropriate touching because she did not think that anyone would believe her. (Initial Decision, slip op. at 25.) She finally told Ms. Pearce, the supervisor of curriculum and instruction at AHM. (Initial Decision, slip op. at 26.) In five subsequent interviews of J.R. where Pearce was present, J.R.'s story regarding Gilmore's inappropriate touching was consistent. (Initial Decision, slip op. at 26).

After considering all the testimony, ALJ Cohen found that the issue in the case came down to one of credibility. (Initial Decision, slip op. at 32.) The ALJ found that "when assessing J.R. on the stand, she appeared to be very credible." (Initial Decision,

slip op. at 32.) Moreover, ALJ Cohen concluded that the University's other witnesses echoed J.R.'s sincerity and credibility and had no "particular axe to grind with Mr. Gilmore or who (*sic*) anything to gain by coloring their testimony." (Initial Decision, slip op. at 32.) In contrast, the ALJ found that Gilmore "did not present himself as a particularly credible witness." (Initial Decision, slip op. at 32.) She found it telling that Gilmore did not mention J.R.'s alleged psychological problems in an effort to clear his name and stated that he "attempted to paint J.R. as a girl who made false allegations against other men" even though those accusations were proven true. (Initial Decision, slip op. at 32).

After reviewing the testimony, evidence and assessing the witness credibility, ALJ Cohen concluded that the University met its burden of proving that Gilmore "inappropriately touched a student in a sexual manner." (Initial Decision, slip op. at 33.) The ALJ deemed that behavior unbecoming conduct and ordered Gilmore dismissed from his tenured position. (Initial Decision, slip op. at 33.)

In a decision dated February 26, 2007, the Trustees of the University adopted the Initial Decision without modification or revision and affirmed Gilmore's removal from his tenured employment with the University at AHM School. Trustees Decision, slip op. at 2. The Appellate Division of the Superior Court of New Jersey affirmed the Trustees' decision on June 9, 2008. *Gilmore v. New Jersey City University*, No. A-4282-06T1 (App. Div. June 9, 2008.)

Thereafter, on October 16, 2008, the State Board of Examiners issued Gilmore an Order to Show Cause as to why his certificate should not be suspended or revoked. The

Order was predicated on the charges of unbecoming conduct that had been proven in the tenure hearing.

The Board sent Gilmore the Order to Show Cause by regular and certified mail on October 17, 2009. The Order provided that Gilmore's Answer was due within 30 days. Gilmore filed an Answer on November 17, 2009.

In his Answer Gilmore denied ever touching J.R. (Answer, ¶ 1). He admitted that the ALJ had reached her conclusions based upon a determination of credibility but added that "there were no other allegations substantiated against me to support this lack of credibility determination." (Answer, ¶ 2.) In the remainder of his Answer, Gilmore stated that no criminal charges were ever brought against him, he had gained custody of his three minor children one month prior to these allegations and there were no other such incidents in his 35 year career. (Answer, ¶¶ 4, 7, 6).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on December 9, 2008, the Board sent Gilmore a hearing notice by regular and certified mail. The notice explained that, since it appeared no material facts were in dispute regarding the tenure charges, Gilmore 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 certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Gilmore was also provided the opportunity to testify before the Board on the sanction issue.

Gilmore responded to the Hearing Notice on January 7, 2009. In that response, Gilmore claimed that it was unfair to have an AHM official interpret for J.R. at the hearing. (Hearing Response, p. 1.). He also stated that when the school psychologist resigned from AHM, that position was never filled, leaving Gilmore to serve as a counselor for 175 special needs students.. (Hearing Response, p.1.) Gilmore claimed that demonstrated the school's lack of support for him. (Hearing Response, p. 1.) Finally, Gilmore noted that J.R. was involved in three similar incidents which "demonstrates a destructive pattern of a borderline personality, at best." (Hearing Response, p. 1.) Gilmore also appeared before the Board to answer any questions the Board might have.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Gilmore's conduct and his subsequent loss of tenure constitute conduct unbecoming a certificate holder. At its meeting of February 23, 2009, the State Board of Examiners reviewed the charges and papers Gilmore filed in response to the Order to Show Cause. After reviewing his response, the Board of Examiners determined that no material facts related to Gilmore's offense were in dispute since he could not deny that he had lost his tenure and that both the University Trustees and the Appellate Division had affirmed that decision. Thus, Gilmore has not denied effectively the charges in the Order to Show Cause. Accordingly, his actions in inappropriately touching J.R. on repeated occasions constitute conduct unbecoming a certificate holder. 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 Gilmore's offense as 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*. 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*. 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). "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. There can be no dispute that Gilmore's behavior negates any claim he can have to being a role model for children. Moreover, his conduct in preying on the most vulnerable segment of the student population is egregious and is compounded by the fact that he continually tried to "blame the victim." The only proper response to Gilmore's breach is revocation.

Accordingly, on March 31, 2009, the Board of Examiners voted to revoke Raymond Gilmore's School Social Worker certificate. 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 Gilmore's certificate be effective immediately. It is further ORDERED that Gilmore return his certificate 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:           , 200

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

RRH:MZ: