

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
BENNIE MARTIN : ORDER OF REVOCATION
_____ : DOCKET NO: 0607-226

At its meeting of May 3, 2007, the State Board of Examiners (Board) reviewed information regarding Bennie Martin. Martin currently holds a Substance Abuse Coordinator Certificate of Eligibility, issued in May 1999. When he applied for a duplicate of his certificate, he indicated on the application that he had a conviction for insurance fraud. A letter was sent to him seeking additional information and he provided a copy of a parole board case summary identifying his convictions. The summary indicated that Martin had been convicted of health care claim fraud, Medicaid fraud and misconduct. Upon review of the above information, at its June 7, 2007 meeting, the Board voted to issue Martin an Order to Show Cause.

The Board sent Martin the Order to Show Cause by regular and certified mail on June 13, 2007. The Order provided that Martin must file an Answer within 30 days. Martin responded on June 19, 2007. In that Answer, Martin noted that he had never used his certificate in New Jersey. (Answer, ¶ 1). He admitted that he had a conviction for health care fraud and that he was sentenced to “seven flat.” (Answer, ¶¶ 2, 3). Martin added that he did a lot of thinking during his five years in prison about how wrong he was committing health care fraud and added that he believed he had been rehabilitated during the five years. (Answer, ¶ 5).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on July 6, 2007, the Board sent Martin a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Martin 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 as well as arguments with regard to the appropriate sanction in the event that the Board determined to take action against his certificate. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if Martin’s conduct warranted action against his certificate. Thereupon, the Board would also determine the appropriate sanction, if any.

Martin was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Both the certified mail and regular mail copies were returned. Martin did not file a response. After multiple attempts to secure a correct address for Martin were unsuccessful over the years, the Board finally located him and re-served the Hearing Notice by regular and certified mail on April 19, 2012. The certified mail copy was returned as unclaimed but the regular mail copy was not returned. Martin did not respond to the Hearing Notice.

The threshold issue before the Board in this matter is whether Martin's conviction constitutes conduct unbecoming a certificate holder. At its meeting of June 21, 2012, the Board considered the allegations in the Order to Show Cause and Martin's Answer. The Board determined that no material facts related to Martin's offense were in dispute since he admitted that he had been convicted and sentenced accordingly. Thus, the Board 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 Board must now determine whether Martin's conviction, as set forth in the Order to Show Cause, provides just cause to act against his certificate pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that it does.

The Board 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. Martin's acts of health care fraud, Medicaid fraud and misconduct are inexcusable for any individual, teacher or not.

The Commissioner has long held that teachers serve as role models for their students. Clearly, a teacher convicted of health care fraud, Medicaid Fraud and misconduct cannot claim status as a role model to anyone. Indeed, the court agreed, ordering a lengthy prison term. Thus, the Board believes that the only appropriate sanction in this case is the revocation of Martin's certificate. *In the Matter of the Certificates of Kevin Jordan*, Dkt. No. A-0155-08T3 (App. Div. October 5, 2009) (Unpublished Opinion).

Accordingly, on June 21, 2012, the Board voted to revoke Martin's Substance Abuse Coordinator Certificate of Eligibility. On this 26th day of July 2012 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Bennie Martin's certificate be effective immediately. It is further ORDERED that Martin 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:

Appeals may be made to the Commissioner of Education pursuant to *N.J.S.A.* 18A:6-38.4.