

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
ANTHONY GUZMAN : ORDER OF SUSPENSION
_____ : DOCKET NO: 1112-210

At its meeting of May 17, 2012, the State Board of Examiners (Board) reviewed information received from the Office of Criminal History Review (OCHR) and the Pennsauken Township Police Department regarding Anthony Guzman. Guzman was accepted into a Pretrial Intervention program (PTI) after having been arrested for Eluding, DWI and Resisting Arrest in November 2010. Guzman currently holds a Teacher of Spanish Certificate of Eligibility, issued in February 2002. Upon review of the above information, at its meeting of June 21, 2012, the Board voted to issue Guzman an Order to Show Cause as to why his certificate should not be revoked.

The Board sent Guzman the Order to Show Cause by regular and certified mail on June 25, 2012. The Order provided that Guzman must file an Answer within 30 days. Guzman responded on June 29, 2012. In that Answer, Guzman stated that he had been “cleared from all of the events mentioned in the letter sent to me.” (Answer, p. 1). He noted that he had “forgiven the police officers of the false statements that were made about me” and added that he did not believe “that re-visiting this issue is productive in any way.” (Answer, p. 1). Guzman attached a copy of the Order of Dismissal from PTI and a copy of his resume so that the Board could “get a glance” of his character. (Answer, p. 1).

Upon receipt of Guzman’s Answer, the Board determined that there were material facts in dispute and transmitted the matter to the Office of Administrative Law (OAL) for hearing. On October 25, 2012, the Administrative Law Judge assigned to hear the matter returned the case to the Board as a result of Guzman’s failure to appear at a hearing scheduled for October 23, 2012. Pursuant to *N.J.A.C. 1:1-3.3*, Guzman was provided with 13 days to submit an explanation to the Board for his failure to appear. Guzman did not submit an explanation. At its meeting of December 13, 2012, the Board voted not to retransmit the matter to OAL for a hearing.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on December 17, 2012, the Board sent Guzman a hearing notice by regular and certified mail. The notice explained that since Guzman failed to appear at the OAL hearing, he was being 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 found just cause 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 his offense warranted action against his certificate. Thereupon, the Board would also determine the appropriate sanction, if any. The certified mail copy was returned as "Unclaimed." The regular mail copy was not returned. Guzman did not respond to the Hearing Notice.

The threshold issue before the Board in this matter, therefore, is whether the conduct underlying Guzman's entry into PTI constitutes conduct unbecoming a certificate holder. Since Guzman did not appear at his hearing, at its meeting of February 28, 2013, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Guzman's offense were in dispute since he never denied that he had engaged in the conduct alleged in the Order to Show Cause. 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 Guzman's conduct, 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 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. Moreover, the

Commissioner has long held that teachers serve as role models for their students. Guzman's conduct in driving while intoxicated and resisting arrest demonstrates behavior that falls short of the role model status expected of teachers.

Furthermore, a teacher's behavior outside the classroom may be relevant in determining that person's qualifications and continued fitness to retain his certificate. *In re Grossman*, 127 N.J. Super. 13, 30 (Sup. Ct. 1943), *aff'd*, 131 N.J.L. 326 (E & A 1944). Moreover, 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). Accordingly, the Board finds that Guzman's arrest for Eluding, DWI and Resisting Arrest provides just cause to take action against his certificate. However, because the court saw fit to allow Guzman entry into PTI, with a resulting dismissal of his indictment upon its successful completion, the Board believes that a suspension of his teaching certificate, rather than revocation, is appropriate.

Accordingly, on February 28, 2013, the Board voted to suspend Guzman's certificate for one year. On this 12th day of April 2013 the Board formally adopted its written decision to suspend and it is therefore ORDERED that Anthony Guzman's Teacher of Spanish Certificate of Eligibility be suspended effective this day. It is further ORDERED that Guzman return his certificate to the Secretary of the State Board of Examiners, Office of Licensure and Certificates, PO 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:6-38.4.