

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
JAMES FAUX : ORDER OF REVOCATION
_____ : DOCKET NO: 1112-229

At its meeting of July 26, 2012, the State Board of Examiners (Board) reviewed information regarding James Faux. Faux surrendered his teaching certificate in Florida in November 2010 after an administrative complaint was filed against him alleging inappropriate contact with a 14-year-old boy, and his certificate was permanently revoked. Specifically, the complaint alleged that while a passenger on a commercial flight from New Jersey to Florida, Faux had offered to purchase an alcoholic beverage for the boy, who was an unaccompanied passenger, and also placed his hand under the boy's shirt and rubbed his stomach and chest. Faux also allegedly ran his hand up the boy's leg and touched the boy's genital area over his clothing and persisted in talking to and touching the boy even after the boy and another passenger told Faux to stop. In October 2011, the Pennsylvania Professional Standards and Practices Commission revoked Faux's Pennsylvania teaching certificate on the basis of the Florida charges. In New Jersey, Faux currently holds a Teacher of Music Certificate of Eligibility With Advanced Standing, issued in September 2006. Upon review of the above information, at its September 21, 2012 meeting, the Board voted to issue Faux an Order to Show Cause.

The Board sent Faux the Order to Show Cause by regular and certified mail on September 26, 2012. The certified mail receipt was signed and returned and the regular mail copy was not returned. The Order provided that Faux must file an Answer within 30 days. Faux did not file an Answer. Thereafter, on November 2, 2012, the Board sent Faux another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail receipt was signed and returned. The regular mail copy was not returned. Faux did not respond to the second notice.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on November 29, 2012, the Board sent Faux a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Faux 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 Faux's conduct warranted action against his certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Faux was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy was returned as "Unclaimed" and the regular mail copy was not returned. Once again, Faux did not file a response.

The threshold issue before the Board in this matter, therefore, is whether Faux's conduct and the revocation of his Florida and Pennsylvania licenses constitute conduct unbecoming a certificate holder. Since Faux failed to respond to the Order to Show Cause or the hearing notice, at its meeting of January 25, 2013, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Faux's offense were in dispute since he never denied that his Florida and Pennsylvania certificates had been revoked or that he had engaged in the conduct alleged. 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 Faux's conduct and the revocation of his Florida and Pennsylvania certificates, as set forth in the Order to Show Cause, provide just cause to act against his New Jersey certificate pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that they do.

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. Faux's act of engaging in inappropriate contact with a 14-year-old boy is inexcusable for any individual, teacher or not.

The Commissioner has long held that teachers serve as role models for their students. Clearly, a teacher who has engaged in inappropriate contact with a minor and had his certificates revoked as a result

cannot claim status as a role model to anyone. Faux's conduct and the revocation of his Florida and Pennsylvania certificates therefore warrant the revocation of his New Jersey certificate.

Accordingly, on January 25, 2013, the Board voted to revoke James Faux's Teacher of Music Certificate of Eligibility With Advanced Standing. On this 28th day of February 2013 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Faux's certificate be effective immediately. It is further ORDERED that Faux 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*.