

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
JAMES BONNER : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1213-163

At its meeting of February 28, 2013, the State Board of Examiners (Board) reviewed information received from the Office of Criminal History Review (OCHR) regarding James Bonner. On November 7, 2012, Bonner pled guilty to Assault By Auto/Vessel. As a result of the conviction, Bonner was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Bonner currently holds a Teacher of Health and Physical Education certificate, issued in February 1981, a Teacher of Driver Education certificate, issued in June 1990 and a Substance Awareness Coordinator Certificate of Eligibility With Advanced Standing, issued in October 1992.

Bonner did not challenge the accuracy of his criminal history record before the Commissioner of Education. Upon review of the above information, the Board voted at its meeting of April 12, 2013 to issue Bonner an Order to Show Cause why his certificates should not be revoked.

The Board sent Bonner the Order to Show Cause by regular and certified mail on April 30, 2013. The Order provided that Bonner must file an Answer within 30 days. The certified mail copy was not returned but the regular mail copy was returned as "Not Deliverable as Addressed, Unable to Forward." Bonner did not file a response. After securing a new address for Bonner, the Board re-sent him the Order to Show Cause by regular and certified mail on May 14, 2013. The certified mail receipt was signed and returned and the regular mail copy was not returned. Bonner filed an Answer on May 23, 2013.

In his Answer, Bonner admitted that he was convicted of Assault By Auto/Vessel but

claimed that he was not convicted of a crime of the first or second degree. (Answer, ¶ 3). He stated that his was “a third degree charge arising out of an auto accident while I was admittedly intoxicated.” (Answer, ¶ 3). Donner noted that he was not convicted of any of the crimes enumerated in the disqualification statute and argued that he should not be disqualified from public-school employment. (Answer, ¶ 3). He also contended that “the incident underlying this matter does not in any way affect my ability to competently perform the teaching obligations necessary for public school employment.” (Answer, ¶ 6).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on May 30, 2013, the Board sent Bonner a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Bonner 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 found just cause to take action against his certificates. 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 disqualifying offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Bonner was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was signed and returned and the regular mail copy was not returned. Bonner did not respond.

The threshold issue before the Board in this matter is whether Bonner’s conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. At its meeting of September 20, 2013, the Board reviewed the allegations in the Order to Show Cause and Bonner’s Answer. The Board determined that no material facts related to Bonner’s offense were in dispute since he never denied that he had been convicted of the offense charged. 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 Bonner's conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against his certificates pursuant to *N.J.A.C.* 6A:9-17.5. The Board finds that they do.

In enacting the Criminal History Review statute, *N.J.S.A.* 18A:6-7.1 *et seq.* in 1986, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be a danger. Moreover, in a case directly on point, the Commissioner has determined that individuals convicted of Assault By Auto/Vessel in the third degree fall squarely within this category. *See Markakis v. NJ Dept. of Education, Office of Criminal History Review*, DKT. No. 586-10/10 (Commissioner's Decision, September 1, 2011) (Commissioner affirmed OCHR's finding that a conviction for Assault By Auto in the third degree in violation of *N.J.S.A.* 2C:12-1(c)2 is a disqualifying offense pursuant to *N.J.S.A.* 18A:6-7.1 *et seq.*). The strong legislative policy statement is also in accord with the Commissioner's long-standing belief that teachers must serve as role models for their students. "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, 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 (1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). In this instance, Bonner's conviction for third degree Assault by Auto demonstrates behavior that falls far short of a role model.

The strong policy statement on the part of the Legislature set forth in *N.J.S.A.* 18A:6-

7.1(b) also offers guidance to the Board as to the appropriate sanction in this matter. An individual whose offense is so great that he or she is barred from service in public schools should not be permitted to retain the certificate that authorizes such service. Nor should a person who has been disqualified from teaching in a public school be permitted to continue to hold himself out as a teacher. Thus, because the Legislature and the Commissioner consider Bonner's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of his certificates.

Accordingly, on September 20, 2013, the Board voted to revoke James Bonner's Substance Awareness Coordinator Certificate of Eligibility With Advanced Standing and his Teacher of Health and Physical Education and Teacher of Driver Education certificates. On this 1st day of November 2013 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of James Bonner's certificates be effective immediately. It is further ORDERED that Bonner 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.

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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.