

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
MARY E. PURCELL : ORDER OF SUSPENSION
_____ : DOCKET NO: 1415-137

At its meeting of June 26, 2015, the State Board of Examiners (Board) reviewed information the Hunterdon County Prosecutor's Office had forwarded regarding Mary E. Purcell. On February 10, 2014, Purcell was accepted into a Pretrial Intervention program (PTI) for 2 years following her indictment for Assault by Auto and guilty plea to DUI. The indictment charged Purcell with driving recklessly while under the influence of alcohol and causing injuries to others. According to the crash investigation, Purcell slammed into a car in front of her at a high rate of speed when that car and the one in front of it had stopped for a red light. Purcell's actions caused the car she hit to slam into the one in front of it. One person was taken to the hospital as a result of the accident and two other individuals complained of whiplash symptoms. The charges against Purcell were dismissed on April 17, 2015 after her successful completion of PTI. Purcell currently holds a Teacher of Elementary School Certificate of Eligibility With Advanced Standing, issued in February 2005, a Teacher of Elementary School certificate, issued in August 2006, a Supervisor certificate, issued in September 2010 and School Business Administrator and Principal Certificates of Eligibility, both issued in September 2010. Upon review of the above information, at its July 30, 2015 meeting, the Board voted to issue Purcell an Order to Show Cause as to why her certificates should not be suspended.¹

The Board sent Purcell the Order to Show Cause by regular and certified mail on August 3, 2015. The Order provided that Purcell had 30 days to respond. On August 31, 2015, Purcell

¹ At its meeting of January 23, 2015 the Board had voted to issue an Order to Show Cause to Purcell as to why her certificates should not be suspended pending completion of PTI. After the charges were dismissed, the board voted to vacate that Order to Show Cause and issue a new Order as to why Purcell's certificates should not be suspended.

submitted an Answer. In that Answer she admitted to the allegations regarding her conduct except that she denied driving at a high rate of speed. (Answer, ¶ 3). Purcell also denied that there was just cause to suspend her certificates. (Answer, ¶ 4). In addition to her Answer, Purcell submitted a letter in which she argued that everyone deserves a second chance. (Purcell correspondence, p. 1). Purcell stated that she had been “a metaphorical prisoner to the consequences of my actions.” (Purcell correspondence, p. 1). She noted that her PTI had been completed and effectively dismissed and that six months after the dismissal “I am eligible to have the incident and all records relating thereto expunged.” (Purcell correspondence, p. 1). Purcell added that the loss of her teaching credentials “would be a devastation from which I could never recover.” (Purcell correspondence, p. 2). She added that, while she disagreed “with the subjective and harsh description of the accident I caused, I cannot deny my participation in this act of negligence.” (Purcell correspondence, p. 2). Purcell expressed her regret for what happened but noted that all of the individuals involved had minor injuries and had recovered. (Purcell correspondence, p. 2). She also stated that at the time of the accident she was not employed by a school district but was working for a firm in the private sector. (Purcell correspondence, p. 2). After reiterating that she had successfully completed the terms and fines of her PTI and had not been convicted of any crime, Purcell noted, “I believe I am an individual entitled to complete relief from collateral consequences based upon the fitness of my character.” (Purcell correspondence, p. 3). She therefore asked the Board not to take away job opportunities from her. (Purcell correspondence, pp. 3-4).

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on November 25, 2015, the Board sent Purcell a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Purcell 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 her certificates. It also explained that upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if Purcell's offenses warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Purcell 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. Purcell did not respond.

The threshold issue before the Board in this matter is whether Purcell's conduct constitutes conduct unbecoming a certificate holder. Since Purcell failed to respond to the hearing notice, at its meeting of March 3, 2016, the Board considered only the allegations in the Order to Show Cause as well as Purcell's Answer and letter regarding her treatment. The Board determined that no material facts related to Purcell's offense were in dispute since she never denied that she had been admitted into PTI after pleading guilty to DUI or had engaged in the conduct alleged. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*.

The Board must now determine whether Purcell's conduct, as set forth in the Order to Show Cause, provides just cause to act against her certificates pursuant to *N.J.A.C. 6A:9B-4.4*. 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:9B-4.4*. "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). Purcell’s conduct in driving under the influence, thereby causing an accident which injured several individuals, is behavior that indicates a serious lapse in judgment. However, because it was an isolated and aberrational event, and Purcell has successfully completed PTI, the Board believes that only suspension is warranted here. The Board therefore concludes that the appropriate response to Purcell’s breach is a three year suspension of her teaching certificates.

Accordingly, on March 3, 2016, the Board voted to suspend Mary E. Purcell’s School Business Administrator and Principal Certificates of Eligibility, her Teacher of Elementary School Certificate of Eligibility With Advanced Standing and her Teacher of Elementary School and Supervisor certificates for a period of three years, effective immediately. On this 14th day of April 2016 the Board voted to adopt its formal written decision and it is therefore ORDERED that the suspension of Purcell’s certificates be effective immediately. It is further ORDERED that Purcell return her certificates to the Secretary of the State Board of Examiners, Office of Certification and Induction, 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 the provisions of *N.J.S.A.* 18A:6-38.4.