

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
THEOPHILUS BURROUGHS : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1516-158

At its meeting of January 21, 2016, the State Board of Examiners (Board) reviewed information the Supreme Court of the State of New York, Bronx County had forwarded regarding Theophilus Burroughs. In November 2015, Burroughs was convicted of Criminal Sale of a Firearm, Tax Fraud, Money Laundering and Conspiracy. He was sentenced to 15 years in prison. Burroughs currently holds a Teacher of the Handicapped certificate, issued in August 1997 and a Teacher of Music certificate, issued in August 2003. Upon review of the above information, at its March 3, 2016 meeting, the Board voted to issue Burroughs an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Burroughs the Order to Show Cause by regular and certified mail on March 8, 2016. The Order provided that Burroughs had 30 days to respond. Upon learning that Burroughs had been transferred to another prison, on April 11, 2016, the Board re-sent the Order to Show Cause to him by regular and certified mail. Burroughs requested an extension of time in which to respond and filed an Answer on July 8, 2016. In that Answer, he claimed that his out-of-state conviction “is not substantially equivalent to a similar New Jersey criminal statute.” (Answer, ¶ 5). Burroughs also stated that his conviction “is not one of the disqualifying offenses enumerated within NJSA 2C:51-2 or NJSA 18A:6-7.1 that may warrant the, manifest necessity for, revocation or suspension of certificates held by Burroughs.” (Answer, ¶ 6). He added that because his criminal conduct was “remote enough not to create cause for sanctions,” the Order to Show Cause should be dismissed. (Answer, ¶ 6).

In addition to his Answer, Burroughs submitted a Memorandum of Law (MOL) in which he presented arguments as to why his certificates should not be revoked or suspended. In that

MOL, Burroughs posited that the Board had consistently revoked certificates of individuals who had convictions that “were sufficient to require forfeiture, by the court, of their teaching position within a school district (NJSA 2C:51-2).” (MOL, p. 4). He argued that since he had never taught in New Jersey, that revocation did not apply to him. (MOL, p. 4). Burroughs also claimed that his crimes were not disqualifying pursuant to *N.J.S.A. 18A:6-7.1 et seq.*, and therefore did not warrant the revocation of his certificates. (MOL, pp. 4-6). He further contended that his conviction “does not constitute conduct that is a moral unfitness so extreme it will impair service to the community.” (MOL, p. 6). Burroughs claimed that “private out of school misconduct” could only be used as the basis for a revocation if there was a demonstration of an “impairment directly related to the license, and the student teacher relationship.” (MOL, p. 6). He argued that the conduct needed to be “sufficiently notorious so as to disgrace the teaching profession, and may reasonably be found to impair a teacher’s effectiveness to perform any professional function.” (MOL, pp. 6-7). Finally, Burroughs argued that while his conviction established guilt, his offenses were not of the type to be disqualifying or sufficiently flagrant to warrant the imposition of severe sanctions against his certificates. (MOL, p. 7).

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on October 26, 2016, the Board sent Burroughs a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Burroughs 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 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 Burroughs’ offenses warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any.

Burroughs was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Burroughs responded by letter dated November 7, 2016, stating that he wished to rely upon the Answer and MOL he had previously submitted. He also declined to appear before the Board.

The threshold issue before the Board in this matter is whether Burroughs' conduct constitutes conduct unbecoming a certificate holder. At its meeting of December 9, 2016, the Board considered the allegations in the Order to Show Cause as well as Burroughs' Answer and MOL. The Board determined that no material facts related to Burroughs' offense were in dispute since he never denied that he had been convicted of the stated crimes. 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 Burroughs' conduct, as set forth in the Order to Show Cause, provides just cause to act against his 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). Burroughs' claims that his crimes do not warrant action against his certificates because they were not school related and might not be disqualifying are wholly without merit. It is well established that the Board has the right to revoke a certificate where the teacher was involved in criminal activities, even if the activities

were unrelated to the classroom. *See Cox v. State Board of Examiners*, (App. Div. Docket No. A-3527-81T3) (November 18, 1983); *State Board of Examiners v. Krupp*, 3 *N.J.A.R.* 285 (1981). Moreover, there is no requirement that a teacher's conduct be found disqualifying as a prerequisite for revocation. In this case, Burroughs has a conviction for crimes involving tax fraud, criminal sale of a firearm, conspiracy and money laundering. There can be no argument that Burroughs' conduct, as evidenced by his conviction and lengthy prison sentence, amply demonstrates his inability to be a role model. The Board therefore concludes that the only appropriate response to Burroughs's breach is the revocation of his teaching certificates.

Accordingly, on January 19, 2017, the Board voted to revoke Theophilus Burroughs' Teacher of the Handicapped and Teacher of Music certificates, effective immediately. On this 3rd day of March 2017 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Burroughs' certificates be effective immediately. It is further ORDERED that Burroughs return his 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.

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Robert R. Higgins, Secretary  
State Board of Examiners

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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.