

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CREDENTIAL OF : STATE BOARD OF EXAMINERS
MAHMOUD I. OKAL : ORDER OF SUSPENSION
_____ : DOCKET NO: 1516-168

At its meeting of March 3, 2016, the State Board of Examiners (Board) reviewed information received from the Superior Court of New Jersey, Monmouth County regarding Mahmoud L. Okal. On December 3, 2015, Okal pled guilty to Simple Assault after being charged with Robbery and Aggravated Assault against a utility company employee. According to the criminal complaint, after a JCP&L employee removed a meter from Okal's building, thereby shutting down the power, Okal punched the employee through the driver's side vehicle window as he attempted to leave the premises. Okal also removed the keys from the victim's vehicle. Okal was sentenced to one year of probation and ordered to attend an anger management course. Okal currently holds a Substitute Credential, which expires in July 2020. Upon review of the above information, the Board voted at its meeting of April 14, 2016 to issue Okal an Order to Show Cause as to why his credential should not be revoked.

The Board sent Okal the Order to Show Cause by regular and certified mail on April 20, 2016. The Order provided that Okal must file an Answer within 30 days. Both the regular mail and certified mail copies were returned "Undeliverable as Addressed." After securing a new address for Okal, the Board re-sent the Order to Show Cause regular and certified mail on June 10, 2016. The certified mail copy was returned as "unclaimed" and the regular mail copy was not returned. Okal did not file a response. Thereafter, on July 22, 2016, the Board sent Okal another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. Okal filed an Answer on August 15, 2016.

In his Answer, Okal stated that when he went to court regarding the incident the judge agreed that the situation "was blown completely out of proportion and the judge showed leniency after hearing the facts of the case." (Answer, p. 1). Okal acknowledged that he had learned from his mistake and would not make it again. (Answer, p. 1). He noted that in his current position for an automotive company, he

was the first point of contact for customers “as my duties included answering phones, greeting customers, and general operations.” (Answer, p. 1). He added that both his employer and customers felt that he “excelled as a calm, organized and very detail oriented employee” and that he had since been promoted to General Manger. (Answer, p. 1). Okal noted that, on the day in question, JCP&L erroneously cut power to the wrong meter. (Answer, p. 1). He added that his business was located on a very busy highway in a building with two units, with two power meters. (Answer, p. 2). Okal noted that the then-office manager, Abe Okal, was in the middle of a financial transaction with a customer when the power was interrupted and Abe left mid-transaction to correct the error by the technician. (Answer, p. 2). Okal claimed that the JCP&L technician refused to acknowledge the error despite being shown a bill with a zero balance and refused to talk to customer service, which was on the phone. (Answer, p. 2). He stated the technician was aggressive, beginning to drive over Abe, pushing him with the truck through the parking lot and into oncoming traffic on the highway. (Answer, p. 2). Okal claimed that he had remained in the building with the customers, but when he saw the truck attempting to run over Abe, he called 911, ran out of the building, around the truck, climbed in and turned off the engine to prevent “Abe’s certain injury.” (Answer, p. 2). He noted that, knowing the police were on the way, he hoped they could sort out the situation and he could get back to business. He claimed his actions were “not in attempt to steal the truck, but rather to prevent injury to a fellow employee.” (Answer, p. 2). Okal added that the Court recognized that there was error on both parts. (Answer, p. 2). He stated he accepted his “role in the incident having been driven by passion and fear for Abe’s safety and am working daily to make better choices.” (Answer, p. 2).

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on October 31, 2016, the Board sent Okal a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Okal 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 credential. 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 credential. Thereupon, the Board would also determine the appropriate sanction, if any. Okal was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Neither the certified mail copy nor the regular mail copy was returned. Okal did not file a response.

The threshold issue before the Board in this matter is whether Okal's conduct and conviction constitute conduct unbecoming a certificate holder. At its meeting of January 19, 2017, the Board considered the allegations in the Order to Show Cause as well as Okal's Answer. The Board determined that no material facts related to Okal's offense were in dispute since he did not deny that he had been convicted and 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:9B-4.6(h)*.

The Board must now determine whether Okal's conduct and conviction, as set forth in the Order to Show Cause, represent just cause to act against his credential pursuant to *N.J.A.C. 6A:9B-4.4*. 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: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). In this matter, Okal's action in engaging in a physical altercation with a utility company employee is conduct that indicates a serious lapse in judgment. Nonetheless, the Court's light penalty and Okal's statement that he was protecting a fellow employee from serious harm, leads the Board to conclude that the appropriate response to Okal's breach is a one-year suspension of his credential.

Accordingly, on January 19, 2017, the Board voted to suspend Mahmoud I. Okal's Substitute Credential, for a period of one year, 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 suspension of Okal's credential be effective immediately. It is further ORDERED that Okal return his credential 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

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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*.