

STATE BOARD OF EXAMINERS DKT. NO. 0708-203
AGENCY DKT NO. 1-1/11A

IN THE MATTER OF THE :
REVOCATION OF THE CERTIFICATES : COMMISSIONER OF EDUCATION
OF ERIN MARKAKIS BY THE : DECISION
STATE BOARD OF EXAMINERS. :

Order of Revocation by the State Board of Examiners, May 12, 2011

For the Respondent-Respondent, Edward Cridge, Esq.

For the Petitioner-Respondent State Board of Examiners, Joyce D. Williams,
Deputy Attorney General (Paula T. Dow, Attorney General of New Jersey)

The Commissioner has thoroughly reviewed the record and the papers filed in connection with respondent's appeal of the State Board of Examiners' Order of May 12, 2011, revoking her teacher of elementary school in grades K-5 certificate of eligibility with advanced standing and her teacher of elementary school in grades K-5 certificate. In her submission, the respondent does not dispute her conduct, but rather requests that the matter be transmitted to the Office of Administrative Law for hearing to determine if her conduct was a product of her psychiatric illness justifying a penalty less than revocation.

In reviewing appeals from decisions of the State Board of Examiners, the Commissioner may not substitute his judgment for that of the Board so long as the respondent received due process and the Board's decision is supported by sufficient credible evidence in the record. Further, the Board's decision should not be disturbed unless the respondent demonstrates that it is arbitrary, capricious, or unreasonable. *N.J.A.C. 6A:4-4.1(a)*.

After full consideration of the record and all submissions, the Commissioner concludes that respondent received the due process to which she was entitled. In her November 24, 2010 response to the Order to Show Cause issued by the Board, the respondent argued that revocation was too severe a penalty based on her documented psychiatric illness that she alleges contributed to her conduct. The Board also provided the respondent with an additional opportunity to appear before the Board to provide testimony on the penalty issue or to submit further documentation, but the respondent declined to do so. The Board was fully aware of the respondent's psychiatric illness and its potential impact on her behavior when it issued the May 12, 2011 revocation Order; further, the undisputed evidence in the record provides ample support for the Board's revocation decision. Consequently, the Commissioner finds no basis upon which to disturb the decision of the State Board of Examiners.

Accordingly the decision of the State Board of Examiners is affirmed for the reasons expressed therein.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: September 19, 2011

Date of Mailing: September 21, 2011

*This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36*.