

57-26  
State Board of Examiners Dkt No. 1819-223  
OAL Dkt. No. EDE 13601-2019  
Agency Dkt. No. 6-2/24A

## **New Jersey Commissioner of Education**

### **Final Decision**

In the Matter of the Certificates of  
Joseph DeShan, State Board of Examiners,  
New Jersey Department of Education

Order of Revocation by the State Board of Examiners, January 25, 2024

For the Respondent-Appellant, Steven R. Cohen, Esq.

For the Petitioner-Respondent State Board of Examiners, Amna T. Toor, Deputy Attorney  
General (Matthew J. Platkin, Attorney General of New Jersey)

The Commissioner has reviewed the record and the papers filed in connection with appellant Joseph DeShan's appeal of the Order of the State Board of Examiners (Board), dated January 25, 2024, revoking his Teacher of Elementary School Grades K-8 Certificate of Eligibility with Advanced Standing and standard Teacher of Elementary School Grades K-8 certificate.

On December 20, 2018, the Cinnaminson School District (District) filed tenure charges against appellant, charging him with conduct unbecoming a teacher based on past and present conduct. In the past, appellant admittedly had a sexual relationship with a minor, beginning when appellant was approximately 28 or 29 and the minor was 14 years old. Appellant was in the seminary studying to become a priest, and the minor worked at the church rectory. This relationship resulted in a baby being born when the minor was 16. Later, while appellant was

employed by the District, he was accused of commenting on a student's eyes, making her uncomfortable. After a tenure arbitration, on April 2, 2019, Arbitrator Walter De Treux dismissed the tenure charges pursuant to the Teacher Effectiveness and Accountability for the Children of New Jersey (TEACHNJ) Act and reinstated appellant to his position. The arbitrator stated that the District relied on hearsay, and he also determined that by the Board reinstating appellant to his position in 2002 after confirming the relationship between appellant and the minor, it had already had its opportunity to act on appellant's pre-employment conduct.

On August 1, 2019, the State Board of Examiners (Board) issued an Order to Show Cause (OSC) seeking revocation of appellant's teaching certificates based on the conduct alleged in the tenure charges. The matter was transmitted to the Office of Administrative Law (OAL) on September 26, 2019. Appellant filed a motion to dismiss the matter on February 4, 2021, and the Board filed a cross motion for summary decision on April 14, 2021. Appellant filed opposition to the Board's cross motion, and the Board filed a reply. On September 3, 2021, the Administrative Law Judge (ALJ) denied appellant's motion to dismiss and granted the Board's motion for summary decision, finding that appellant engaged in conduct unbecoming a teacher when he engaged in sexual activity with a 14-year-old rectory employee. In addition, the ALJ ordered a Fox<sup>1</sup> hearing to allow appellant to present mitigating evidence. On September 28, 2021, the Board declined appellant's request for interlocutory review of the ALJ's Order.

Following the Fox hearing, the ALJ determined that the only appropriate recourse for appellant's conduct is the revocation of his teaching certificates, stating that "[a] lesser penalty would diminish the seriousness of his actions against minor children and send a message that

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<sup>1</sup> *In re Fox*, 2007 N.J. Super. Unpub. LEXIS 2174 (App. Div. Aug. 29, 2007).

this type of conduct is acceptable.” Initial Decision at 16. In reaching his determination, the ALJ found that the testimony of appellant’s witnesses were neither credible nor persuasive. The ALJ also found that the testimony of appellant’s witnesses in no way mitigated appellant’s responsibility. Regarding appellant’s testimony, the ALJ found that it “assisted the [Board] in proving the facts of the case by a preponderance of the evidence and in no way mitigated any responsibility.” *Id.* at 11. Furthermore, the ALJ found that the record established that appellant abused his position of authority when he engaged in sexual activity with a 14-year-old rectory employee, thereby failing to comport with the high moral standard demanded of teachers by the Board. The ALJ also noted that appellant did not deny commenting on a female student’s “pretty green eyes,” making her feel uncomfortable. As such, the ALJ recommended the revocation of appellant’s teaching certificates. Thereafter, on January 19, 2024, the Board adopted the Initial Decision.

On appeal, appellant argues that the arbitrator’s decision to dismiss the tenure charges against appellant precludes the instant matter. Specifically, appellant contends that the Board’s OSC is based on the same conduct alleged in the tenure charges filed by the District, and that those charges were dismissed by an arbitrator pursuant to the TEACHNJ Act. Therefore, according to appellant, the Board’s action against appellant’s teaching certificates is barred under the doctrine of collateral estoppel. Appellant argues that the Board erred in finding that the arbitrator’s decision had no preclusive effect on the instant matter because “[t]he Board was not a party to the tenure matter and the issues in each matter are different, i.e. the tenure matter did not decide whether [appellant’s] educator certificates should be suspended or revoked by

the Board as a result of unbecoming conduct.” Order of Revocation at 4. In support of his argument, appellant asserts the following:

[B]oth the Examiners and the Office of Controversies and Disputes, which administers the TEACHNJ Act, are part of the New Jersey Department of Education (NJDOE), whose chief executive officer is the Commissioner. The Commissioner makes the initial determination as to whether tenure charges, if proven, are “sufficient to warrant dismissal or reduction in salary of the person charged” under *N.J.S.A. 18A:6-16*. The Commissioner also appoints members to and serves as chair of the Board of Examiners. The Commissioner was a party to both the tenure proceeding and the revocation proceeding in this matter. . . Moreover, the Order of Revocation misidentified the issue that the tenure charges preclude. The issue is not whether Mr. DeShan’s certificates should be suspended or revoked as a result of the alleged unbecoming conduct, as the Order of Revocation claimed, but whether Mr. DeShan ever engaged in unbecoming conduct to begin with. Arbitrator [De]Treux conclusively found that he didn’t.

Appellant’s Brief at 9.

Next, appellant contends that the Revocation Order is arbitrary, capricious, and contrary to the law because it is unsupported by any competent or credible evidence in the hearing record. Appellant argues that the Board failed to produce competent or credible evidence supporting a finding of unbecoming conduct. Additionally, appellant asserts that the Board erred in granting deference to the ALJ’s findings of fact and credibility determinations, which appellant claims were erroneous and contaminated by the ALJ’s bias against him. Appellant contends that the Revocation Order is arbitrary, capricious, and contrary to the law in its refusal to consider the underlying circumstances, and therefore should be reversed.

At appellant’s request, the Commissioner held the instant matter in abeyance pending the litigation of *In re Cilento*, 262 N.J. 332 (2025), before the Supreme Court of New Jersey. *In re Cilento* raised the similar issue of whether the Board may take action against a certificate in addition to the penalty imposed by a tenure arbitrator. In that matter, the Board suspended the

Cilento's teaching certificate for two years after an arbitrator imposed a three-month disciplinary suspension for the same unbecoming conduct. The Board based its OSC on the same facts at issue in the tenure proceeding. Cilento argued that the arbitrator's determination should be considered a final agency decision of the New Jersey Department of Education, precluding additional discipline, but the Court rejected his contention.

Relying on the analysis from *Morison v. Willingboro Board of Education*, 478 N.J. Super. 229 (App. Div. Mar. 28, 2024), *certif. denied*, 258 N.J. 143 (2024), an analogous case, the Court found that there were two "distinct and dissimilar statutory schemes at play – one to revoke or suspend an educator's certificate under N.J.S.A. 18A:6-38, and the second to discipline a tenured educator under . . . N.J.S.A. 18A:6-10 to -18.1." *In re Cilento*, 262 N.J. at 336 (internal quotations omitted). Additionally, citing to *Morison*, the Supreme Court found that because "the Board of Examiners was not a party to the arbitration and the School Board was not a party to the certificate proceedings, there was no identity of the parties and, therefore, no privity between the Board of Examiners and the local Board of Education." *Id.* at 336-37 (internal quotations omitted). As such, the Court determined that the doctrines of res judicata and collateral estoppel do not bind the Board of Examiners.

The Commissioner finds no reason to deviate from *Cilento* and *Morison*. The District's tenure proceedings and Board's certificate proceedings are governed by two distinct and dissimilar statutory schemes. See N.J.S.A. 18A:6-10 to -18.1 and N.J.S.A. 18A:6-38. Furthermore, there is no privity between the parties since the Board was not a party to the District's tenure proceedings, and the District is not a party to the Board's certificate proceedings. Accordingly,

the Commissioner finds that the arbitrator's dismissal of the District's tenure matter does not preclude the instant matter.

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 appellant received due process and the Board's decision is supported by sufficient credible evidence in the record. The Commissioner's role in reviewing appeals is constrained by *N.J.A.C. 6A:4-4.1(a)*, which specifies that "the Commissioner shall ascertain whether the decision is supported by sufficient credible evidence in the record and shall not disturb the decision unless the appellant has demonstrated the State Board of Examiners . . . acted in a manner that was arbitrary, capricious, or contrary to law." See *Morison v. Willingboro Bd. of Educ.*, 478 N.J. Super. 229, 238 (App. Div. 2024) (citing *N.J.A.C. 6A:4-4.1(a)*).

"[T]eachers . . . 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." *IMO Tenure Hearing of Sammons*, 1972 S.L.D. 302, 321. Teachers "hold positions demanding public trust, and in such positions they teach, inform, and mold habits and attitudes, and influence the opinion of their pupils." *IMO Tenure Hearing of Tordo*, 1974 S.L.D. 97, 98-99.

"Conduct unbecoming" is an "elastic" concept that includes "conduct which adversely affects the morale or efficiency" of the public entity or "which has a tendency to destroy public respect for [public] employees and confidence in the operation of [public] services." *In re Emmons*, 63 N.J. Super. 136, 140 (App. Div. 1960). *Accord Bound Brook Bd. of Educ. v. Ciripompa*, 228 N.J. 4, 13 (2017). A finding of unbecoming conduct "may be based merely upon the violation

of the implicit standard of good behavior which devolves upon one who stands in the public eye as an upholder of that which is morally and legally correct.” *Bound Brook Bd. of Educ.*, 228 N.J. at 14 (quoting *Karins v. City of Atlantic City*, 152 N.J. 532, 555 (1998)). Unfitness to hold a position in a school system may be demonstrated through just 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).

After a comprehensive review of the record, the Commissioner finds that the record adequately supports the ALJ’s determination that appellant engaged in unbecoming conduct warranting the revocation of his teaching certificates. Appellant does not deny engaging in sexual activity with a minor, beginning when she was 14 years old and appellant was in his late twenties. The Commissioner agrees with the ALJ and the Board that appellant abused his position of authority as a priest over the minor who worked at the church rectory and thereby failed to comport with the high moral standard demanded of public educators. Additionally, appellant does not deny commenting on a female student’s “pretty green eyes,” making her feel uncomfortable. As such, the Commissioner finds that the Board’s decision to adopt the Initial Decision was not arbitrary, capricious, or contrary to the law.

The Commissioner does not find appellant’s arguments persuasive. Despite appellant’s argument to the contrary, the record does not indicate that the ALJ showed bias towards appellant or his witnesses, nor has appellant established that the ALJ demonstrated bias. Regarding appellant’s claims that the Initial Decision contains factual errors, the Commissioner notes that, even if true, such errors are immaterial to the determination and therefore do not warrant overturning the Initial Decision or the Order of Revocation.

Accordingly, the decision of the Board is affirmed. Appellant's Teacher of Elementary School Grades K-8 Certificate of Eligibility with Advanced Standing and standard Teacher of Elementary School Grades K-8 certificate are hereby revoked.<sup>2</sup>



ACTING COMMISSIONER OF EDUCATION

Date of Decision: February 17, 2026

Date of Mailing: February 17, 2026

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<sup>2</sup> This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A.* 18A:6-9.1. Under *N.J. Ct.R.* 2:4-1(b), a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
JOSEPH DESHAN : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1819-223

On or about December 20, 2018, the State Board of Examiners (Board) received notice that the Cinnaminson Board of Education (Cinnaminson) certified tenure charges against Joseph DeShan (DeShan) for unbecoming conduct and other just cause for allegedly having a sexual relationship with a 15-year-old female in the mid-1990's in Connecticut and more recently in New Jersey making a young female student uncomfortable with a comment regarding her eyes. Deshan is the holder of a Teacher of Elementary School Grades K-8 Certificate of Eligibility with Advanced Standing and a standard Teacher of Elementary School Grades K-8 certificate.

Based on the conduct alleged in the tenure charges, on August 1, 2019, the Board issued an Order to Show Cause to DeShan as to why his certificates should not be revoked. On or about August 30, 2019, DeShan filed an answer. Thereafter, the Board transmitted the matter to the Office of Administrative Law (OAL) for hearing as a contested case. Administrative Law Judge Dean J. Buono (ALJ) was assigned to the matter.

On February 4, 2021, DeShan filed a motion to dismiss and the Board filed a cross motion for summary decision on April 14, 2021. DeShan filed an opposition to the Board's cross motion and the Board filed a reply. On September 3, 2021, the ALJ denied DeShan's motion to dismiss and granted the Board's motion for summary decision. *In the Matter of the Certificates(s) of Joseph DeShan*, OAL DKT. NO. EDE 13601-19, Order (Sept. 3, 2021). The ALJ determined that, although the tenure charges were dismissed, collateral estoppel did not apply because the Board was not part of the tenure proceeding. *Id.* at 5. The ALJ found that there was no genuine issue of

material fact as to whether respondent engaged in the conduct as alleged and thus the matter was ripe for summary decision. *Id.* at 10. Further, the ALJ found that the conduct as alleged was conduct unbecoming that violated the high moral standard expected of an educator. *Id.* at 9. The ALJ ordered that a *Fox*<sup>1</sup> hearing be scheduled to allow DeShan to present evidence in mitigation of the penalty. *Ibid.*

On September 13, 2021, DeShan filed a motion for interlocutory review before the Board regarding the ALJ's order denying DeShan's motion to dismiss. DeShan argued that the ALJ erred by finding that the arbitrator's ruling in the district's tenure matter did not preclude the Board from taking action on his certificates, improperly relied on purported contested facts, and improperly shifted the burden of proof. *See Motion for Interlocutory Review* at 1-2. On September 17, 2021, the Board voted not to review the ALJ's order.

A hearing was held before the ALJ on February 6, 2023, and after receipt of closing summations, the record closed on August 23, 2023. The ALJ issued an Initial Decision on October 10, 2023. *In the Matter of the Certificates(s) of Joseph DeShan*, OAL DKT. NO. EDE 13601-19, Initial Decision (Oct. 10, 2023).

It is undisputed that, beginning in 1988 in Connecticut, DeShan engaged in a sexual relationship with a fourteen-year-old female, A.J., who worked at the church rectory while DeShan was studying to become a priest. *Id.* at 3, 8. Further, it is undisputed that DeShan fathered a child with A.J. in 1990, just days after she turned sixteen. *Ibid.* It is also undisputed that, in 2015, DeShan made a comment to a female student about her "pretty green eyes" which made the student feel uncomfortable. *Id.* at 4, 8.

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<sup>1</sup> *In re Fox*, 2007 N.J. Super. Unpub. LEXIS 2174 (August 29, 2007).

After reviewing the record and the testimony provided at the *Fox* hearing, the ALJ found that the testimonies of DeShan's witnesses were neither credible nor persuasive, stating that "all of them had mistaken or unknown facts about the incidents." *Id.* at 10. The ALJ also found that none of the witnesses were concerned about the well-being of children in the school district and had questionable interpretations of DeShan's sexual relationship with a minor. *Ibid.* The ALJ found that the testimony from DeShan's witnesses "in no way mitigated his responsibility." *Ibid.* As for DeShan's testimony, the ALJ determined that it "assisted the [Board] in proving the facts of the case by a preponderance of the evidence and in no way mitigated any responsibility." *Id.* at 11.

The ALJ found that the record demonstrated that DeShan abused a position of authority when he engaged in an admitted sexual activity with a fourteen-year-old female rectory employee, which does not "comport with the high moral standard demanded of public educators by the (Board)" and "unquestionably impacts the public trust he is required to uphold as an influential public figure in the community." *Id.* at 14. Further, DeShan did not deny commenting on a female student's physical appearance, specifically on her "pretty green eyes[.]" making her feel uncomfortable. *Ibid.* Despite DeShan's attempts at justification, the ALJ found he exercised poor judgment in his interactions with several minor children, and that his "poor judgement and utter lack of understanding of the gravity of his conduct constitutes conduct unbecoming a teacher and in no way mitigates his actions." *Id.* at 11. In determining that the only appropriate penalty for DeShan's conduct is the revocation of his teaching certificates, the ALJ stated "[a] lesser penalty would diminish the seriousness of his actions against minor children and send a message that this type of conduct is acceptable." *Id.* at 16.

On October 23, 2023, DeShan submitted exceptions to the Initial Decision. DeShan argues that there was no competent or credible evidence that he engaged in conduct unbecoming a teacher. *See Exceptions* at 2. DeShan further argues that the ALJ erred in not dismissing the Order to Show Cause outright because the Order to Show Cause relied on tenure charges which were dismissed. *Id.* at 4. Finally, DeShan argues that the initial decision should be overturned because the ALJ was biased against DeShan, his character witnesses, and his counsel. *Id.* at 19.

The Deputy Attorney General (DAG) assigned to represent the Board in this matter submitted a reply to DeShan's exceptions on November 8, 2023. The DAG argued that the ALJ correctly decided DeShan's motion to dismiss because he failed to meet the requirements for collateral estoppel. *Reply to Exceptions* at 13. Further, the DAG argues that the undisputed facts established that DeShan engaged in conduct unbecoming a teacher and the ALJ correctly concluded that revocation was the proper penalty. *Id.* at 19, 23. Finally, the DAG argues that the ALJ conducted a fair and impartial hearing. *Id.* at 29.

The Board must now determine whether to adopt, modify or reject the Initial Decision in this matter. At its meeting of December 8, 2023, the Board reviewed the Initial Decision. After full and fair consideration of the Decision, the Board voted to adopt the Initial Decision.

The dismissal of the tenure matter commenced by DeShan's former employer has no bearing on the instant matter relating to the Board's action on DeShan's teaching credentials. The Board was not a party to the tenure matter and the issues in each matter are different, i.e. the tenure matter did not decide whether DeShan's educator certificates should be suspended or revoked by the Board as a result of unbecoming conduct. Thus, collateral estoppel is not applicable and does not preclude the Board's matter against DeShan's certificates. *See First Union Nat'l Bank v. Penn Salem Marina, Inc.*, 190 N.J. 342, 352 (2007); *In the Matter of the Certificates of Melvin*

*Cummings, Maria Azzaro, and Priscilla Dawson (Consolidated)*, Dkt. Nos. EDE 6297-07, EDE 6464-07, and EDE 6463-07 (Initial Decision, September 12, 2019), *adopted* State Board of Examiners (February 28, 2020).

Importantly, DeShan's prior actions with the fourteen-year-old female rectory employee and his 2015 comment on a student's "pretty green eyes" were undisputed and admitted. Thus, there was no improper shifting of the burden of proof as to unbecoming conduct.

"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. There is no doubt that the ALJ is in the best position to render credibility determinations in this matter. Accordingly, the Board will defer to those findings.

As noted above, after assessing the undisputed evidence and the credibility of the witnesses, the ALJ concluded that DeShan engaged in conduct unbecoming that warranted the revocation of his certificates. After reviewing the entire record, the Board agrees with the ALJ's assessment regarding DeShan's conduct and the appropriate resultant penalty. The Board is not persuaded by DeShan's exceptions regarding the need to overturn ALJ Buono's credibility findings due to bias, nor does it find that there was not any competent or credible evidence to support the factual findings regarding DeShan's conduct.

Accordingly, on December 8, 2023, the Board voted to adopt the Initial Decision and ordered the revocation of DeShan's teaching certificates. On this 19<sup>th</sup> day of January 2024, the Board formally adopted its written decision to adopt the Initial Decision in this matter and it is therefore ORDERED that any and all educator certificates and credentials held by Joseph DeShan as of the date of this decision are hereby revoked, effective immediately. It is further ordered that

DeShan return any paper certificates, or copies thereof, to the Secretary of the State Board of Examiners, Office of Certification, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.



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Rani Singh, Secretary  
State Board of Examiners

RS/LF

**Date of Mailing:**  
**via certified and regular mail**

Appeals may be made to the Commissioner of Education pursuant to the provisions of *N.J.S.A.* 18A:6-38.4.



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**INITIAL DECISION**

OAL DKT. NO. EDE 13601-19

AGENCY DKT. NO. 1819-223

**IN THE MATTER OF THE REVOCATION  
OR SUSPENSION OF CERTIFICATE(S)  
OF JOSEPH DESHAN.**

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**Amna T. Toor**, Deputy Attorney General, for petitioner, New Jersey Department of Education, Office of Licensure and Credentials (Matthew J. Platkin, Attorney General of New Jersey, attorney)

**Steven R. Cohen**, Esq., and **Hop T. Wechsler**, Esq., for respondent, Joseph DeShan (Selikoff & Cohen, attorneys)

Record closed: August 23, 2023

Decided: October 10, 2023

BEFORE **DEAN J. BUONO**, ALJ:

**STATEMENT OF THE CASE AND PROCEDURAL HISTORY**

By way of Order to Show Cause, petitioner State Board of Examiners (Board) seeks revocation or suspension of respondent Joseph DeShan's (DeShan) teaching certificates on the grounds of conduct unbecoming a teacher.

The Order to Show Cause (OTSC) was issued after the Board received notice on December 20, 2018, when the Cinnaminson School District filed tenure charges against DeShan. On April 2, 2019, Arbitrator Walter DeTreuX dismissed the tenure charges under the Teacher Effectiveness and Accountability for the Children of New Jersey Act (TEACHNJ Act) and reinstated respondent to his position. DeTreuX dismissed the charges on the grounds that the District relied on hearsay evidence. DeTreuX also found that by reinstating DeShan to his position in 2002 when the District learned of DeShan's relationship with A.J., the District already had its opportunity to act on DeShan's pre-employment conduct. See Exhibit E.

On August 5, 2019, the State Board of Examiners (Board) issued an Order to Show Cause seeking revocation of respondent's teaching certificate. The respondent filed his answer on August 30, 2019, and this matter was transmitted to the Office of Administrative Law (OAL), where it was filed on September 27, 2019. Due to the restrictions caused by the Covid-19 pandemic in February 2021, respondent filed a motion to dismiss the matter. The Board subsequently filed a cross-motion for summary decision. The record remained open for the submission, which was received on July 12, 2021.

On September 3, 2021, I ordered that respondent's motion to dismiss be denied, as collateral estoppel did not apply because the Board was not part of the preceding matter and had not presented its case. I further ordered that petitioner's cross-motion for summary decision was granted because there was no genuine issue of material fact as to whether respondent engaged in the conduct as alleged and that it was conduct unbecoming that violated the high moral standard of good behavior required by the New Jersey Board of Examiners. I further ordered that a Fox<sup>1</sup> hearing be scheduled, to allow respondent the ability to present evidence in mitigation of the revocation penalty.

Due to the desire of the respondent to have an in-person hearing and multiple requests for adjournment, the hearing was finally held on February 6, 2023. The record remained open for receipt of transcripts and filing of closing summations. After receipt of closing summations, the record closed on August 23, 2023.

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<sup>1</sup> In re Fox, 2007 N.J. Super. Unpub. LEXIS 2174 (August 29, 2007).

## **FACTUAL DISCUSSION**

Respondent DeShan is the holder of a Teacher of Elementary School in Grades K–8 Certificate of Eligibility with Advanced Standing and a Teacher of Elementary School in Grades K–8 certificate. DeShan is a tenure-certified teacher within the Cinnaminson School District, where he has taught for twenty-two years.

Prior to becoming a teacher, DeShan was studying to become a Roman Catholic priest in Bridgeport, Connecticut, from 1987 to 1989. In 1988, a thirty-something year old, DeShan started a sexual relationship with a fourteen-year-old girl (“A.J.”) who worked at the church rectory. DeShan and A.J. had a child together in 1990, just a few days after A.J. turned sixteen. DeShan and A.J. maintained a relationship from 1988 through 1993.

In 1989, DeShan requested a leave of absence from the priesthood in part due to his relationship with the pregnant fourteen-year-old acquaintance, A.J. The leave of absence was ultimately granted in 1989 after DeShan turned forty years of age. Thereafter, DeShan received a master of arts degree in elementary education from Holy Family University in 1996. Between 1995 and 1997, DeShan worked as a substitute teacher for several school districts in Pennsylvania and New Jersey. DeShan began working as a full-time teacher in Cinnaminson in March 1997. While DeShan disclosed his time as a priest on his job application to Cinnaminson, he did not disclose his relationship with A.J. DeShan asserts that Cinnaminson only asked him to disclose his prior work experience.

In 2002, A.J. disclosed her relationship with DeShan to the media and the Cinnaminson Board of Education became aware of DeShan and A.J.’s relationship. DeShan was placed on administrative leave for three weeks but was ultimately reinstated by the District. The Cinnaminson superintendent and Board of Education determined that DeShan had neither violated any administrative rules nor appeared vulnerable to criminal charges due to Connecticut’s statute of limitations on sexual assault. According to DeShan, he was welcomed back with praise from the administration and Cinnaminson community.

DeShan continued to work without issue until 2018 when the Cinnaminson School District certified tenure charges against DeShan for “conduct unbecoming.” The tenure charges included DeShan’s pre-employment conduct involving A.J., as well as a recent incident where he told a female student, “Look at me. Let me see your pretty, green eyes. You don’t see them too much anymore.” This comment made the student feel “uncomfortable,” and it was reported that DeShan made the comment in a “weird voice.” The tenure charges also stated that parents have come forward with concerns about DeShan and have asked that their children be removed from his class. The District argued that DeShan failed to comport with District policies concerning appropriate conduct and moved for his removal. Subsequently, the tenure charges were submitted for arbitration pursuant to N.J.S.A. 18A:6-17.1.

Having found that the undisputed conduct was unbecoming, the only question was the recourse of the Board of Examiners request for revocation of his teaching certificate.

### **Testimony of Respondent’s Witnesses**

**Rebecca Braymer** (Braymer) has been a seventh- and eighth-grade math teacher for the Cinnaminson Township Public Schools for the last eleven years. She described that she used to teach with Joseph DeShan approximately five years ago and they chaperoned one field trip together. Braymer stated that DeShan fulfilled his responsibilities and handled one incident particularly well. She never saw him do or say anything inappropriate and his reputation in the community was very good.

Braymer was aware of the incident where DeShan made a comment about a student’s appearance, and she stated that it wasn’t out of line to tell a student that she had “pretty green eyes.” Also, she was aware of an incident when DeShan was a priest and had a relationship with a “young woman.” However, when told that the “young woman” was a fourteen-year-old girl, she stated that the relationship with the child was wrong. However, that doesn’t change her opinion of DeShan.

**Maria Aguado** (Aguado) is a 2004 graduate of the Cinnaminson Township School District and is currently a special-education teacher at the Cinnaminson Middle School. She described DeShan as having a great sense of humor and rapport with the students. Aguado never saw him behaving inappropriately or saying anything inappropriate. She testified that it's not inappropriate for someone to make a comment that a student has "pretty green eyes." In fact, she has made comments to students about their appearance to further a rapport. She further described that DeShan left the priesthood "after a relationship" to be a teacher. Aguado was aware that the "relationship" DeShan had was with a fourteen-year-old girl, but it occurred before he was a teacher, and it was out of the District.

**Alison Palat** (Palat) has been a middle school reading teacher since 1999. She spent two years as DeShan's in-class support teacher. Palat thought DeShan was a great teacher and never heard him say or do anything inappropriate.

She also articulated that it is perfectly acceptable to like an outfit or haircut of a student to engage with them. Saying somebody has "pretty green eyes" is not inappropriate. She also testified that she knew that when DeShan was a priest, he "had an inappropriate fling with someone." She did hear that the individual was a child, but it still doesn't change her opinion of him because he wasn't a teacher at the time and it is "none of her business." She agreed that a relationship with a fourteen-year-old is inappropriate, but that still doesn't change her opinion of DeShan.

**Moira Lafferty** (Lafferty) is a fifth-grade special-education teacher with the Cinnaminson School District. DeShan was her sixth-grade teacher when she attended the Cinnaminson Township School District. She recalled that he was a kind, welcoming, and supportive teacher and never said anything to make her feel uncomfortable.

She acknowledged that in the past she has made comments about a child's appearance to make them feel comfortable or to engage them. Saying someone has "pretty green eyes" is "not out of line." She also described that she was aware that DeShan had left the priesthood after he "fathered a child with a woman." She was aware that DeShan had a sexual relationship with a fourteen-year-old child. Although she

testified that it is not appropriate for a teacher to have a sexual relationship with a child, it still does not change her opinion of DeShan. However, she did admit that it was inappropriate for someone to have a sexual relationship with a child.

**Lauren Every-Clayton** (Every-Clayton) is a sixth-grade math teacher and has been with the Cinnaminson Township School District for twenty-eight years. She has known DeShan for twenty-seven years. She testified that he appropriately deals with students and has never said or done anything inappropriate. In fact, making comments about a student's appearance was acceptable to have or to continue a rapport with that student. Therefore, saying to a student that she had "pretty green eyes" was okay.

She was aware that DeShan left the priesthood because he had a "relationship with another person and it was a consensual relationship." Thereafter, he "took care of it." However, when told that the consensual relationship was with a fourteen-year-old child, whom he impregnated, she opined, "It's not appropriate for a teacher to have a sexual relationship with a student, but he wasn't a teacher." When asked whether it's appropriate for anyone to have a sexual relationship with a child, Every-Clayton testified that "it's a hard line to cross when you have the consensual person and two people are consenting," but added, "I don't think that it's appropriate."

Every-Clayton further testified, "I know that the age of consent can be different in various states, I'm not saying it's wrong, I'm just saying that a consensual relationship is different than rape." When told that the person who allegedly consented was only fourteen years old, she testified, "I understand how people can feel a desire to be with another person when they're a young age like a fourteen-year-old who has feelings and may have the feelings of being with a person older than them. I'm not saying it's right or wrong . . . I'm not sure what I'm saying."

**Thomas Colella** (Colella) has been with the Cinnaminson School District for the last eleven years as an applied behavior analyst (ABA) special-education tech-support teacher. He graduated from Cinnaminson High School in 2005, and although he was not a student of DeShan's, he did see how DeShan reacted to other students and opined that

he was never inappropriate. He stated with particularity that uttering a comment “pretty green eyes” to a student is not out of line.

Colella was aware that DeShan was a priest who had “an encounter with a younger woman and had a child.” He did find out that the “younger woman” was a child when DeShan impregnated her. He opined that an encounter between a priest and a young woman is not okay. Colella also admitted that a sexual relationship with a child is inappropriate, but it doesn’t change his opinion of DeShan.

**Mary Schuster** (Schuster) retired from the Cinnaminson Township Board of Education and taught for twenty-four years. She taught with DeShan and never heard or saw him do anything inappropriate. He has an excellent reputation as a teacher. She described that uttering the comment “pretty green eyes” to a student is not inappropriate, in fact it is a technique to build rapport with the student.

She was aware that DeShan was a priest in the past and had a “situation with a housekeeper in the rectory, I guess, and they had an affair.” She was unaware that the individual was a fourteen-year-old child that he had impregnated, but she opined that it “is not relevant because he has had an exemplary career.” She added, “[i]t is not appropriate to have a sexual relationship with a child.” She admitted that she “doesn’t know the situation,” and stated that we should not be concerned with what happened before he was a teacher.

**Theresa Crowley** (Crowley) has been a reading teacher with the Cinnaminson Township School District since 2012. She never saw or heard DeShan do anything inappropriate, and in fact uttering the statement “pretty green eyes” is not out of line. Despite the fact that the comment made the student uncomfortable, it is still acceptable. As a teacher you do what is necessary to get your point across with the student and provide an education.

She was aware that DeShan was a priest in the past who had a “relationship with a young lady” and that they had a child together. However, she was not aware that the “young lady” was a fourteen-year-old child. She admitted that it is not appropriate for

anyone to have a sexual relationship with a child. However, all this was before he was a teacher, and “there is a different line of who he is now today than who he was back then.” When asked “Do you think it’s appropriate for a teacher who has openly admitted to having a sexual relationship with a child to keep their teaching certificate?” Crowley responded, “Yes, I do.”

**Joseph DeShan** (DeShan) testified that he is married with three adult children and maintains an Elementary education certificate with the State of New Jersey. He has never been disciplined in his career.

The 2015 “pretty green eyes” comment made to a female student was made in a classroom with more than fifteen students in it during a spirit-week activity. The student had her head down and was speaking in a low voice asking for scissors, so DeShan asked her in a “calm voice, nonthreatening voice” to look him in the eye. After she did it, to reinforce the positive behavior of the student he said that she had “pretty green eyes” and she smiled. He testified, “That’s all that happened.” He was aware at some point that the student’s parent complained about his comment, but he was not able to talk about it and explain his side.

DeShan testified that he went into the priesthood because he has a personality of being a “pleaser to the nth degree.” His parents wanted him to be a priest and so he went on to the seminary in Connecticut. He explained that while at the seminary he was “naïve and unhappy.” He contemplated leaving the priesthood for a very long time, but he felt pressured to be a priest.

In 1988, while at the seminary, he met A.J. who worked at the rectory and at the time was fourteen years old. He “thought she was in her twenties” but only found out how old she was when she became pregnant. When questioned on cross-examination by the undersigned about what made her “look like she was in her twenties” DeShan was evasive and never answered the question. Shortly after meeting her, DeShan impregnated A.J. and she had the baby at fifteen years of age.

DeShan testified that due to his unhappiness, he decided to request a leave of absence from the seminary. DeShan explained that he finally put in his leave request in September 1989. It was granted on September 14, 1989. (R-2.) However, on cross-examination, I questioned DeShan about the dates, as well as his purported reason for his leave of absence, and DeShan admitted that one of the reasons he requested a leave of absence was because fourteen-year-old A.J. was pregnant with his child.

DeShan testified that both his family and A.J.'s family knew about the relationship and "approved." In fact, after a period of time, DeShan and A.J. moved to Moorestown, New Jersey to stay with his family. They lived together in Moorestown for a year and "things were good, we had a very good relationship." However, in 1991 Jimenez got "homesick" and wanted to go back to Connecticut with her family, so she did. Thereafter, he paid child support for twenty years. DeShan described his relationship with A.J. as a "very good relationship, we were committed to a long-term relationship, given where we were at in our lives, we were totally bonded to our daughter whom we both loved dearly," but said he was disappointed that "we just could not make it happen long term."

After his stint with the seminary, DeShan thought that being a teacher "would be a good fit," so he pursued his education. At some point DeShan became a substitute teacher at the Cinnaminson Township Board of Education. Shortly thereafter he applied for an available full-time position and was hired. Throughout his career he got "really good evaluations," and thereafter tenure.

He recalled that in the spring of 2002 the "story broke in newspapers up and down the northeast coast." The story about his past relationship with A.J. appeared in a New York Times article. When he returned from his administrative leave, the students and teachers welcomed him back with open arms. He opined, "I was an excellent teacher." He also described that he had an excellent relationship with parents.

Also on cross-examination, DeShan testified he is aware that "sex with a minor is against the law." When asked whether he believed it was appropriate for any adult to have a sexual relationship with a minor, he replied, "it was consensual for us." He

admitted that in hindsight, he would not have made that comment about the student's "pretty green eyes."

There were no witnesses presented by the petitioner.

### **Credibility and Findings of Facts**

For testimony to be believed, it must not only come from the mouth of a credible witness, but it also has to be credible in itself. It must elicit evidence that is from such common experience and observation that it can be approved as proper under the circumstances. See Spagnuolo v. Bonnet, 16 N.J. 546 (1954); Gallo v. Gallo, 66 N.J. Super. 1 (App. Div. 1961). A credibility determination requires an overall assessment of the witness's story in light of its rationality, internal consistency and the manner in which it "hangs together" with the other evidence. Carbo v. United States, 314 F.2d 718, 749 (9th Cir. 1963). Also, "[t]he interest, motive, bias, or prejudice of a witness may affect his credibility and justify the [trier of fact], whose province it is to pass upon the credibility of an interested witness, in disbelieving his testimony." State v. Salimone, 19 N.J. Super. 600, 608 (App. Div.), certif. denied, 10 N.J. 316 (1952) (citation omitted).

A trier of fact may reject testimony because it is inherently incredible, or because it is inconsistent with other testimony or with common experience, or because it is overborne by other testimony. Congleton v. Pura-Tex Stone Corp., 53 N.J. Super. 282, 287 (App. Div. 1958).

The testimony of DeShan's witnesses was especially neither credible nor persuasive. Their testimony was neither clear nor concise, in that all of them had mistaken or unknown facts about the incidents. It was obvious that none had concerns about these incidents or the safety and well-being of any of the children in the school District. They all testified that the "pretty green eyes" comment was acceptable despite the fact that it had made the student uncomfortable and classified it as "creepy". Also, all of the witnesses had questionable understanding and interpretations of DeShan's inappropriate sexual relationship with a minor. Testimony from DeShan's witnesses in no way mitigated his responsibility.

In fact, DeShan's own testimony was also not credible in terms of his factual recitation or the manner in which it was given. His own testimony assisted the petitioner in proving the facts of the case by a preponderance of the evidence and in no way mitigated any responsibility. DeShan was evasive in his testimony, as well as seemingly unconcerned for the well-being of the two minors involved. First, he claimed that he was a "pleaser" and simply entered the seminary to please his parents, then realized that the seminary was not for him and wanted to get out, but couldn't. However, after being questioned by me, he admitted that the reason he requested a leave of absence from the seminary was that he had impregnated a fourteen-year-old girl. His testimony that the relationship was "consensual" was disturbing and indicates that he has not seen the error of his ways. His attempt to justify his actions by stating that the girl looked like she was in her twenties was equally questionable. When asked what made him think she was in her twenties, he offered no answer.

DeShan's words and demeanor during his testimony suggested that he was attempting to "sell" his justified version of the facts to the undersigned. In fact, his comment that he had a "bond and good relationship" with the fourteen-year-old and that he was upset that he "could not make it happen long term" showed that he missed the point of this disciplinary proceeding. His recitation and demonstration of his contact with these two minor children was neither credible nor true. His comment that he spoke to the student in the classroom in a "calm voice, nonthreatening voice" before he made the comment that she had "pretty green eyes" was questionable in the sense that he thought he had to qualify this comment. There is no allegation in the OTSC that he spoke loudly or aggressively, yet he thought it was important to qualify this comment. Why? Though not spoken in word, DeShan portrayed that his conduct being called into question was everyone else's fault but his own. In fact providing attempted justification for his actions.

**I FIND** that the record clearly establishes that despite his attempt at justification, respondent exercised poor judgement in dealing with several minor children. **I FURTHER FIND** that his poor judgement and utter lack of understanding of the gravity of each incident constitutes conduct unbecoming a teacher and in no way mitigates his actions.

## **LEGAL DISCUSSION**

Respondent continues to argue that the Board “improperly usurped” the jurisdiction of the arbitrator under the TEACHNJ Act by issuing an order to show cause based on the same allegations brought against the respondent under the tenure charges brought by the Cinnaminson School District. He also argues that the undersigned found “so called facts” in the order on motion for summary decision that were “unsupported,” and that he “denies commenting on the student’s physical appearance.” However, DeShan’s testimony during the Fox hearing clearly contradicts that statement.

The Board argues that revocation of DeShan’s teaching certificates is the appropriate penalty because no genuine issue of material fact exists concerning whether DeShan engaged in conduct unbecoming, and that warrants the determination as a matter of law. The Board points to respondent’s intimate sexual relationship with a fourteen-year-old girl with whom he fathered a child while in a position of power, as well as the fact that while a teacher in Cinnaminson, he expressed to a minor child that she had “pretty green eyes” in a “weird voice,” making the student uncomfortable. The Board argues that these two incidents, taken together, clearly constitute conduct unbecoming a public employee and warrant revocation of his teaching certificate.

Under N.J.A.C. 6A:9B-4.5(a), the Board of Examiners may issue an order to show cause to a holder of a teaching certificate if the Board determines that the conduct of the holder may warrant revocation or suspension for a variety of reasons. The Board may issue an order to show cause under N.J.A.C. 6A:9B-4.5(a) if it receives information regarding a certificate holder’s criminal conviction or pending criminal charges, if the certificate holder fails to maintain their license, or if the Board receives information that a certificate holder has abused or neglected a student or colleague, among other reasons. N.J.A.C. 6A:9B-4.5(a)(1)–(10). N.J.A.C. 6A:9B-45(b) provides the Board with broad authority to issue an order to show cause if the Board determines that grounds for revocation or suspension may exist. A finding of conduct unbecoming does not require a violation of a specific rule or regulation but may be premised primarily on a violation of an implicit standard of good behavior. Karins v. Atl. City, 152 N.J. 532, 554 (1998); In re Brewer, 2000 N.J. AGEN LEXIS 630 (Sep. 13, 2000) (quoting In re Emmons, 63 N.J.

Super. 136, 140 (App. Div. 1960)), remanded, 2000 N.J. AGEN LEXIS 1626 (Dec. 11, 2000). The Board bears the burden of proving its claim against the respondent by a preponderance of the competent and credible evidence. See In re DaCosta, 2014 N.J. AGEN LEXIS 773 (Dec. 2, 2014), adopted, State Bd. Of Exam'rs (April 17, 2015) <https://www.nj.gov/education/legal/>.

The New Jersey Supreme Court has interpreted conduct unbecoming as a “broadly defined, elastic term encompassing any conduct which has a tendency to destroy public respect for government employees and competency in the operation of public services.” In re Certificates of Lang, 2013 N.J. AGEN LEXIS 323 (Nov. 29, 2013) quoting Karins, 152 N.J. at 554, adopted, Comm'r (Jan. 13, 2014), <https://njlaw.rutgers.edu/collections/oal/>. Teachers are held to a high standard of conduct; in the context of tenure cases, the “touchstone is fitness to discharge the duties and functions of one’s office or position.” In re Miller, 2001 N.J. AGEN LEXIS 721 (Dec. 27, 2001) (citing In re Grossman, 127 N.J. Super. 13, 29 (App. Div. 1974)), modified, 2002 N.J. AGEN LEXIS 1073 (April 8, 2002). In determining a teacher's conduct, the Commissioner of Education has held that “persons who enter the teaching profession exercise a significant influence upon those they teach and, consequently, must exhibit a high degree of exemplary behavior.” In re Tyler, 13 N.J.A.R. 297, 308 (1991). Unbecoming conduct may be “based merely upon the violation of the implicit standard of good behavior which devolves upon one who stands in the public eye as an upholder of that which is morally and legally correct.” In re Simon, 2013 N.J. AGEN LEXIS 29 (Jan. 22, 2013) (citing Hartmann v. Police Dep’ of Ridgewood, 258 N.J. Super. 22, 40 (App. Div. 1992) adopted, Comm'r (Mar. 7, 2013), <https://njlaw.rutgers.edu/collections/oal/>. Unfitness to remain a teacher can be shown in a single incident “if sufficiently flagrant, but is best evidenced by a series of incidents.” In re Simon, 2013 N.J. AGEN LEXIS 29 (citing Redcay v. State Bd. of Educ., 130 N.J.L. 369, 371 (Sup. Ct. 1943)).

Again, a finding of conduct unbecoming does not require a violation of a specific rule or regulation but may be premised primarily on a violation of an implicit standard of good behavior. In re Simon, 2013 N.J. AGEN LEXIS 29 (Jan. 22, 2013). Instances where a single incident of conduct unbecoming was considered “sufficiently flagrant” to dismiss a teacher include where a teacher was found to be growing more than sixty grams of

marijuana in their backyard despite having a good reputation within the school (Willingboro Bd. of Educ. v. Lott, 1993 N.J. AGEN LEXIS 966, Initial Decision (Apr. 21, 1993), aff'd, Comm'r (June 3, 1993)); where a teacher engaged in a single act of sex with a student (In re Simpson, 1978 S.L.D. 368, aff'd, 1978 S.L.D. 377; In re Certificates of Papadaniil, 2002 N.J. AGEN LEXIS 100 (Mar. 13, 2002), adopted, 2002 N.J. AGEN LEXIS 1393 (May 9, 2002)); where a school librarian accessed pornographic websites on a school computer (In re Donahue, 2006 N.J. AGEN LEXIS 243 (Mar. 10, 2006), aff'd, (Apr. 24, 2006)); where a teacher threw a pair of pliers at a student and inflicted serious injuries (South Orange-Maplewood Bd. of Educ. v. Simonic, 85 S.L.D. 1283, 1998); where a teacher took an unloaded firearm into the school as a practical joke to demand a schedule change (In re Leibowitz, 2018 N.J. AGEN LEXIS 470 (July 31, 2018), modified, St. Bd. (Nov. 1, 2018), <https://www.nj.gov/education/legal/>); and where a teacher allowed students to literally “kiss her butt” after jokingly telling students they would have to do so to secure a spot on a field trip (In re Cooper, 2001 N.J. AGEN LEXIS 80 (Feb. 2, 2001), aff'd, Comm'r (Mar. 22, 2001), <https://njlaw.rutgers.edu/collections/oal/>).

Public-school teachers are public servants 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. As an elementary-school teacher, DeShan is in a position of power over minors daily. The record shows—and DeShan admits—that he has previously abused a similar position of authority when he engaged in sexual activity with a fourteen-year-old female rectory employee. Such an abuse of authority does not comport with the high moral standard demanded of public educators by the State Board of Examiners. DeShan’s conduct unquestionably impacts the public trust he is required to uphold as an influential public figure in the community. Once again, DeShan does not deny that he previously had a sexual relationship with a fourteen-year-old girl. Nor does he deny commenting on a female student’s physical appearance by saying “pretty green eyes,” making the student feel uncomfortable. This conduct is clearly at odds with the high moral standard required of public educators in New Jersey and falls within the parameters of conduct unbecoming. The fact that DeShan, in his closing summation, minimizes his actions with A.J., a fourteen year old, as a “long-term, monogamous relationship” is disturbing and misses that mark on conduct unbecoming especially when

he attempts to justify it by claiming that was “in his twenties, struggling with his decision to become a priest; often feeling isolated, lost, and disconnected from his peers; and doubting his ability to adjust to seminary life . . . Mr. DeShan did not know nor have reason to know how old A.J. was until she became pregnant with their daughter. The two remained a couple, raising their daughter together as a family, for several years.”

“[T]he Legislature sought to protect public school pupils from contact with individuals whom it deemed to be a danger to them.” In re Certificates of Winters, Agency Dkt. No. 479-06/98-171, St. Bd. of Exam’rs (Mar. 15, 1999), <https://www.nj.gov/education/legal/>. “Being a teacher requires, *inter alia*, a consistently intense dedication to civility and respect for people as human beings.” In re Tenure Hearing of Beam, 1973 S.L.D. 157, 163.

Respondent’s conduct and explanation and rational of his conduct is egregiously disturbing. DeShan admits to the conduct, and he argues that he should not be held accountable for conduct that occurred years prior to obtaining his teaching certificate in New Jersey. Again, this argument is misguided and conflicts with the high standard required by the Board to maintain a safe educational environment. In In re Ammon, Agency Dkt. No. 1011-195, State Bd. of Exam’rs (May 16, 2013), <https://www.nj.gov/education/legal/>, a teacher’s New Jersey teaching certificate was revoked for conduct unbecoming that occurred in Pennsylvania before the teacher obtained a New Jersey certificate. The teacher’s certificates were suspended in Pennsylvania for several years for accessing pornography on school property. The Board of Examiners held that the location and timing of the conduct were irrelevant; the fact that it occurred, and that the teacher admitted to the conduct, was enough to violate the standard of conduct demanded for teachers in New Jersey. Here, DeShan’s argument that his sexual relationship with a minor while he was a priest occurred prior to obtaining his New Jersey teaching certificate falls on deaf ears and in no way absolves him from discipline for conduct unbecoming. The conduct admitted to by DeShan is so egregious and disturbing that it shocks the conscience. Then his testimony justifying his actions as “consensual” was equally disturbing. Also, making a comment about a young girl’s “pretty green eyes” is equally disturbing. The witnesses who attempted to justify his actions were ineffective because they each admitted that they did not know the full facts. However, I

find that hard to believe. That would mean that they blindly testified, providing character testimony for DeShan without knowing the facts. This puts into question their own character and veracity. The testimony provided during the Fox hearing failed to provide a scintilla of mitigating evidence to warrant any penalty less than revocation of DeShan's teaching certificate for his unbecoming conduct. In fact, it had the opposite effect.

Accordingly, I **CONCLUDE** that the only recourse for such abhorrent conduct is to revoke DeShan's teaching certificates. A lesser penalty would diminish the seriousness of his actions against minor children and send a message that this type of conduct is acceptable.

### **ORDER**

It is therefore **ORDERED** that petitioner's teaching certificates issued by the State of New Jersey are hereby revoked.

I hereby **FILE** my initial decision with the **STATE BOARD OF EXAMINERS** for consideration.

This recommended decision may be adopted, modified or rejected by the **STATE BOARD OF EXAMINERS**, which by law is authorized to make a final decision in this matter. If the State Board of Examiners does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **SECRETARY OF THE STATE BOARD OF EXAMINERS, 100 Riverview Plaza, PO Box 500, Trenton, New Jersey 08625-0500**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

October 10, 2023  
DATE



\_\_\_\_\_

**DEAN J. BUONO, ALJ**

Date Received at Agency:

October 10, 2023

Date Mailed to Parties:

\_\_\_\_\_

DJB/cb

**APPENDIX**

**WITNESSES**

**For petitioner**

None

**For respondent**

Rebecca Braymer  
Maria Aguado  
Alison Palat  
Moirra Lafferty  
Lauren Every- Clayton  
Thomas Colella  
Mary Schuster  
Theresa Crowley  
Joseph DeShan

**EXHIBITS**

**For petitioner**

None

**For respondent**

R-1 **NOT ADMITTED**  
R-2 Letter Granting Leave of Absence  
R-3 Letter to Bishop Egan  
R-4 Petition of Laicization  
R-5 CV  
R-6 Letter Deferring Laicization  
R-7 Letter Denying Reconsideration  
R-8 Dispensation from Priesthood  
R-9 Resume

R-10 Application to Cinnaminson

R-11 New York Times Article