

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE LICENSES OF : STATE BOARD OF EXAMINERS
SIMON QUATTLEBAUM : ORDER OF REVOCATION

DOCKET NO. 321-10/95-121

At its meeting of September 23, 1993, the State Board of Examiners reviewed information provided by Simon Quattlebaum concerning his 1990 conviction on charges of possession of a controlled dangerous substance. At that meeting it voted to take no action to block issuance of a license to Respondent for participation in the Provisional Teacher Program/Alternate Route. Respondent currently holds a Teacher of Elementary School Certificate of Eligibility and a County Substitute license.

At its meeting of October 19, 1995 the State Board of Examiners voted to issue an Order to Show Cause to Respondent based upon information provided by the Office of Criminal History Review indicating that Mr. Quattlebaum had been disqualified from public school employment pursuant to N.J.S.A. 18A:6-7.1 et seq. due to the 1990 drug conviction that he had earlier self-reported to the Board. Respondent did not appeal his disqualification before the Commissioner of Education.

The Order to Show Cause was mailed to Mr. Quattlebaum by regular and certified mail on February 1, 1996. On May 23, 1996, an Answer to the Order to Show Cause was received from Respondent after he was advised by Secretary to the State Board of Examiners Ida Graham on May 7, 1996 that the initial Answer he forwarded on February 14, 1996 did not address each paragraph in the Order to Show Cause specifically, as required by regulation. On March 11, 1997, the Board Secretary requested that Respondent submit an Amended Answer to the Order to Show Cause. Clarification of the separate legal processes of the State Board of Examiners and the Office of Criminal History Review was provided as it appeared that Respondent had confused the two forums. Respondent did not submit an Amended Answer to the Order to Show Cause.

In the interim, the State Board of Education decided two cases which impacted on the hearing process conducted by the State Board of Examiners. The first case is captioned, In the Matter of the Revocation of the Teaching Certificate of Philip Sheridan by the State Board of Examiners, Dkt No 185-4/92-07, decided by the State Board of Examiners July 6, 1992, rev'd, and remanded, State Board of Education, September 7, 1994, Decision on Remand, June 15, 1995. The other is captioned, In the Matter of the Revocation of the Teaching Certificate of Charles Vitola by the State Board of Examiners, Dkt. No. 178-12/91-08, decided by the State Board of Examiners July 16, 1992, rev'd and remanded, State Board of Ed., November 2, 1994, Decision on Remand, September 1, 1995. Within these two decisions, the State Board of Education determined that the State Board of Examiners was required to amend its regulations in order to permit it to hear directly legal matters in which material facts are not in dispute. During the pendency of the revisions to the State Board of Examiner's regulations regarding its hearing process, all such hearings were held in abeyance. Said regulatory amendments were finally codified in May of 1997.

On July 1, 1997, a hearing notice was mailed by regular and certified mail to Respondent pursuant to N.J.A.C. 6:11-3.6(a)1. Said notice explained that, it appearing that no material facts were in dispute, Respondent was provided an opportunity to offer legal argument on the issue of whether his conviction constituted conduct unbecoming a teacher. The certified mail return receipt was signed and returned. The regular mail copy was not returned. No response was received from, or on behalf of, Respondent.

On August 15, 1997, Respondent was advised by certified and regular mail that he was being provided an additional ten (10) days to file a response to the initial hearing notice. The certified mail was returned unclaimed. The regular mail copy was not returned. Although aware that the State Board of Examiners had initiated charges against him that could have serious consequences for his ability to seek employment as a substitute teacher, he failed to respond to the hearing notices. He has, therefore, waived

his right to participate in the hearing process. Thus, the State Board of Examiners will consider Respondent's Answer to the Order to Show Cause as his sole submission to counter the charges brought against him.

Respondent's Answer to the Order to Show Cause states he is the holder of a Teacher of Elementary School Certificate of Eligibility and a county substitute certificate. He states, *inter alia*, that he has not been arrested nor convicted of any felony since the first arrest for possession of a controlled dangerous substance that unfortunate day in February, 1990. He states he feels he has paid for the consequences he subjected himself to at that time. He submits he has had no problems interacting with teachers and students during his employment with the Irvington School system. He avers he cannot erase what happened in the past but states he has redeemed himself by seeking counseling, speaking to youth regarding the pitfalls of substance abuse, and volunteered for community service. He states further that he has returned for graduate level study in New York, which he expects will be completed in May, 1997.

At its meeting of November 20, 1997, the State Board of Examiners reviewed the charges against Respondent as well as his responses to the Order to Show Cause. After review of his response, the State Board of Examiners determined that no material facts related to Respondent's drug offense were in contest. Respondent did not deny that he had a conviction for illegal drug possession. The matter could, therefore, proceed to a determination as to whether his disqualification, which was predicated on the same charges set forth in the Order to Show Cause, warrants revocation of his licensure pursuant to N.J.A.C. 6:11-3.6(a)1.

The State Board of Examiners first noted that the instant hearing is not one which considers evidence of rehabilitation. See, In the Matter of the Revocation of the Teaching Certificate of Gloria Jackson by the State Board of Examiners, decided by the State Board of Examiners March 28, 1996, aff'd

State Board of Education September 6, 1996, aff'd App. Div. September 9, 1997. Therein, the State Board of Examiners held:

Neither does the language of this regulation [N.J.A.C. 6:11-3.6] support Petitioner's apparent contention that "new findings" includes evidence of rehabilitation or current ability to teach. See, e.g., In the Matter of the Revocation of the Teaching Certificate of James Noll by the State Board of Examiners, decided by the State Board of Examiners, February 7, 1990, citing Cox v. State Bd. of Examiners (App. Div. Docket No. A-3527-81T3)(November 18, 1983). Therein, it was determined that the purpose of the hearings conducted by the State Board of Examiners pursuant to N.J.A.C. 6:11-3.7(b)ii (now, N.J.A.C. 6:11-3.6(a)1) is 'to permit the individual certificate holder to demonstrate circumstances or facts to counter the charges set forth the Order to Show Cause, not to afford an opportunity to show rehabilitation. (Id. at p. 4)

Hence, the State Board of Examiners did not consider Respondent's statements concerning his alleged rehabilitation, but instead focused on assessing whether his disqualification pursuant to N.J.S.A. 18A:6-7.1 *et seq.* forecloses his now holding teaching licenses.

In this regard, the State Board of Examiners recognized at its meeting that following Mr. Quattlebaum's initial application for licensure, the Office of Criminal History Review disqualified him from service in the public schools pursuant to N.J.S.A. 18A:6-7.1 based on his drug conviction. In enacting that statute, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be a danger to them. That strong policy statement on the part of the Legislature offers guidance to the State Board of Examiners as to the appropriate sanction in this matter.

Accordingly, in light of this State's strong policy opposing the use of illegal drugs, the State Board of Examiners concluded that Respondent's disqualification based on his drug conviction requires revocation of his licensure. However, in so deciding, Respondent is not foreclosed from applying anew for a rehabilitation hearing before the Office of Criminal History Review pursuant to the provisions of N.J.S.A. 18A:6-7.1 *et seq.*

It is, therefore, ORDERED that Simon F. Quattlebaum's Teacher of Elementary School Certificate of Eligibility and his County Substitute license are hereby revoked on this 20th day of November, 1997.

It is further ORDERED that Simon F. Quattlebaum return his license to the Secretary of the State Board of Examiners, Office of Licensing, CN 500, Trenton, NJ 08625-0500 within fourteen (14) days of receipt of this letter.

Secretary
State Board of Examiners

Date of Mailing: February 9, 1998

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-28.

IBG:KHK:br:Quattlebaumrv